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# Internet Freedom in Georgia

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## **Part I: Context**

### **Internet Users' Profile**

Internet technologies are gradually gaining foothold in Georgia. Since the 2000s the number of internet users has increased rapidly. Even though there is no reliable statistical data on average internet usage, general trends can be identified and shown based on various both large- and small-scale surveys conducted, and official reports prepared, by international and governmental institutions.

According to estimations of International Telecommunication Union (ITU), the United Nations specialized agency for information and communication technologies, internet is available for about 45% percent of the population.<sup>1</sup> Apart from this, Institute for Development of Freedom of Information (IDFI) obtained statistical data on internet users as of 2012 from the Georgian National Communication Commission (GNCC). In the received document required information was classified according to regions, cities, types of technologies and (Internet Service Providers) IPSs.

According to these data, fixed (wired) broadband subscription is mainly predominant in Tbilisi – its subscribers went beyond 250 thousand. In terms of the number of subscribers the capital is followed by Kutaisi, Batumi and Rustavi with 25 530, 24 838 and 23 446 users, respectively.<sup>2</sup> Cities lacking access to cable internet (precisely, Zugdidi, Marneuli, Gori, Senaki) are more likely to have more wireless internet users compared to those connected to cable internet devices. Overall, according to the acquired information fixed broadband internet obtains 392 436 subscribers, while fiber-optic subscribers equals to nearly 18 thousand people. It is worth mentioning that according to the latest GNCC report, Wi-Fi is a dynamically developing technology. “It is mainly used in the regions, where wireless internet is less available.”<sup>3</sup> As for information concerning mobile internet users, 3G has 298 424 subscribers, other mobile operators possess more than million users.<sup>4</sup> It is widely acknowledged that availability of 3G subscriptions is more significant, as it better reflects the main tendencies of connecting to internet via mobile devices.

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<sup>1</sup> International Telecommunication Union (ITU) “Percentage of Individuals Using the Internet 2000-2012”, last assessed 28.09.2013, [www.itu.int/en/ITU-D/Statistics/.../Individuals\\_Internet\\_2000-2012.xls](http://www.itu.int/en/ITU-D/Statistics/.../Individuals_Internet_2000-2012.xls)

<sup>2</sup> Institute for Development of Freedom of Information. Opendata.Ge. Statistical Information about the Number of Wired, Mobile and Wireless Internet Users and Hosting Service Recipients in Georgia as of 2012, last assessed 28.09.2013, <http://goo.gl/yjeSJR>

<sup>3</sup> Georgian National Communication Commission. Annual Report 2012, last assessed 27.09.2012. [http://www.gncc.ge/files/3100\\_2949\\_681569\\_ANNUAL%20REPORT%202012.pdf](http://www.gncc.ge/files/3100_2949_681569_ANNUAL%20REPORT%202012.pdf)

<sup>4</sup> Institute for Development of Freedom of Information. Opendata.Ge. Statistical Information about the Number of Wired, Mobile and Wireless Internet Users and Hosting Service Recipients in Georgia as of 2012, last assessed 28.09.2013, <http://goo.gl/yjeSJR>

Caucasus Barometer, one of the most comprehensive, countrywide surveys, carried out by Caucasus Research Resource Center enables to estimate approximate number of internet users. Comparison of data for the last two years displays that there is relative increase in daily usage of internet. In fact, in 2011 42 percent of the residents of the capital of Georgia were using internet every day. Next year this indicator was increased up to 46 percent. Georgian villages have seen 3 percent of growth of the number of internet subscribers, from 4 to 7%.<sup>5</sup> Thus, one of the main objectives for the Georgian government should be to overcome the uneven urban/rural coverage. Rural settlements need proper attention from communication system operators, service providers and government.

Despite growing tendency, it is apparent that limited internet accessibility remains one of the fundamental challenges for development of new technologies and electronic governance. Various researches and reports highlighted several obstacles to internet expansion: inappropriate prices for services, inadequate infrastructure, economic burden, lack of needed skills, etc.

