

GEORGIA

	2009	2011
INTERNET FREEDOM STATUS	Partly Free	Partly Free
Obstacles to Access	15	12
Limits on Content	15	10
Violations of User Rights	13	13
Total	43	35

POPULATION: 4.6 million
INTERNET PENETRATION 2009: 30.5 percent
WEB 2.0 APPLICATIONS BLOCKED: No
SUBSTANTIAL POLITICAL CENSORSHIP: No
BLOGGERS/ONLINE USERS ARRESTED: Yes
PRESS FREEDOM STATUS: Partly Free

INTRODUCTION

Use of the internet and related technologies continues to grow rapidly in Georgia, as does the availability of better connections and services. Social-networking sites, particularly Facebook, have gained in popularity in recent years,¹ reportedly eclipsing news sites and general web portals.² Facebook serves as an important platform for discussion and information exchange among the more liberal segments of Georgian society. State bodies have also been stepping up their use of the internet. For example, the National Agency of Public Registry (NAPR) allows citizens to register real estate through its website, and the tax inspection agency accepts online submission of tax declarations. The Ministry of Economy and Sustainable Development has reportedly turned its attention toward blogging and other social media.³ There have been no recent reports of government restrictions on internet access or content.

The internet was first introduced in Georgia at the end of 1990s, and after a boom in new services like broadband at the beginning of 2004, connections became available for almost everyone with a telephone line in Tbilisi, the capital. Internet subscriptions have also proliferated in other large cities. Online news media are developing slowly, but a growing number of journals and newspapers are launching websites, and major newspapers and news agencies are sharing content through applications like Facebook, the Twitter microblogging

¹ Alexa, "Top Sites in Georgia," <http://www.alexa.com/topsites/countries/GE>, accessed September 20, 2010.

² Caucasus Research Resource Centers, "Georgian Media as Business: Data Snapshots," *Social Science in the Caucasus* (blog), December 11, 2009, <http://crrc-caucasus.blogspot.com/2009/12/georgian-media-as-business-data.html>.

³ Georgian International Media Centre, "Blogging for Misha?" blog, April 14, 2010, http://georgiamediacentre.com/content/blogging_misha.

service, and the video-sharing site YouTube. Nevertheless, many journalists working in traditional media lack knowledge about internet technology and web tools.

OBSTACLES TO ACCESS

The number of internet and mobile-telephone users is growing, but high prices for services and inadequate infrastructure remain obstacles to access, particularly for those in rural areas or with low incomes. According to the International Telecommunication Union, Georgia had 1.3 million internet users in 2009, which constitutes a 30.5 percent penetration rate.⁴ Internet-service providers (ISPs) offer dial-up, DSL broadband, fiber optic, and wireless connections. As of the end of 2009, there were 150,000 broadband subscriptions in Georgia.⁵ The average cost for an internet connection is US\$25 a month. The lowest price for a 1 Mbps broadband connection is about US\$10.

Mobile-phone penetration is deeper than that of the internet, with a total of 2.8 million subscribers in 2009, out of a population of 4.3 million.⁶ This represents a notable increase since 2004, when there were only 840,000 subscriptions. Mobile phones significantly outnumber landlines, and reception is available throughout the country, including rural areas. The use of mobile phones to connect to the internet has been limited by high costs, but providers are offering new and somewhat less expensive services, and usage is growing.

Most Georgian users, about 55 percent, access the internet from home, while about 21 percent use a friend's computer. Others use connections at the office (9 percent), on mobile phones (6 percent), or in cybercafes (6 percent).⁷ Cybercafes provide internet access for reasonable fees, but they are located mainly in large cities and there are too few to meet the needs of the population. Most cafes have less than a dozen computers, and customers often have to wait as long as an hour for access. Many restaurants, cafes, bars, cinemas, and other gathering places provide WiFi access, allowing customers to use the internet on their personal laptops.

There are 19 ISPs in Georgia, though two of them serve more than two-thirds of the market: Silknet (formerly United Telecom of Georgia, or UTG) with more than 40 percent and Caucasus Online with a somewhat smaller share. Three of the 19 are mobile operators.⁸

The telecommunications infrastructure in Georgia is still weak, and users may find that two or three times per month, only Georgian sites are accessible and no international

⁴ International Telecommunication Union (ITU), "ICT Statistics 2009—Internet," <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx>.

⁵ Ibid.

⁶ ITU, "ICT Statistics 2009—Mobile Cellular Subscriptions," <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx>.

