



Freedom on the Net 2017 - Georgia

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Country:	Georgia
Year:	2017
Status:	Free
Total Score:	24 (0 = Best, 100 = Worst)
Obstacles to Access:	7 (0 = Best, 25 = Worst)
Limits on Content:	6 (0 = Best, 35 = Worst)
Violations of User Rights:	11 (0 = Best, 40 = Worst)
Population:	3.7 million
Internet Penetration:	50.0%
Social Media/ICT Apps Blocked:	Yes
Political/Social Content Blocked:	No
Bloggers/ICT Users Arrested:	No
Press Freedom Status:	Partly Free

Key Developments, June 2016-May 2017

- Video-hosting platform Vimeo was briefly blocked as the government attempted to restrict access to leaked videos featuring Georgian politicians (see "Blocking and Filtering").
- Activists launched a digital campaign against overly-broad surveillance laws (See "Digital Activism").
- New surveillance laws introduced in 2017 have attracted criticism for allowing excessive access to user data (see "Surveillance, Privacy, and Anonymity")

Introduction:

Internet freedom improved in Georgia this year as internet penetration increased, and despite a brief blocking incident involving video-hosting platform Vimeo, the internet remained relatively free from censorship.

Internet access and usage continues to grow, particularly involving social networks. State bodies and several politicians have also increased their use of the internet and social media to share information with citizens and attract support. The government continues to integrate e-services

into a unified governmental portal, though not all agencies are responsive when engaging with citizens online.

There are few indications of censorship or online content manipulation by the Georgian authorities or internet service providers (ISPs). Georgians continue to freely use social media tools to document and respond to significant political and social events. However, unreliable and politically biased content, including anti-Western propaganda, also proliferated online.

The parliament introduced new legislation addressing user privacy after the Constitutional Court ruled against the government's overly-permissive surveillance practices, though local civil society groups remain concerned that the new regulations offer users little protection. However, overall, recent legislative amendments and court decisions have gradually increased checks on the ability of authorities to conduct surveillance of citizens online.

Obstacles to Access:

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

Availability and Ease of Access

Internet access continued to grow during the reporting period, though internet penetration reached only roughly half of the population. According to a countrywide survey conducted by the Caucasus Research Resource Center (CRRC), 46 percent of the population accessed the internet on a daily basis in 2016,^[1] and the most active internet users were located in the capital. Only 2 percent of Georgians are unfamiliar with the internet altogether.^[2] There is a slight gender gap, as over 51 percent of men use the internet compared to 47 percent of women.^[3]

ISPs offer DSL broadband, fiber-optic, HSPA/EVDO, WiMAX, and wireless connections. Since 2015, 4G LTE internet access has been slowly made available for Georgian consumers.^[4] There were approximately 699,000 fixed-line broadband internet connections in 2016,^[5] up from about 419,000 in 2012.

Mobile phone penetration is greater than that of the internet and has grown over the past years. Mobile phones significantly outnumber landlines, and reception is available throughout the country, including rural areas. The vast majority of households access the internet from a home computer or laptop (89 percent) rather than from personal mobile phones (43 percent).^[6] Younger generations are more likely to regularly use mobile internet, and mobile internet use in regions outside the capital is relatively high.^[7] In rural areas, fixed wireless broadband is becoming more widespread, replacing CDMA connections. Internet access is fairly affordable, with a monthly mobile broadband plan with 1GB costing approximately GEL 5 (US\$2.20).^[8] The cost of an average monthly fixed-line broadband subscription was approximately GEL 38 (US\$16) for 30mbps.^[9]

The government of Georgia lacks a comprehensive strategy outlining a clear and long-term vision for developing broadband internet infrastructure throughout the country. In February 2014, Georgia's Innovation and Technology Agency was established to promote the use of innovation technologies in various fields and the commercialization of innovative technology research and

development.^[10] Among other programs, it was tasked with building high-speed fiber optic backbone and backhaul infrastructure to serve at least 2,000 settlements by the end of 2020.^[11]

In July 2015, the Georgian government established the non-commercial legal entity Open Net to build broadband infrastructure. Reports said the project, costing about US\$150 million, would be funded by the Cartu Foundation, set up by Georgian tycoon and former Prime Minister Bidzina Ivanishvili. The move came after a tender to major telecommunications companies to expand infrastructure failed, because it was seen as unprofitable. Civil society organizations expressed concern over the lack of transparency and inclusiveness of the project, noting that it was not based on a comprehensive assessment of the market, and could perpetuate lack of competition in the sector.^[12] The government has not been transparent about the progress of the program.

