

# Georgia

	2013	2014		
<b>Internet Freedom Status</b>	Free	Free	Population:	4.5 million
Obstacles to Access (0-25)	8	8	Internet Penetration 2013:	43 percent
Limits on Content (0-35)	7	7	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	11	11	Political/Social Content Blocked:	No
<b>TOTAL* (0-100)</b>	<b>26</b>	<b>26</b>	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Partly Free

\* 0=most free, 100=least free

## Key Developments: May 2013 – May 2014

- New rules for the nomination of candidates to the Georgian National Communications Commission were implemented in October 2013, with the goal of improving the commission's legitimacy and independence (see **Obstacles to Access**).
- Despite an increase in internet penetration, obstacles such as high prices for services, inadequate infrastructure, and low speed of internet remain, particularly for those in rural areas or with low incomes (see **Obstacles to Access**).
- In September 2013, a new online government portal was launched through which individuals can now make requests for public information (see **Limits on Content**).

## Introduction

Internet access and usage continues to grow rapidly in Georgia, particularly as interest in connecting with friends through social-networking sites has increased in recent years. State bodies and several key politicians have also increased their use of the internet and modern social media tools to share information with citizens and attract attention from the potential electorate.<sup>1</sup> In September 2013, a new online government portal was launched that allows citizens to access resources and request public information.<sup>2</sup> However, not all government institutions have expressed a willingness to provide citizens with feedback; consequently, one-way interaction prevails on the online pages of these agencies.

Additionally, new regulations were introduced for the process of nominating the leadership of the Georgian National Communication Commission (GNCC). As of October 2013, the chairperson of the commission is nominated by the other commissioners of the GNCC, rather than directly by the president.

Despite a moderate internet penetration rate, in 2013, social media tools were used alongside traditional media outlets to document and respond to significant political and social events. The advent of diverse interactive maps and platforms enables users to report on matters of their concern.

Restrictions on online content in Georgia have decreased over past years. There are no indications of censorship or content being blocked by the Georgian authorities or internet service providers (ISPs), and there are no recent cases of activists or reporters being questioned or arrested for their online activities.<sup>3</sup>

The appointment of a Consumers' Rights Public Defender and creation of the Office of the Personal Data Protection Inspector in mid-2013 can be highlighted as a positive development for the protection of ICT users' rights. If given sufficient power to operate and proven effective, independent, and autonomous in their functions, these new agencies may be able to effect tangible and substantial improvements to users' rights in the near future.

## Obstacles to Access

The number of internet and mobile 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. According to statistical data collected by the International Telecommunication Union (ITU), 43 percent of the population had access to the internet in 2013,

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1 The website of the President of Georgia features links to all of the named social media sites: <https://www.president.gov.ge/en/>.

2 This service can be used through the governmental portal: <https://www.my.gov.ge/>

3 Institute for Development of Freedom of Information, "Internet Freedom in Georgia – Report 1", October 2013, <https://idfi.ge/en/internet-freedom-in-georgia-report-n1-44>.

Institute for Development of Freedom of Information, "Internet Freedom in Georgia – Report 2", January 2014, <https://idfi.ge/en/internet-freedom-in-georgia-report-n2-54>.

Transparency International Georgia, "The State of the Internet: Who Controls Georgia's Telecommunications Sector?" February 2013, <http://bit.ly/1ux0CcU>.

compared to 37 percent in 2012 and 10 percent in 2008.<sup>4</sup> According to a countrywide survey conducted by the Caucasus Research Resource Centers (CRRC), 30 percent of the population accessed the internet on a daily basis in 2013,<sup>5</sup> and the most active internet users are located in the capital. Only 5 percent of Georgians are unfamiliar with the internet altogether.<sup>6</sup>

Internet service providers (ISPs) offer DSL broadband, fiber-optic, HSPA/EVDO, WiMAX and Wi-Fi connections. The average cost for an internet connection is US\$20 per month, and the lowest price for a 5 Mbps DSL connection is about US\$25 per month.<sup>7</sup> There were about 580,000 fixed-line broadband internet connections in 2013,<sup>8</sup> resulting in a fixed-broadband penetration rate of just over 9 percent, up from 0.6 percent in 2006.<sup>9</sup>

Mobile phone penetration is greater than that of the internet and has continued to grow from 62 percent in 2008 to 115 percent in 2013.<sup>10</sup> Mobile phones significantly outnumber landlines, and reception is available throughout the country, including rural areas. However, the vast majority of households access the internet from a home computer or laptop (82 percent) rather than from personal cell phones (12 percent).<sup>11</sup> The use of mobile devices to connect to the internet may be limited by high costs (more than US\$38 for unlimited internet).<sup>12</sup> However, providers are offering new and somewhat less expensive services, including CDMA and EVDO technologies.