⁷ Caucasus Research Resource Centers, "Georgian Media as Business: Data Snapshots."

⁸ This data was obtained in September 2010. For current data, see Top.ge at http://top.ge/all_report.php.

connection is functional. Caucasus Online is most commonly affected by this phenomenon. The ISP provides no explanation of why the problem occurs or how it can be solved. Experts often cite breakdowns related to an underwater cable in the Black Sea. In general, the connection speed for accessing content hosted in Georgia is greater than for international content.

The Georgian National Communications Commission (GNCC) is the main media regulatory body, and although there have yet to be many test cases, it seems to be fair in dealing with internet companies. However, there is no significant difference between GNCC procedures for handling traditional media and those pertinent to telecommunications and internet issues, so criticism surrounding the commission's alleged lack of transparency and flawed licensing procedures for traditional media may reappear in the context of internet regulation.

LIMITS ON CONTENT

Government censorship is not a major hindrance to internet freedom in Georgia. Users can freely visit any website around the world, upload or download any content, and contact other users via forums, social-networking sites, and applications like instant messaging. In fact, content is so accessible that numerous sites offer illegal material such as pirated software, music, and movies, and the government has not enacted appropriate legal measures to combat the problem. ISPs still own websites with a great deal of pirated material,⁹ but visits to such sites have decreased and given way to social-networking, video-sharing, blogging, and news sites.¹⁰ Within some state institutions and private companies there is a small degree of censorship designed to improve worker productivity and limit internet traffic, for example by blocking access to Facebook and YouTube. At the same time, both governmental bodies and private employers are increasingly using social media for recruitment and public-relations purposes.

While the authorities do not regularly block public access to specific websites, there have been a few cases in which they interfered with internet access on a large scale. In August 2008, during a brief military conflict between Georgia and Russia, the government blocked access to all Russian addresses (those using the .ru country code) in an effort to prevent users from receiving “unofficial” information about the fighting. The move was also a response to attacks launched by Russian hackers against Georgian government websites. In addition to limiting access to certain news content, the government's actions affected Georgian users' ability to reach advanced applications based in Russia, including the popular

⁹ See, for example, <http://gol.ge/>; <http://avoc.ge/movies/>.

¹⁰ Alexa, “Top Sites in Georgia.”

blogging service LiveJournal. The filtering was eased within days, and currently no such restrictions are in force.

There is no law that specifically regulates internet censorship or bans inappropriate content, such as pornography or violent material. The Law of Georgia on the Protection of Minors from Harmful Influence addresses gambling and violence, but it does not refer to online activities.¹¹ Nevertheless, this legal ambiguity could be exploited to impose significant internet content restrictions in the future.

YouTube, Facebook, and international blog-hosting services are freely available. Indeed, Facebook is now the most popular site on the Georgian internet. A number of bloggers and journalists use it to share or promote their content, gaining readers and starting discussions on current events. However, one recent event prompted some concern among internet activists. In April 2010, the administrator of the Facebook group “Against Nanukas Show,” which was critical of the hostess of the Nanukas television talk show, alleged that he was threatened by unidentified state employees and forced to make the group inactive.

Inadequate revenues in the online news business, combined with a lack of technological knowledge, has hampered the expansion of traditional media outlets to the internet. The government’s apparent interest in blogging and social media could help spur traditional outlets to establish a greater internet presence, but this would also require more private investment in online advertising. At present, most online media outlets face difficulty in attracting advertisers, but the problem seems to be more acute for the sites that are critical of the government. Some media owners reported instances in which advertisers decided to withdraw ads from websites after those outlets published news articles overly critical of the government or the ruling party.

There are about 100 bloggers writing in the Georgian language who try to remain active and current. However, at this point the blogosphere is still very weak. Minorities are not restricted from internet use, but they are represented online through only a small number of forums and blogs. Similarly, there is little representation of other vulnerable groups, such as internally displaced persons from conflict regions like South Ossetia. Although most Georgians use the Internet as a source of entertainment, various Web.2.0 applications have become an important platform for discussion and information exchange. In one example, an employee of the Interior Ministry was fired after he was identified by Facebook users as the person who punched a female opposition activist during anti-government protests.¹²

¹¹ The law is available in English on the GNCC website at http://www.gncc.ge/index.php?lang_id=ENG&sec_id=7050&info_id=6521.