For instance, according to CRRC Caucasus Barometer 2012, low internet connectivity is caused by following factors: less necessity of internet (27%), high prices on technology (24%), lack of interest (18, 6%), insufficient internet literacy (12%).<sup>6</sup>

In order to properly assess internet situation in Georgia, the places of connecting to internet should also be discussed. According to the newly published NDI report 41% out of 53% of respondents (population with the access to internet) claim that they surf internet at home. Public Wi-Fi is almost never (0-1%) used by Georgian internet consumers, while mobile telephone subscription is available for 6% of the population.<sup>7</sup>

Another important aspect is analysis of users' behavior. Such approach can play contributory role in identifying the influence of contemporary technologies and facilities/devices over social mobilization, civic education and ensuring political participation of ordinary citizens in decision making process. Consequently, it is interesting, what kind of services are mostly surfed and demanded by internet users online. Several researches claim that checking social networks, searching for information, chatting via skype and sending/receiving e-mail are most essential online activities for Georgian online activists. It should be mentioned that more and more people are perceiving internet as main source of news and developments in the country. Nowadays they amount to 20% of the whole population. In addition, this segment of Georgian citizens get information about political affairs from social network Facebook (78%), news

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<sup>5</sup> Caucasus Research Resource Centers. (2012) "Caucasus Barometer". Retrieved from <http://www.crrccenters.org/caucasusbarometer/> on 20.09.2013

<sup>6</sup> Caucasus Research Resource Centers. (2012) "Caucasus Barometer". Retrieved

from <http://www.crrcenters.org/caucasusbarometer/> on 20.09.2013

<sup>7</sup> National Democratic Institute. Survey Report 2013, last accessed 21.09.2013. <http://www.ndi.org/node/20641>

agencies (27%) and several video-sharing websites – mainly via Youtube (26%) and Myvideo.ge (21%).<sup>8</sup>

### **Internet Access and Legislation**

The electronic communications sector in Georgia is regulated by the Law on Electronic Communications, which defines scope of competence of the national regulatory authority in the sector, the Georgian National Communications Commission.

As of today, there are some elements of e-Government and e-Transparency functioning in Georgia, including proactively disclosed information. Examples of already functioning e-Transparency include the following:

- All normative acts are published on the web-site of the Legislative Herald of Georgia and have official legal power.
- It is possible to make electronic procurements, to have access to the so called “black” and “white” lists of the suppliers, to have access to results and documents of other procurements etc.
- Asset declarations are electronically disclosed on a 2013 United Nations Public Service Award winner web-project.
- Birth and Death certificates can be received electronically
- Communication with State Service Development Agency is possible electronically, e.g. electronic requests
- The judgments of the court on cases of insolvency are published in electronic system
- All electronic documents have the same legal power as material ones, according to the Customs Code
- Construction permits can be given electronically
- E-mail is one of the requisites for plaintiff according to the Code of Civil Procedure
- Those submitting appeals according to the Election Code of Georgia can include e-mail address as a requisite
- According to the law on entrepreneurs, electronic message is considered as officially submitted message
- Informing of the Customs Checkpoints about the legal acts regulating procedures for crossing the border, consultation on usage of tax legislation, receiving operational information from the sub-agencies is possible via e-mail.
- Information received via e-mail can become basis for monitoring of the Department of Corrections
- In the municipal boards correspondence and other information can be received via e-mail

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<sup>8</sup> National Democratic Institute, Survey Report 2013, last accessed 21.09.2013. <http://www.ndi.org/node/20641>

- Information received via e-mail can become basis for inspection and examination from the General Inspection
- Information regarding transparency of political entities can be submitted to State Audit Service via e-mail<sup>9</sup>

However, those are single instances rather than part of a unified, regulated and systematized policy, no single standard in terms of content and timeframes is followed, sometimes only partial information is disclosed, and the web-sites are referred to in case of requests of hard copies.