The Georgian National Communications Commission (GNCC) introduced mobile number portability in February 2011<sup>13</sup> and fixed-line number portability in December 2011,<sup>14</sup> giving users more freedom to switch between service providers and choose between price plans.<sup>15</sup> As of December 2013, 297,700 subscribers had made use of this service.<sup>16</sup> According to a new national numbering plan, as of January 2012, all phone numbers have changed to align with international standards.<sup>17</sup>

Despite expanding internet access, many users complain about the quality of connections and

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4 International Telecommunication Union (ITU), "Percentage of individuals using the Internet, 2000-2013," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

5 Caucasus Research Resource Centers, "Caucasus Barometer", Caucasus Barometer 2013 Georgia, accessed June 10, 2014, <http://www.crrccenters.org/caucasusbarometer/>.

6 Caucasus Research Resource Centers, "Caucasus Barometer", Caucasus Barometer 2013 Georgia, accessed June 10, 2014, <http://www.crrccenters.org/caucasusbarometer/>.

7 Comparative data from two major ISP's prices (SilkNet and Caucasus Online).

8 Georgian National Communication Commission, "Annual Report 2013", May 2014, [in Georgian] <http://bit.ly/1qUhaeG>

9 International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2013, accessed June 13, 2014, <http://www.itu.int/net4/itu-d/icteye/>.

10 International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions, 2000-2013," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

11 Caucasus Research Resource Centers, "Caucasus Barometer", Caucasus Barometer 2013 Georgia, <http://www.crrccenters.org/caucasusbarometer/>.

12 Comparative data from two major mobile ISP's prices (Magticom and Geocell)

13 "Ported Subscriber Numbers Statistics," Georgian National Communication Commission, May 25, 2011, [http://www.gncc.ge/index.php?lang\\_id=ENG&sec\\_id=110&info\\_id=9071](http://www.gncc.ge/index.php?lang_id=ENG&sec_id=110&info_id=9071).

14 "Porting of Subscriber Number of Fixed Network Started From Today," Georgian National Communication Commission, December 1, 2011, [http://www.gncc.ge/index.php?lang\\_id=ENG&sec\\_id=110&info\\_id=9812](http://www.gncc.ge/index.php?lang_id=ENG&sec_id=110&info_id=9812).

15 Mobile price plan calculator: <http://online.gncc.ge/MobileCalc/MobileCalc2.aspx> The Calculator gives users the ability to choose best plan and pricing options between mobile operators.

16 Georgian National Communication Commission, "Annual Report 2013," May 2014, [in Georgian] <http://bit.ly/1qUhaeG>.

17 Phone numbers now all begin with 0 and 00 prefixes.

suffer from frequent outages. For instance, according to the latest report of the Georgian National Communication Commission (GNCC), 77 written and 66 oral appeals were submitted by internet users, out of which 33 complained about the poor level of telecommunication service.<sup>18</sup>

The telecommunications infrastructure in Georgia is still weak, and users may experience disconnections from the international internet up to two or three times per month for a few hours at a time, allowing them to access only Georgian websites during these disconnections, since in general, connection speeds are faster for accessing content hosted in Georgia than for international content. There are many factors influencing the connection to the international backbone, including the major underground fiber-optic cable that is often threatened by landslides, heavy rain, or construction work along the road. However, contrary to instances in recent years when access throughout the entire country was disrupted, no significant outages were reported in 2013–2014.

