

MEDIA ENVIRONMENT OF GEORGIA

2024

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The report is prepared by
HUMAN RIGHTS CENTER

Author of the Survey: Mamuka Andguladze

Edited by: Aleksandre Tskitishvili

Design: Irma Mamasakhlisi

Translated by: Mariam Gigani

English text edited by: Nino Tlashadze

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ADDRESS:

0160, Tbilisi, 11a Gakhokidze St. III floor.

Tel: (+995 32) 237 69 50, (+995 32) 238 46 48

Email: hrc@hrc.ge


Online publications on human rights: www.humanrights.ge

Website: www.hrc.ge

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The goal of the Georgian media environment research is to assess the state of media freedom, journalists' rights, and media pluralism in Georgia. The report focuses on the issues such as: safety of journalists, ongoing politically motivated cases against critical media representatives and government boycotting against them, disinformation campaigns, degree of media independence from political and other types of influence, as well as the main challenges in the sector.

The methodology of this research includes a review of the legal framework on media and freedom of expression and respective case law, analysis of reports and studies available from public sources.

KEY FINDINGS

- Before the parliamentary elections of 2024, Georgian media, especially its independent and critical segment, faced serious challenges.
- The media environment is characterized by widespread facts of threats, intimidation, and violence. Victims of violence are especially representatives of independent and critical media organizations.
- The "Russian law" adopted by the ruling party aims to stigmatize independent media and civil society, limit their activities, and eventually eliminate them. This law contradicts the principles of a democratic society, represents a serious backsliding in the country's democratic development and European integration.
- The separation of power and institutional independence in Georgia are facing serious challenges. The politicization of state institutions and their capture by the ruling party has a particularly heavy impact on media freedom.
- The Parliament of Georgia gradually became a closed space for independent media. This process was particularly intensified by the introduction of new media accreditation rules and tighter security measures, which significantly limited journalists' ability to cover parliamentary activities.
- Strategic Lawsuit Against Public Participation (SLAPP) remains a significant challenge. Lawsuits filed by the Georgian Dream representatives or persons affiliated to them are often used as a tool of intimidation and aimed at restricting journalistic activities.
- Disinformation remains one of the serious problems for Georgia. Especially - internal disinformation. The government spreads anti-Western messages every day. Internal propaganda targets independent and critical media organizations and their journalists.
- Access to public information has reached a critical point for journalists.

"Russian Law" against media

The re-introduction of the "Russian Law" by the Georgian Dream caused serious criticism both inside the country and abroad. Although the ruling party announced in 2023 that they would not return to this law, they initiated it again in 2024.

The "Russian law," officially called the law on transparency of foreign influence, is nearly identical to the bill Georgia's parliament tried to pass in 2023 but backed off after mass protests. In the new draft, the ruling party - Georgian Dream replaced the term "agents of foreign influence" with "organization pursuing the interest of a foreign power". The "Russian law" obliges the media and civil organizations that receive more than 20% of the total annual income from abroad, to register with the Ministry of Justice as an organization pursuing the interest of a foreign power. The law imposes unfair, burdensome, and offensive requirements on non-governmental groups and media that receive foreign funding. It gives the authorities the right to inspect, imposes unreasonable liability for non-compliance with the law, including punitive fines of up to 25,000 GEL. The "Russian law" also allows authorities to request sensitive personal data from organizations and individuals and imposes high penalties for non-compliance. The Ministry of Justice has published financial statement forms provided by the law. Also, the Minister of Justice issued an order on the creation of a special department that will supervise its implementation. From August 2024, civil society organizations and media are required to register under the law, or face "forced registration" and fines. After registration, they must submit financial declarations of all material benefits (financial and natural) and donors, including their personal identification numbers and bank details.¹

Registration of media and non-governmental organizations as "foreign agents" is an attempt of labeling them. By doing so, the government is trying to stigmatize the independent media. In addition to severe financial penalties, the government's access to sensitive information makes it impossible for an independent media to exist in such an environment. The "Russian law" is incompatible with the principles of a democratic society, where free and independent media are necessary for government

¹Report by Human Rights Watch, 20 August 2024: <https://www.hrw.org/news/2024/08/20/georgia-violent-attacks-government-critics>

accountability. The law represents a significant step back in terms of media freedom and democratic governance and causes irreparable damage to media freedom, journalists' rights and a country that is on the path to the European integration.

From the very first day of the initiation of the "Russian Law", Georgian non-governmental and media organizations² clearly stated their critical position against the law. The Georgian Dream breaking its promise and deceiving the people is aimed not only against the Georgian media and Georgian non-governmental organizations, but also against every citizen and the European future of Georgia," said hundreds of organizations.³ The same organizations have also reiterated that, considering the unconstitutional nature of the law, they do not plan to register, but will continue to perform their duties.