Many restaurants, cafes, bars, cinemas, and other public places provide Wi-Fi access, allowing customers to use the internet on their personal devices. In 2013, as part of a plan to improve infrastructure for local self-governance, the State Services Development Agency began developing community centers where local citizens can access the internet and online resources including Skype, bank services, telecommunication services, and electronic services developed by the state.^[13] As of April 2017, 44 centers were operating in different regions and districts throughout the country.

Restrictions on Connectivity

The Georgian government does not place any restrictions on connectivity, and the backbone internet infrastructure is owned and operated by private companies. Despite expanding internet access, many users complain about the quality of connections. Users submitted 28 complaints about the poor level of telecommunication service in 2016, according to the latest report of the public defender of consumer interests under Georgian National Communication Commission.^[14]

Telecommunications infrastructure in Georgia is improving. Until recently, users would experience disconnections from the international internet up to once or twice per month for a few minutes at a time, during which time they could access only Georgian websites. Now that ISPs typically have backup international channels, cable damage is less likely to prevent access, though connection speeds are generally faster for accessing content hosted in Georgia.

Fiber optic infrastructure is underdeveloped in regional areas, affecting the quality of connection in those areas. Development is hindered by the perceived low revenue potential of such a project, as well as the complex bureaucratic requirements to receive permission to conduct civil works.

ICT Market

According to the Law of Georgia on Electronic Communications, telecommunications companies must receive authorization before offering services, though the process is relatively uncomplicated. There are currently more than 166 entities registered as ISPs in Georgia, and all ISPs are privately owned. Two ISPs controlled more than two-thirds of the market as of mid-2017: SilkNet with a 41 percent market share, and Magticom, with 34 percent.^[15] Consequently, competition is minimal.^[16]

Magticom increased its share of the market after purchasing the retail segment of ISP Caucasus Online in 2016.^[17] In March 2017, Magticom also acquired Deltacom, a relatively small ISP that owns fixed broadband access networks and backbone infrastructure across the country.^[18] Some observers raised concerns about market concentration, though pricing and service has not been negatively affected thus far.

All three mobile operators – Geocell, Magticom and Mobitel – provide mobile internet services. In larger cities, they have deployed mobile LTE networks. Magticom and Geocell together control more than 80 percent of the mobile internet market.^[19]

Regulatory Bodies

The Georgian National Communication Commission (GNCC) is the main electronic media and communications regulatory body. The GNCC mostly deals with mobile operators, as well as television and radio broadcasting licenses. There is no significant difference between GNCC procedures for handling traditional media and those pertinent to telecommunications and internet issues.

Criticism surrounds the commission's alleged lack of transparency and independence. In order to increase the legitimacy of GNCC, new rules for the nomination of candidates and the selection of the Head of Commission came into force on October 27, 2013. A new chairman of the agency was elected by the commissioners themselves instead of the president of Georgia in May 2014. Despite this positive development, the revelation that an advisor to the new chairman was also employed by the Ministry of Internal Affairs raised speculation that the central government was attempting to interfere in the work of the regulator and collect data on its activities.^[20] However, civil society representatives have confirmed that the agency is gradually becoming more open to engagement with and monitoring by various civil society stakeholders.^[21] The latest chairman of the GNCC was elected in May 2017.

Limits on Content:

Though censorship online remains rare in Georgia, the government briefly blocked access to Vimeo within the coverage period. Nevertheless, web content is not subject to systematic manipulation by government agencies. On the contrary, online content is becoming quite diverse and internet users are increasingly using social media tools to organize and disseminate information about matters of public interest. The government of Georgia is increasingly engaging with citizens in policy-making discussions by establishing online communication platforms.

Blocking and Filtering

Georgian users can freely visit any website around the world, upload or download any content, establish their own website, and contact other users via forums, social-networking sites, and instant messaging applications. YouTube, Facebook, and international blog-hosting services are freely available, though international platforms have been subject to temporary restriction when authorities attempted to block specific content hosted on those platforms.