The web presence and internet usage of large companies and small businesses grew rapidly in 2013–2014, particularly as a result of social media tools and applications. Many established brands and companies such as banks, financial institutions, artists, public figures, and electronics stores have begun to use social media to promote their businesses and build customer support.<sup>19</sup>

Cybercafes provide internet access at reasonable prices, 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. Internet cafes have become a popular place for online gamers, where youth spend hours playing online games. Many restaurants, cafes, bars, cinemas, and other gathering places provide Wi-Fi access, allowing customers to use the internet on their personal laptops or other devices. As part of a plan to improve infrastructure for local self-governance, in 2013 the State Services Development Agency began developing community centers where local citizens can access the entire internet and utilize resources including Skype, bank services, telecommunication services, and electronic services developed by state (for example: property registration, e-auction, business registration, etc.).<sup>20</sup> As of May 2014, 13 such centers are already operating in different regions and districts throughout the country.

There are currently up to 40 entities registered as ISPs in Georgia, 10 of which are large networks of governmental services or corporations that are closed to the public and serve only their own employees or branches. Most ISPs are privately owned, and two ISPs control more than two-thirds of the market: SilkNet, with more than 46 percent share of the wired internet market, and Caucasus Online with a 32 percent share. Consequently, competition on the internet market is quite low. For example, 15 companies provide only 1 percent of the users in the capital with internet access.<sup>21</sup> Three of the ISPs—Geocell, Magticom and Mobitel—are also mobile operators.<sup>22</sup> The mobile internet

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18 Georgian National Communication Commission, "Annual Report 2013," May 2014, [in Georgian] [http://www.gncc.ge/files/3100\\_2949\\_280368\\_Annual%20Report%202013%20Final1.pdf](http://www.gncc.ge/files/3100_2949_280368_Annual%20Report%202013%20Final1.pdf).

19 Socialbakers, providing social media network statistics and analysis from Facebook, Twitter and other social networks. Georgian-language Facebook page statistics service, <http://www.socialbakers.com/>.

20 Find the information about the project: <http://sda.gov.ge/ka-GE/p/>, [in Georgian]

21 Institute for Development of Freedom of Information, "Statistics of Internet Users in Georgia – 2013", February 7, 2014, <https://idfi.ge/en/statistics-of-internet-users-in-georgia-2013>

22 Data obtained in June 2014. For current data, see Top.ge at [http://top.ge/all\\_report.php](http://top.ge/all_report.php) [in Georgian].

market is also dominated by two main providers, Magticom and Geocell.<sup>23</sup> In 2013, Transparency International reported that many of the major telecommunications companies are owned by offshore shell companies.<sup>24</sup>

The government of Georgia lacks a comprehensive strategy outlining a clear and long-term vision for developing the internet infrastructure throughout the country. To promote the strengthening of e-governance services in Georgia, the Data Exchange Agency of the Ministry of Justice of Georgia created an “e-Georgia” strategic document for the years of 2014-2018.<sup>25</sup> Along with other goals, the “e-Georgia” strategy aims to ensure secure and effective e-services for citizens, businesses, and the non-governmental sector, based on reliable and trustworthy infrastructure. Additionally, according to the report, the strategy aims to stimulate the demand and increase the use of e-services by citizens and businesses through high quality, efficient, effective, trusted and secure service delivery.

The Georgian National Communications Commission (GNCC) is the main media and communications regulatory body and is also responsible for regulating online media, although there have yet to be many test cases regarding the latter. The GNCC mostly deals with mobile operators, as well as television and radio broadcasting licenses. However, there is no significant difference between GNCC procedures for handling traditional media and those pertinent to telecommunications and internet issues; thus, criticism surrounding the commission’s alleged lack of transparency and flawed licensing procedures for traditional media may reappear in the context of internet regulation. Moreover, independent and autonomous functioning of the regulatory body has always been a matter of controversy for civil society of Georgia. In order to increase the legitimacy of the GNCC, new rules for the nomination of candidates and the selection of the Head of Commission came into force on October 27, 2013. Consequently, the new chairman of the agency was elected by the commissioners themselves instead of the president of Georgia in May 2014.

## Limits on Content

There is no evidence of online content being blocked in Georgia in 2013–2014. In 2011, the government temporarily blocked access to torrent sites and peer-to-peer file sharing services to discourage the illegal download of a Hollywood action film about the 2008 Russian-Georgian war.<sup>26</sup> However, aside from this isolated incident, government blocking and filtering is not a major hindrance to internet freedom in Georgia.