¹² Mirian Jugheli “Georgia: Policeman Fired After Being Identified on Facebook,” *The Young Georgians*, January 7, 2011, <http://theyounggeorgians.wordpress.com/2011/01/07/georgia-policeman-fired-after-being-identified-on-facebook/>.

VIOLATIONS OF USER RIGHTS

Civil rights including the right to access information and freedom of expression are guaranteed by the Georgian constitution,¹³ and they are generally respected in practice. Article 20 of the constitution and Article 8 of the Law of Georgia on Electronic Communications include privacy guarantees for users and their information, but they simultaneously allow privacy rights to be restricted by the courts or other legislation.¹⁴ 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.”¹⁵ Nonetheless, internet activities can be prosecuted under that law—mainly in cases of alleged defamation—or under any applicable criminal law.

In November 2009, two young students were detained after allegedly insulting the widely respected head of the Georgian Orthodox Church in videos that were posted on YouTube.¹⁶ This remains the only known case in which law enforcement officials acted in response to internet-based discussion of controversial content (on Facebook and forum.ge), although the issue was also taken up by traditional media. Without conducting a formal criminal investigation, police detained the two youths, confiscated their computers and other hardware, and forced them to take down the parody videos before releasing them. The confiscated hardware was not returned, and the legal basis for these actions was not explained.

Georgian legislation grants police and security services significant discretion in conducting surveillance. Police can generally begin surveillance without a court’s approval, though they must obtain it within 24 hours. There are some official requirements for launching such monitoring, but in reality it is sufficient to label the targeted individual a suspect or assert that he may have criminal connections. New amendments to the Law on the Operative-Investigative Activity, promulgated in September 2010, require that websites, mail servers, internet service providers, and other relevant companies make available private communications such as emails and chats to law enforcement authorities,

¹³ The constitution is available in English at http://www.parliament.ge/index.php?lang_id=ENG&sec_id=68.

¹⁴ The law is available in English on the GNCC website at http://www.gncc.ge/index.php?lang_id=ENG&sec_id=7050&info_id=3555.

¹⁵ Article 19, *Guide to the Law of Georgia on Freedom of Speech and Expression* (London: Article 19, April 2005), <http://www.article19.org/pdfs/analysis/georgia-foe-guide-april-2005.pdf>.

¹⁶ “Police Say Identified Patriarch Mocking Video Producers,” Civil Georgia, November 1, 2009, <http://civil.ge/eng/article.php?id=21629&search=buasili>; Molly Corso, “Georgia: Free-Speech Debate Swirls in Tbilisi Over Patriarch Parody,” Georgian Daily, November 2, 2009, http://georgiandaily.com/index.php?option=com_content&task=view&id=15482&Itemid=134&lang=en; Georgian International Media Centre, “Saakashvili Brings Internet Censorship to Georgia after Embarrassment over Patriarch Videos,” blog, November 1, 2009, http://georgiamediacentre.com/content/saakashvili_brings_internet_censorship_georgia_after_embarrassment_over_patriarch_videos.

provided that a court approval is obtained.¹⁷ It is yet to be seen how the new law will be implemented in practice.

Additionally, ISPs are obliged to deliver statistical data—separated by user—about site visits, traffic, and other topics. Mobile-phone companies are required to provide similar data 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. Individuals are not required to register when they buy a mobile phone, but registration is needed to buy a SIM card and obtain a number.

While cyberattacks are not very common in Georgia, they do occur and are often related to political tensions between Georgia and Russia. For example, Russian hackers conducted large-scale attacks on Georgian government sites during the August 2008 conflict. The websites of the parliament and the Ministry of Foreign Affairs were knocked out for a few days, with defamatory images of the Georgian president posted in their place. More recently, in August 2009, a Georgian blogger known as Cyxymu was the target of a denial-of-service attack that ultimately affected hundreds of millions of users worldwide and caused disruptions in the functioning of Facebook, Twitter, and the popular blog-hosting site LiveJournal. The blogger, a critic of Russia's conduct in the disputed territory of South Ossetia, blamed the Kremlin for the attack.¹⁸

¹⁷Tamar Chkheidze, "Internet Control in Georgia," Humanrights.ge, November 17, 2010, <http://www.humanrights.ge/index.php?a=main&pid=12564&lang=eng>.

¹⁸Tom Parfitt, "Georgian Blogger Cyxymu Blames Russia for Cyber Attack," *Guardian*, August 7, 2009, <http://www.guardian.co.uk/world/2009/aug/07/georgian-blogger-accuses-russia>.