YouTube was blocked twice by authorities following the release of sex videos depicting Georgian politicians. The first incident lasted for 20 minutes on March 11, 2016, and affected only Caucasus Online users. Three days later, YouTube was inaccessible again for about an hour for users of Caucasus Online and Silknet. Later in the year, in June 2016, the same videos resurfaced on Vimeo, after which the entire platform became inaccessible for several hours. Representatives from Vimeo confirmed that the Prosecutor's Office of Georgia had requested the removal of the videos, after which access to the platform was restored.^[22]

In a separate incident in November 2015, the State Security Service blocked the entire WordPress platform for a short period in an attempt to restrict access to a website hosted by WordPress which was disseminating videos by a pro-Islamic State group.^[23] Activists contacted the administrators of WordPress.com through Twitter to resolve the issue and the company corresponded with the

government. All websites hosted by WordPress were subsequently unblocked apart from the page disseminating the videos.

Aside from these isolated incidents, government blocking and filtering is not a major hindrance to internet freedom in Georgia, and there are no blacklists of websites. Though legal regulations, particularly those involving copyright or criminal law, are considered to apply to internet activities, they have not been exploited to impose significant content restrictions.

Content Removal

During the coverage period of this report, no cases of content removal directed at individuals or online media representatives were observed. Georgian laws protect users against intermediary liability, with the Law on Freedom of Speech (2004) stating that no entity will be held responsible for defamatory content generated by unknown or anonymous individuals.^[24] To date, intermediary liability and forced removal of online content have not been significant impediments to online freedoms in Georgia. Websites hosting pirated material are available and are widely visited.

However, a 2006 Georgian National Communication Commission (GNCC) regulation on "inadmissible content" contains some vague provisions on the takedown of content and the responsibilities of content providers. The regulation identifies as inadmissible content that depicts severe hatred and violence, defamation, contains insulting and inaccurate material, undermines a person's presumption of innocence, and content that constitutes an invasion of privacy. Local NGOs have raised concerns about the broad nature of these terms and lack of limitations within the regulation, which may compel third parties, including ISPs and website hosts, to identify such content and ensure its removal.^[25] Recent investigations conducted by the Institute for Development of Free Information (IDFI) confirm that the regulation has not been misused to date, and the GNCC has stated its intention to amend the regulation.

Media, Diversity and Content Manipulation

The online media environment in Georgia is becoming increasingly diverse, and content on a wide range of topics is available. However, a recent Transparency International report indicated that a number of online media outlets, some of which demonstrate bias and are affiliated with political parties, coordinate informally to disseminate news.^[26] These groups effectively dominate the online media landscape, making it difficult for smaller outlets to attract advertising revenue. The Georgian government funds some of these outlets through contracts.^[27] Some have links to Russia, and have been known to push an anti-Western agenda.^[28]

While there is no systematic or pervasive government manipulation of online content, Georgian internet users self-censor to some extent. Representatives of particular professions sometimes prefer to abstain from expressing themselves freely on social networks. For instance, it is widely acknowledged that civil servants in some cases may exhibit self-censorship online due to fear of reprisals from higher officials.

Inadequate revenues sources, combined with a lack of technological knowledge, hamper the expansion of traditional media outlets to the internet. At present, most online media outlets face difficulty in attracting advertisers, diversifying content, obtaining multimedia skills, and competing with traditional media. The private sector limits online advertising based on the comparatively small audience.

Even though the Georgian blogosphere has grown impressively, there are few bloggers who create content that has an impact on the political agenda, or who spark widespread discussion online. Minorities and vulnerable groups are represented online through a small number of forums and

blogs. During the last three years, LGBTI (lesbian, gay, bisexual, transgender, and intersex) activists have started to use online tools for coordination, distributing information, and protesting discrimination in the public sphere. For example, LGBTI advocacy organization Indentoba effectively harnesses social media to raise awareness of LGBTI issues.

The majority of internet users (75 percent) report that they connect to the internet to check social networks. Other activities include searching for news (55 percent), and sending or receiving email (23 percent).^[29] Twenty-six percent of people consider the internet as one of their main sources of information.^[30] Facebook is the most popular platform, with bloggers and journalists increasingly using it to share their content, and engage readers on current events. Civil society activists and others also use it as a tool for discussion about political and social developments.