YouTube, Facebook, and international blog-hosting services are freely available. Facebook is now the most popular website among internet users in Georgia, with bloggers and journalists increasingly using it to share or promote their content, gain readers, or start discussions on current events.

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23 As of 2013, Magticom possessed 42.8 percent of subscribers, which was followed by Geocell with 33.9 percent. The share of the third company, Mobitel accounted for 22.6 percent of this market.

Georgian National Communication Commission, “Annual Report 2013”, May, 2014, [in Georgian] <http://bit.ly/1qUhaeG>.

24 A complex and compelling database of the ownerships and relations between companies is provided by TI under following address: <http://goo.gl/AgsVL>. Transparency International Georgia, “The State of the Internet: Who Controls Georgia’s Telecommunications Sector?” February 2013, <http://j.mp/16hJu3p>.

25 Data Exchange Agency, “E-Georgia Strategy and Action Plan 2014-2018,” <http://bit.ly/1nc5Onk>

26 “Cracking Down on Pirated August War Movie,” Georgian America, 2011, [http://georgianamerica.com/eng/news/cracking\\_down\\_on\\_pirated\\_august\\_war\\_movie\\_3179](http://georgianamerica.com/eng/news/cracking_down_on_pirated_august_war_movie_3179).

Facebook is also used by civil society activists and others as a tool for discussion about ongoing political and social developments.

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. 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 host websites with a great deal of pirated material,<sup>27</sup> but visits to such sites have decreased and given way to social-networking, video-sharing, and news sites.<sup>28</sup> Website filtering software is used within some state institutions and private companies, designed to improve worker productivity by blocking access to sites such as Facebook and YouTube. At the same time, both governmental bodies and private employers are increasingly using social media for recruitment and public relations purposes.

There are no laws that specifically govern the internet, require online censorship, or ban inappropriate content such as pornography or violent material. There are also no blacklists or other registers of websites and online resources that should be blocked. Nevertheless, all legal regulations, particularly copyright or criminal law, apply directly to internet activities using legal analogy, although so far this principle has not been exploited to impose significant internet content restrictions. However, there have been some concerns about the impartiality of past blocking decisions made by the GNCC. For example, the political nature of the 2011 decision by the GNCC to crack down on sites illegally hosting the film about the Georgian-Russian war, despite doing very little to combat online piracy in general, implies a lack of evenhanded decision-making. To date, however, such decisions regarding online content have been rare.

Both voluntary and induced self-censorship among Georgian internet users is active to some extent. It is widely acknowledged that instances of self-censorship due to political pressure have decreased over the past two years. However, representatives of particular professions sometimes prefer to abstain from expressing themselves freely on social networks. While some media representatives post their viewpoints without restrictions, other journalists consider refraining from openly judging politicians and decision-makers to be part of professional ethics.<sup>29</sup> Additionally, civil servants in some cases may exhibit self-censorship in their online activities and comments due to pressure from higher officials.<sup>30</sup>

While there is no systematic or pervasive government manipulation of online content, there have been cases where comments have been hidden or deleted from the official Facebook pages of high officials or public institutions.<sup>31</sup> Additionally, there was evidence of public officials opening fake Facebook accounts and then following the official Facebook page of President Saakashvili during the 2012 election campaign.<sup>32</sup> An analysis of Facebook pages in 2013 and 2014 revealed that there

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27 For example, the websites of Gol.ge (<http://gol.ge/>) and Adjarnet.com (<http://adjarnet.com>).

28 "Top Sites in Georgia," Alexa, accessed June 2014, <http://www.alexa.com/topsites/countries/GE>

29 Focus group interview with more than 7 journalists and bloggers, November 25, 2013

30 Interview with the former civil servant. December 26, 2013.

31 Several blog-posts were published regarding such cases on the blog – "E-Participation in Georgia" – of Institute for Development of Freedom of Information: <http://eparticipationge.wordpress.com/>.