Tens of thousands of people have been protesting the bill for months, both in Tbilisi and in other cities, since the "Russian Law" was initiated. On multiple occasions during especially large demonstrations in front of the parliament building in Tbilisi, police used tear gas, water cannons, and pepper spray to disperse mainly nonviolent protesters; media representatives were also injured and their professional activities were illegally interrupted.⁴

On May 21, the Venice Commission published a legal assessment report on the "Russian law", expressing significant concerns about its compatibility with international and European standards. According to the commission's assessment, the "Russian law" has significant negative consequences for the freedom of association and expression, the right to privacy, the right to participate in public affairs as well as the prohibition of discrimination. The Venice Commission noted that the law's broad and vague provisions could disproportionately affect organizations critical of the government, potentially weakening public discourse and undermining democratic pluralism. Although the law is ostensibly aimed at promoting transparency, the commission warned that its implementation could lead to undesirable consequences such as stigmatization, financial instability and limiting sources of funding for affected organizations. The commission emphasized that the existing legal framework of

²Independent media organizations against "Russian law", 3 April 2024.

<https://www.mediachecker.ge/ka/mediagaremo/article/97392-qarthuli-damoukidebeli-mediis-ganckhadeba>.

³Statement of media and civil organizations against "Russian Law", April 8, 2024: https://csf.ge/ki-evropas-ara-rusul-kanons/?fbclid=IwAR2t-t-zsJwrVmjl-Ef2SoAqbr9pyCilYKW_m5s1jfYeKq7XivDilB6cOzQ_aem_AWRq0-j4Rk7dtQWPhcnZDg4hdydqCltrD8pz33Gg7e6YClfBULCu5xkDxWzBSiezCqkYqxc9oULONQ4i6EzcKLTv.

⁴ Human Rights Watch, 9 May 2024: <https://www.hrw.org/news/2024/05/09/georgia-foreign-influence-bill-threatens-rights>

Georgia already contains provisions on transparency and accountability, which raises questions about the necessity of a "Russian law". It recommended the government to repeal the "Russian law".⁵

Many other international organizations,⁶ European and American politicians have publicly expressed their critical assessment of the "Russian law" and called on the Georgian Dream to withdraw the law, as it basically contradicts fundamental rights. Among them, the International Federation of Journalists (IFJ) called on the ruling party to repeal the law: "This law is a clear attempt to suppress independent media and dissenting voices. It represents a serious attack on press freedom and democracy in Georgia. We call on the Georgian government to immediately repeal this authoritarian legislation and respect the protection of free expression and independent fundamental rights."⁷

It is important to mention regular statements of the EU officials, MEPs, and the EU Institutions against the "Russian Law", where they clearly emphasized that this law contradicts the fundamental principles and represents an obstacle on Georgia's path towards the European integration. For example, Josep Borrell, the High Representative of the European Union for Foreign Affairs and Security Policy, clearly stated his and the EU's position on the "Russian law" that it goes against European values and that this law was reintroduced despite the ruling party's promise last year that they would not return to the law.⁸

On September 20, 2024, the Minister of Justice Rati Bregadze issued an order on making amendment to the "Registry of Agents". According to the amendment, the Ministry no longer requests personal numbers of employees from the media and non-governmental organizations but is still interested in bank account data and gross salaries.⁹

More than a hundred Georgian non-governmental and media organizations filed a lawsuit against the "Russian Law" in the Constitutional Court. The plaintiffs requested

⁵Urgent Opinion of the Venice Commission, 21 May 2024: <https://civil.ge/ka/archives/608666>

⁶Appeal of international organizations to the Prime Minister to repeal the "Russian law", May 10, 2024: <https://www.mediachecker.ge/ka/mediagaremo/article/97723-saerthashoriso-organizaciebis-tserili-irakli-kobakhidzes>.

⁷Statement of the International Federation of Journalists (IFJ) against the "Russian law", 2 August 2024: <https://www.mediachecker.ge/ka/mediagaremo/article/98190-avtoritaruli-uckhoethis-agentis-kanoni-unda-gauqmdes-zhurnalisttha-saerthashoriso-federacia>

⁸Statement by Joseph Borrell, April 22, 2024: <https://tabula.ge/ge/news/717221-boreli-rusuli-kanonze-vimeoreb-es-kanoni>

⁹Radio Liberty, Rati Bregadze made an amendment to the rules for submitting data to the "Register of Agents", September 21, 2024: <https://www.radiotavisupleba.ge/a/33129056.html>

a temporary injunction to suspend the law until a final decision is made.¹⁰ Along with non-governmental and media organizations, the President of Georgia, deputies of the opposition party, media organizations - "Mtisambebi"/" Mountain Stories" and "Studio Monitor" lodged constitutional lawsuit to the Constitutional Court. The court consolidated the lawsuits and heard the arguments of the parties at the preliminary hearing. According to the plaintiffs, the "Russian law" violates the right of every person to unite with like-minded people, also it violates freedom of media and expression, etc. Despite the clear assessment by both local and foreign experts that the "Russian law" completely contradicts the Georgian Constitution and European legislation, the Constitutional Court did not satisfy the request and did not suspend the "Russian law".