Georgia has expanded its e-government services. Since September 2013, more than 70 e-services have been integrated in a unified governmental portal, My.gov.ge. Citizens can also use it to make requests for public information about the government budget and expenditure. Several central government agencies have introduced discussion platforms where citizens can express their views regarding various policy issues or use social networks to engage their constituencies directly. As of December 2016, e-signatures and e-documents have legal status, allowing the smoother provision of e-government services.^[31] The rollout of some e-government services has been delayed, including a government petitioning platform, and users have complained that the registration process is complex. Indeed, the 2016 United Nations e-government survey reveals that Georgia's progress towards e-governance has stagnated in the past two years.^[32]

Digital Activism

Political and civil society groups post calls for action on Facebook and use social media to communicate with their supporters. Though most forms of online activism lack significant offline impact, the influence of such activities is gradually increasing. Online activists used social media to campaign for gender equality as well as advocating for law reforms to better address domestic violence.

In March 2017, activists launched an online campaign, "This Affects You Too," to encourage citizens to file online appeals to the Constitutional Court to challenge overly broad surveillance laws (see Surveillance, Privacy, and Anonymity). Within one week, three hundred complaints were collected and submitted to the Constitutional Court.^[33]

Violations of User Rights:

Over the past couple of years, the government has progressively passed laws bringing transparency and accountability to its surveillance practices. Despite this positive progress, concerns linger about government access to user data. Users remain free to express themselves online without fear of retaliatory violence or harassment.

Legal Environment

Civil rights, including the right to access information and freedom of expression, are guaranteed by the Georgian constitution and are generally respected in practice.^[34] The Law on Freedom of Speech and Expression makes it clear that other "generally accepted rights" related to freedom of expression are also protected even if they are not specifically mentioned.^[35] Furthermore, Article 20 of the constitution and Article 8 of the Law of Georgia on Electronic Communications include privacy guarantees for users and their information, though the law allows privacy rights to be restricted by the courts or other legislation.^[36] Online activities – mainly cases of alleged defamation, which was decriminalized in 2004^[37] – can be prosecuted under the Law on Freedom

of Speech and Expression and the law on Electronic Communication. 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.^[38]

In June 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," punishable by fines and community service. Repeated offences resulting in injury or death are punishable by up to 5 years in prison.^[39] Despite the narrow framing of the law, human rights defenders have claimed that its provisions could be selectively applied to target legitimate expression online.

Prosecutions and Detentions for Online Activities

Georgian citizens are generally free to express themselves online without fear of legal sanction. The authorities periodically investigate internet users who threaten violence online, and civil society groups say their response can be disproportionate.

In an isolated incident, YouTube rapper duo "Birja Mafia" were arrested in June 2017, after the police alleged that they found drugs on both men. The accused men and their supporters maintained that the charges were fabricated and that the drugs were planted in retaliation for a rap video they posted on YouTube mocking the police and depicting a police officer as a dog. After major demonstrations in Tbilisi protesting the arrests, both men were released on bail on June 12, 2017. Additionally, the YouTube video disappeared from the platform for a while, only to reappear in June 2017 with the policemen's faces blurred.^[40]

The case against Sulkhan Tsuladze, who was placed in pre-trial detention for a month in 2016 after he predicted a fictional attack on the US Ambassador to Georgia on the Georgian internet forum, Forum.ge, is still pending.^[41] Tsuladze was accused of threatening to commit an assault on a person enjoying international protection. Human rights organizations criticized the detention as unjustified, arguing that Tsuladze is known for provocative speech and that the post was intended as a joke.^[42]

Surveillance, Privacy, and Anonymity

In March 2017, the parliament adopted new surveillance regulations. The regulations were introduced after the Constitutional Court struck out Georgia's previous surveillance practices in April 2016, which forced companies to retain user metadata for two years and allowed the security agency real time access to user data.^[43] The amendments established a new entity called the Operative Technical Agency (OTA), operating under the State Security Service. The OTA is responsible for surveillance activity across computer and telecommunication networks, and can install clandestine applications on individuals' devices in some circumstances. The OTA must have access to operators' infrastructure as well as the power to compel operators to cooperate with the OTA in investigations. The OTA can fine operators for non-compliance.