32 Ministry of Defence of Georgia, "Resonance Cases", <http://bit.ly/1BfZEb1>

are still fake accounts that solely post flattering comments of particular government officials.<sup>33</sup> Specialists in Georgia claim that such forms of online manipulation indirectly restrict freedom of expression online and hinder a healthy dialogue between different parties.<sup>34</sup>

Inadequate revenues in the online news business, combined with a lack of technological knowledge, have 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. Currently, it is estimated that annual spending on online advertising does not exceed US\$1 million,<sup>35</sup> which is only about 1 percent of the total amount spent in the Georgian advertising market. At present, most online media outlets face difficulty in attracting advertisers. Less interest toward online advertisement from the private sector significantly stems from the relatively limited scope of the online audience.<sup>36</sup>

Even though the Georgian blogosphere grew impressively to over 3,000 blogs in 2011,<sup>37</sup> according to the latest available data, there are currently few bloggers or activists who create content that has an impact on the political agenda, or who suggest issues for discussion among online users.<sup>38</sup> Minorities and vulnerable groups in general are not limited from using the internet, and are represented online through a small number of forums and blogs. During the last two years, LGBT activists have started to extensively use online tools for coordination, distributing information, and protesting discrimination in the public sphere.

State bodies have also become increasingly active online. For example, departments in the Ministry of Justice, the Ministry of Finance's unit for Tax Inspection, and others have developed online platforms that allow citizens to register and receive services, apply for identification cards, or file tax documentation. Since September 2013, more than 70 e-services have been integrated in a unified governmental portal, My.gov.ge, through which citizens can make online requests for public information about the government's budget, expenses, etc. Other services include: filling out passport applications, property registration, information about real estate, outpatient services, insurance, social assistance, state pension, and others. However, this platform has not been promoted properly, and only a limited number of users utilize its services on a daily basis. According to representatives of Data Exchange Agency, currently My.gov.ge has about 8,000 registered users.<sup>39</sup>

Several state services are entering the mobile apps market; for example, the Georgian Police have created an app where users can check important information (such as administrative penalties)

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33 Several results of monitoring of Facebook pages of Ministry and Minister of Internal Affairs of Georgia, Ministry of Justice of Georgia, Prosecutor's Office of Georgia and other central governmental agencies, released by Institute for Development of Freedom of Information (IDFI). Articles prepared based on this observation can be found on the following blog dedicated to e-participation issues in Georgia: <http://eparticipationge.wordpress.com/>

34 Discussion on freedom of online expression held at Frontline Club, Tbilisi, Georgia, June 5, 2014.

35 Transparency International Georgia, "The Georgian Advertising Market," December 2011, <http://bit.ly/U20dUH>

36 Interviews with representatives of online media outlets November 28, 2013 and November 20, 2013

37 Zakaria Babutsidze, et al., "The Structure of Georgian Blogosphere and Implications for Information Diffusion," European Consortium for Political Research, August 5, 2011, <http://www.ecprnet.eu/MyECPR/proposals/reykjavik/uploads/papers/1676.pdf>.

38 Focus group interview with more than 6 journalists, bloggers and online activists November 25, 2013

39 Interview with two officials of DEA, April 2014, Tbilisi  
DEA – Data Exchange Agency, LEPL (Legal Entity of Public Law) of the Ministry of Justice of Georgia.

or pay fines associated with tickets.<sup>40</sup> Additionally, several government agencies have introduced discussion platforms where people have the opportunity to express their views regarding various policy issues. Some central government institutions use social networks for the purposes of establishing direct contact with constituencies and, as a rule, attempt to respond to their questions in a comprehensive manner.

The majority of internet users (72 percent) connect to the internet to check social networks. Other activities frequently carried out by Georgian internet users include searching for news (53 percent), chatting via Skype (33 percent), pursuing entertainment (25 percent), and sending or receiving email (20 percent).<sup>41</sup> These figures mostly coincide with the data provided by the website ranking index Alexa.com, which indicates that Facebook is still the most frequently visited website in Georgia.<sup>42</sup> It is worth noting that 24 percent of people considered the internet as their main source of information.<sup>43</sup>