Interestingly, as monitoring of e-resources of public authorities has revealed in 2012, the scope of e-governance is still very limited in Georgia. E.g. State Procurement Agency had the most well-developed e-accessibility tools and reached 57.70%. In terms of information transparency National Bureau of Enforcement was leading with 40%, and it has also become top ranked public authority with total rating of 43.99%.<sup>10</sup>

According to the decree №219 of July 2013 of the Government of Georgia and the amendments made to the General Administrative Code of Georgia, new standard of proactive publication of public information and electronic requests has been established since September 1, 2013.<sup>11</sup> The new amendments allow for electronic requests of public information, as well as oblige part of Georgian public authorities to proactively publish on their electronic resources the information defined by the list of proactively published public information in the period between September 1 and December 31, 2013.

### **Limits on Internet Content**

There are several normative acts regulating Internet content in Georgia: Article 24 of the Constitution of Georgia states that any person has the right to receive and disseminate information in writing or any other form, while media restrictions and censorship are prohibited. Article 13 of the Criminal Code of Georgia also ensures freedom to disseminate information. The Law on Freedom of Speech and Expression of 2004 specifies circumstances when freedom of speech and expression may be restricted. Chapter 3 of the General Administrative Code of Georgia regulates access to public Information. Besides, the Law of Georgia on Protection of Minors from Negative Influence (September 28, 2011), the Law on

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<sup>9</sup> For the full list and description of each case, see: Legal Basis for E-communication between the government and the citizens in Georgia (GEO) at: <http://www.idfi.ge/?cat=researches&lang=ka&topic=109&header=>

<sup>10</sup> Rating of Monitoring of Internet Resources of Public Authorities, 2011, [http://www.idfi.ge/?cat=monitoring\\_2011\\_charts&lang=en](http://www.idfi.ge/?cat=monitoring_2011_charts&lang=en)

<sup>11</sup> Decree of the Government of Georgia “About Electronic Requests and Proactive Disclosure of Public Information”

<http://ogpblog.wordpress.com/2013/09/03/decreed-of-the-government-of-georgia-about-the-form-of-the-electronic-request-of-information-and-proactive-disclosure-of-public-information/>



Freedom of Press and Speech (June 24, 2004), the Law on Intellectual Property and Related Rights (June 22, 1999) refer to Internet content.

Interestingly, there is only one law which specifically mentions the Internet – according to the law of Georgia on Freedom of Press and Speech, media is defined as “print or electronic means of mass communication, including the Internet”<sup>12</sup>, however, content regulation is not clearly defined, which challenges freedom of expression via Internet. As for the Law of Georgia on Protection of Minors, it does not mention the issue of broadcasting harmful content through the Internet. In case of the Law of Georgia on Intellectual Property and Related Rights, there is no specific definition of “publicizing”, however by not limiting itself to only one media it can be applied to regulation of use of intellectual property over the Internet.<sup>13</sup> Generally, Internet service providers (ISPs) are not allowed to publish content which is either prohibited (e.g. pornography, children’s abuse) or is violating others’ rights (e.g. authorship rights).

In practice this issue is not much regulated and there have not been any disputes on Internet content limitations in GNCC as yet. There are not many cases of limits on internet content in Georgia either. In 2011 torrent sites and P2P file-sharing services have been blocked upon request of the Georgian Copyright Association to prevent illegal downloading of a film on the 2009 Russian-Georgian war, “5 Days of War”.<sup>14</sup> Besides, during the Russian-Georgian war in 2008 Georgian Internet service providers (ISPs) limited access to Russian media web-sites.<sup>15</sup> Other than that, internet content is even too accessible and not protected from illegal material such as pirated software, music and movies.

## **Part II: Trends and Development**

### **Social Media and Info-activism**

Development of internet technologies promoted effective communication, freedom of expression and information. Under widely polarized and politicized traditional media, where most influential media outlets, having countrywide coverage, are mainly affiliated with one of the political forces, online media and social networks has become a significant source of alternative information for some parts of the citizens in Georgia. According to NDI report, released in September, 2013, for 6% of respondents internet is a primary source of news. Additionally, 14% named it as a second provider of the stories occurring in the country<sup>16</sup>.