Civil society organizations criticized the law for apparently failing to meaningfully address the earlier Constitutional Court ruling, pointing out that the OTA will have access to vast amounts of user data.^[44] Telecommunication industry representatives have also expressed concerns about being required to purchase equipment to facilitate OTA's work. Local civil society organizations have indicated they would appeal the matter to the European Court or Human Rights, while citizens have also appealed to the Constitutional Court of Georgia.

The activities of the OTA are subject to oversight by the Personal Data Protection Inspector, which oversees the legality and compliance of any secret investigative activities. Meanwhile, a

judge authorized by the Supreme Court performs oversight functions over counter-intelligence activities. The Supreme Court of Georgia proactively publishes surveillance data annually, and the latest data show that the number of motions to request wiretaps have increased slightly in the past year.^[45]

On November 1, 2014, the mandate 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 provided for by the law for violations, including fines.^[46] The office's latest report revealed that both public and private organizations frequently exceeded the proper limits when handling user data, including failing to properly notify the inspector before engaging in surveillance.^[47] The inspector has the power to fine entities failing to comply with the rules.

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

Intimidation and Violence

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

Technical Attacks

Cyberattacks against opposition websites have not been a significant issue in Georgia, with the latest major attacks occurring in 2008 and 2009 in relation to political tensions with Russia. In 2012, the Data Exchange Agency started monitoring Georgian websites for the presence of malicious code, hacking, or other suspicious activities, publishing the results regularly on their website,^[48] and on their Facebook page.^[49] The Agency's "Safe Internet – Check My IP" service examines the security of the IP address on users' computers, informing them of the nature of any viruses detected.

Notes:

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- 21 Interview with Levan Avalishvili, Board Chairman of Institute for Development of Freedom of Information, October 10, 2016.
- 22 On.Ge. "Vimeo: Georgia's Prosecutor's Office Asked us to Take down Videos from the Network", [in Georgian] June 13, 2016. accessed March 22, 2017 <http://go.on.ge/low>

[23](#) "Georgia Blocks Access to Pro-Islamic State Websites," *Civil.Ge*, November 24, 2015, <http://bit.ly/1KBLYPW>.

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[25](#) Regulating Inadmissible Internet Content – Georgia in Need of Legal Changes, https://idfi.ge/public/upload/IDFI_Photos_2017/media_internet_telecommun...

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[27](#) Transparency International Georgia, "Who Owns Georgia's Media," November 19. 2015, <http://bit.ly/1oZeqkJ>.

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[29](#) Caucasus Research Resource Center, "Survey on Public Policies 2015," accessed February 15, 2016, <http://caucasusbarometer.org>.

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[32](#) Institute for Development of Freedom of Information. "Georgia in the UN E-Government Survey – Results and Recommendations". September 5, 2016, accessed March 20, 2017 <http://bit.ly/2clFiLp>

[33](#) "Regulating secret surveillance in Georgia (January-August 2017)" IDFI, https://idfi.ge/en/regulating_secrete_surveillance_georgia_january_august_2017.

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

[35](#) Article 19, "Guide to the Law of Georgia on Freedom of Speech and Expression" (London: Article 19, April 2005) <http://bit.ly/1KMt5WJ>. This law offers protections like absolute freedom of opinion, political speech and debates, obtaining, receipt, creation, keeping, processing and disseminating of any kind of information and ideas. The law specifically mentions that it is applicable to the internet as it defines "media as print or electronic means of mass communication, including the Internet."

[36](#) The law is available in English on the Georgian National Communications Commission website at: "Legal Acts," <http://bit.ly/1OH6yhO>.

[37](#) Under the Law, the burden of proving that information is incorrect lies with the plaintiff. It also draws a distinction between defamation of a private person and defamation of a public person, setting stricter requirements for proving the defendant's guilt in the latter case.

[38](#) Legislative Herald of Georgia, "The Criminal Code of Georgia," [in Georgian] <http://bit.ly/1VADDwp>.

[39](#) Legislative Herald of Georgia, "The Criminal Code of Georgia," [in Georgian] <http://bit.ly/1VADDwp>.

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[47](#) Office of the Personal Data Protection, Annual Report 2016, [in Georgian] <http://bit.ly/2mEJt93>

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