Different political and civil society groups post calls for action on Facebook and use social media platforms for communicating with their supporters. However, most forms of online activism to date have remained online and have not had a significant offline impact. Only a limited number of successful cases can be pinpointed, such as a group of guerrilla gardeners protesting against the building of a hotel in Vake Park who effectively used Facebook and Twitter to mobilize like-minded people; as a result of their consistent strategy, construction has been temporarily halted.<sup>44</sup> Similarly, in order to make Georgia's roads secure, the Partnership for Road Safety and Elva Community Engagement launched a website called "Friendly Roads," enabling citizens to report and spot the most dangerous traffic infrastructure (the so-called "black spots") in their neighborhood and commuting routes.<sup>45</sup>

Another website, "Freedom to Internet," was established by the Institute for Development of Freedom of Information together with Free Press Unlimited in June 2014.<sup>46</sup> The website consists of an interactive map integrated onto the online platform that allows users, throughout the South Caucasus region and beyond, to report violations of internet users' rights (including censorship, surveillance, violation of privacy, oppression due to online activity, and website filtering or blocking).

## Violations of User Rights

Civil rights, including the right to access information and freedom of expression, are guaranteed by the Georgian constitution and are generally respected in practice.<sup>47</sup> The Law on Freedom of

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40 Official web-site of Ministry of Internal Affairs of Georgia: <http://videos.police.ge/?lang=en>

41 Koba Turmanidze and Mariam Gabedava, "Georgian in the Internet Age: The Profile," Caucasus Analytical Digest, April 17, 2014, <http://www.css.ethz.ch/publications/pdfs/CAD-61-62-2-5.pdf>  
Caucasus Research Resource Centers, "Caucasus Barometer", Caucasus Barometer 2013 Georgia, accessed June 10, 2014, <http://www.crrccenters.org/caucasusbarometer/>.

42 "Top Sites in Georgia," Alexa, accessed June 2013, <http://www.alexa.com/topsites/countries/GE>

43 National Democratic Institute, "Public Attitudes in Georgia: Results of an April 2014 Survey", <https://www.ndi.org/node/21520>. Survey was conducted by Caucasus Research Resource Centers.

44 "Georgian Environmentalists Halt Construction in Tbilisi's Vake Park", Blog: *Onnik James Krikorian*, February 4, 2014 <http://bit.ly/1pAvNpL>

45 Web-site "Friendly Roads": <http://www.megobruliqzebi.ge/>

46 Online Platform "Freedom to Internet": <http://www.freedomtointernet.com/>

47 The constitution is available in English at: [http://www.parliament.ge/index.php?lang\\_id=ENG&sec\\_id=68](http://www.parliament.ge/index.php?lang_id=ENG&sec_id=68).

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.<sup>48</sup> 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 they simultaneously allow privacy rights to be restricted by the courts or other legislation.<sup>49</sup> Online activities can be prosecuted under these laws—mainly in cases of alleged defamation, which was decriminalized in 2004—or under any applicable criminal law.

There were no cases of charges against online users for libel or other internet activities in 2013–2014. There were also no known instances of detention or prosecution, and there were no reported occurrences of extralegal intimidation or violence against users. There have been a few cases in which civil servants were dismissed from their jobs, potentially because of their previous online activities (namely, interviews with online media representatives or posting a critical Facebook status).<sup>50</sup> Officially they were fired either as a result of reorganization or intentional failure to perform duties.

There are no restrictions on the use of anonymizing or encryption tools online; however, individuals are required to register when buying a SIM card.

The Georgian Law on Operative-Investigative Activity, passed in 1999, grants the 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 or she may have criminal connections. New amendments to the law promulgated in September 2010 require that websites, email services, ISPs, and other relevant companies make private communications data such as email and chats available to law enforcement authorities when court approval is obtained.<sup>51</sup>

While information regarding surveillance activities is limited, local NGO representatives, under the campaign “This Affects You Too,” have insisted that the law enforcement agencies “continue to have unlimited access to all kinds of electronic communication of citizens and to personal data kept with the telecom operators. The so-called ‘black boxes’ that are installed with the mobile operators, allow law enforcement agencies to simultaneously wiretap tens of thousands of people and determine their whereabouts, read their text messages and personal electronic correspondence sent via email, Viber, WhatsApp, BBM, and other applications.”<sup>52</sup> As a response to these suspected surveillance activities, in March 2014, the group started advocating for legislative amendments

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48 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>.