From social activism perspective, together with obtaining alternative and diverse information, citizens’ willingness for interaction and online communication through expression their own

<sup>12</sup> Article 1; Law of Georgia on Freedom of Press and Speech

<sup>13</sup> Governing the Internet, Freedom and Regulation in the OSCE Region, Internet Governance in Georgia, pp. 137-140

<sup>14</sup> Freedom of the Net 2012, A Global Assessment of Internet and Digital Media, pp. 4-5 accessed at:

[http://www.freedomhouse.org/sites/default/files/Freedom%20OnThe%20Net\\_Full%20Report.pdf](http://www.freedomhouse.org/sites/default/files/Freedom%20OnThe%20Net_Full%20Report.pdf)

<sup>15</sup> Ibid., p. 178.

<sup>16</sup> National Democratic Institute. Survey Report 2013, last accessed 21.09.2013. <http://www.ndi.org/node/20641>

views, active involvement in online discussions and forums is equally determinant factor. However, it is evident that internet is infrequently used for relatively interactive purposes. Georgians' little inclination for active online discussions is proved by countrywide public opinion polls. They found that only 4% of internet users are engaged in forums and online debates. For comparison, according to the same survey, 86% of respondents prefer to discuss political developments at home. These conclusions coincide with the main findings of the previous project of IDFI on monitoring Facebook pages of political parties, government institutions and social media. Monitoring has revealed that majority of social activists use net and social networks for getting news and in better case, disseminating information among their friends. On the contrary, they demonstrate less interest in two-way communication.<sup>17</sup>

Besides, it is argued that socially active people usually do not translate their virtual activism into real actions. For example, various Facebook events have been created on problematic issues and challenges the country is currently facing (E.g. cutting down forests in the countryside of Tbilisi, protecting rights of minorities, etc.). Consequently, this online platform was effectively used for civic mobilization. However, practice showed that although thousands of people supported particular activities virtually, finally, only dozens of people were attending these events physically. Evidence also shows that even though number of blogs has increased, especially among young generation, there is a lack of active bloggers who publish their posts systematically, create unique content and engage in debates with others.<sup>18</sup>

Despite such limitations, the fact that some social actions were planned and many online petitions were promoted through Facebook illustrates the step forward. Doubtless, social networks are significant platforms for discussion and information exchange. Nevertheless, inaccessibility to net combined with inadequate prices and lack of technological knowledge, has hindered active involvement of citizens in online platforms and discussions. In most cases, people are dependent on representatives of traditional media (mainly television) in acquiring necessary information about current events.

### **Internet Users' Rights and their violations**

According to "A Global Assessment of Internet and Digital Media" of 2012 by Freedom House, Georgia ranks 14<sup>th</sup> and is the last among the most free countries followed by partly free Nigeria.<sup>19</sup> According to the Law on the Operative-Investigative Activity in Georgia, in case of court approval, websites, mail servers, internet service providers and other companies are

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<sup>17</sup> Institute for Development of Freedom of Information. Development of e-communication in Georgia – Final Report, last accessed 15.09.2013, <http://www.idfi.ge/?cat=news&lang=en&topic=393&header=>

<sup>18</sup> Zakaria Babutsidze, et al., "The Structure of Georgian Blogosphere and Implications for Information Diffusion," European Consortium for Political Research, August 5. 2011.

<sup>19</sup> Freedom of the Net 2012, A Global Assessment of Internet and Digital Media, p.21 accessed at:  
[http://www.freedomhouse.org/sites/default/files/Freedom%20OnThe%20Net\\_Full%20Report.pdf](http://www.freedomhouse.org/sites/default/files/Freedom%20OnThe%20Net_Full%20Report.pdf)

required to make private communications like emails and chats available to law enforcement authorities. The report by Freedom House states that Georgian governmental authorities have been reported to be conducting targeted and selective surveillance.<sup>20</sup> It should be noted, that after the change of the government many facts were revealed concerning usage of politically motivated surveillance by Georgian state authorities. However, since investigation of such cases is not finished yet, it is hard to discuss on precise details.

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<sup>20</sup> Ibid., p.179.