49 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](http://www.gncc.ge/index.php?lang_id=ENG&sec_id=7050&info_id=3555).

50 Cases of LEPL of the Ministry of Justice and Natia Imnadze published by the report from Institute for Development of Freedom of Information: Institute for Development of Freedom of Information, “Internet Freedom in Georgia – Report 2”, January, 2014, <https://idfi.ge/en/internet-freedom-in-georgia-report-n2-54>. The facts about Natia Imnadze were covered by online media, see the article: <http://www.liberali.ge/ge/liberali/news/116902/>.

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

52 Campaign “This Affects You Too”, “Civil society against illegal surveillance: This affects you!” Announcement of the campaign representatives published on their official web-site, March 6, 2014, <http://esshengexeba.ge/?menuid=10&lang=1&id=988>.

to limit the infringement upon private life and abuse of power by entities carrying out secret investigative actions. They also advocated for setting up supervision mechanisms and implementing internationally-accepted standards to prevent potential systematic violations in the future. As of May 2014, the legislation had not been passed.<sup>53</sup>

Additionally, as of 2013 Georgia has a new government authority—the Personal Data Protection Inspector—who is entrusted with protecting people’s right to privacy. Even though the office of the inspector is able to investigate private companies for violations of the law, its mandate is often considered insufficient to stop the ministry of interior’s unchecked systematic surveillance of electronic communication, since it does not have access to data that is collected and processed for the purposes of public and national security (including economic security), defense, criminal investigations, or court proceedings.<sup>54</sup> Despite these limitations, the first report on the state of personal data protection identified major challenges and deep-rooted systematic problems including: the processing of a disproportionately large amount of data without proper legal grounds; the illegal disclosure of personal information; failure to meet legal requirements related to video surveillance; and failing to limit the use of data for direct marketing campaigns (including advertisements sent via text to a user’s mobile phone without their consent and without the option to remove their number from the advertiser’s list).<sup>55</sup>

A special commission established by the parliament selected a public defender for consumer rights under the GNCC, for the purposes of enhancing mechanisms for the protection of users’ rights and building an informed society. The ombudsman is tasked with protecting the rights and interests of customers in the spheres of electronic communication and broadcasting, including discussing applications and complaints by customers and conducting administrative proceedings on cases; participating in the development of those normative acts by the GNCC which may affect the interests of customers; and representing and protecting customers’ interests in disputes with service provider authorized and/or license holder entities, in the GNCC and in court.<sup>56</sup>

ISPs and mobile phone companies are obliged to deliver statistical data on user activities concerning site visits, traffic, and other topics when asked by the government. Cybercafes, on the other hand, are not obliged to comply with government monitoring, as they do not register or otherwise gather data about customers.

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 between Georgia and Russia. By the end of 2012, the Data Exchange Agency started monitoring Georgian websites for the presence of malicious codes, hacking attacks, or other suspicious activities, publishing the information regularly on their website<sup>57</sup> as well as on their official Facebook page.<sup>58</sup> Additionally,

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53 Legislation was passed in August 2014, outside of this report’s coverage period. See: “Georgia introduces stricter regulation of secret surveillance,” Democracy and Freedom Watch, August 5, 2014, <http://dfwatch.net/georgia-introduces-stricter-regulation-of-secret-surveillance-14202>.

54 Official web-site of the Office of the Personal Data Protection Inspector: <http://personaldata.ge/en/about-us/inspector>

55 The Office of the Personal Data Protection Inspector, “Annual Report - 2014,” <http://personaldata.ge/en/publications/annual-report>

56 Official web-site of the Consumers’ Rights Public Defender: [http://momkhmarebeli.gncc.ge/?page\\_id=30](http://momkhmarebeli.gncc.ge/?page_id=30)

57 Data Exchange Agency homepage, <http://dea.gov.ge>.

58 CERT Facebook page, <https://www.facebook.com/certgovge>.

## Georgia

the Agency produced a new service called "Safe Internet - Check My IP," capable of examining the security of the IP address of users' computers. This service informs users connected to the internet in Georgia whether their computer is infected by any virus and provides them with detailed descriptions of detected viruses. Significantly, secure DNS services enable users to automatically block harmful content by using DNS parameters offered by Cert.gov.ge.