The assessment of non-governmental organizations was harsh. "Unfortunately, the Constitutional Court was not able to make an independent decision, it once again fell under the influence of the ruling party and failed to fulfill its assigned function - protection of the Constitution," said a joint statement of the non-governmental and media organizations.¹¹

Later, the Georgian Young Lawyers' Association (GYLA) filed a lawsuit against the "Russian Law" in the European Court of Human Rights on behalf of 16 media, 120 public organizations and 4 individuals. The plaintiffs argue over the violations of several articles, namely: freedom of assembly and association protected by the European Convention on Human Rights (Article 11), freedom of expression (Article 10), right to respect for private and family life (Article 8), prohibition of discrimination (Article 14 Article), right to an effective remedy (Article 13) and limitation on use of restrictions on rights (Article 18).¹²

¹⁰Civil.ge, 121 CSOs, Media Take Foreign Agents Law to the Constitutional Court, July 17, 2024: <https://civil.ge/ka/archives/616520>.

¹¹ Radio Liberty, joint statement of non-governmental and media organizations, October 9, 2024: <https://www.radiotavisupleba.ge/a/33152497.html>

¹²GYLA, Legal battle against the "Russian law" to continue in Strasbourg October 17, 2024: <https://gyla.ge/post/samartlebrivi-brdzola-rusuli-kanonis-cinaagmdeg>

Homophobic and censorship law

In parallel with the "Russian Law", the Georgian Dream also initiated a homophobic and censorship legislative package, which blatantly violates, among other things, the principles of media and freedom of expression and, like in Russia, it aims to limit the rights of vulnerable groups and reinforce stigmas. Despite numerous calls from local and international organizations not to adopt the law of Georgia on the protection of family values and minors, the Georgian Dream, with Russian propaganda narratives, adopted the law anyway.

“The restrictions implied in the law conflict with the freedom of expression, and freedom of assembly and association enshrined in the Constitution of Georgia (Article 17, Article 21). Additionally, they are incompatible with the principles of freedom of expression enshrined in international and European standards, including the European Convention on Human Rights (Article 10, Article 11). The Georgian Dream government must immediately halt its persistent assault on human rights, including press freedom and freedom of expression, which are the fundamental pillars of democracy,” the International Press Institute said in its statement.¹³

Physical violence, threats, and intimidation

Attacks, threats, intimidation, and disinformation against independent and critical media have reached alarming numbers and severity. People close to the government are often behind such incidents. Although protests against the "Russian law" may have accelerated the increase in violence against journalists, similar attacks have been a constant feature of the Georgian media landscape for years. The lack of effective investigation into these incidents, the culture of impunity, has encouraged the perpetrators and created a hostile environment for journalists to carry out their professional activities.

¹³ IPI, Georgia: Family Values Bill imposes censorship on media, 30 September: <https://ipi.media/georgia-family-values-bill-imposes-censorship-on-media/>.

The research prepared by the Center for Media, Information, and Social Research (CMIS)¹⁴ – “Journalists’ Safety Before the 2024 Elections” reviews the state of Georgian media during the pre-election period. According to the research data, it is confirmed that many media representatives in our country suffer from a lack of security. Harassment, defamation, restriction of access to information sources, and illegal surveillance have become commonplace for those charged with observing government activities. These problems are observed in all regions of Georgia and apply to all types of media, which indicates the wide scale of the issue.

According to the research, journalists have to work in difficult conditions. During the last six months, there were many cases when media representatives faced harassment, pressure, and various kinds of obstacles. Journalists note that the current environment is particularly difficult. Newly adopted legislative changes further complicated the situation, indicating a tendency to restrict media freedom. The results of the survey show that most employees do not feel safe. They often become victims of pressure, harassment, and various restrictions.



Key findings from the research:

- More than 80% of respondents mention difficulties in obtaining public information;
- About 40% of 93 respondents feel completely insecure when covering public events;
- About 60% experienced harassment by law enforcement officers;
- More than half of the respondents mention the existence of disinformation campaigns;
- A significant part of the respondents talks about cases of personal space encroachment.

A joint study by the Media Advocacy Coalition and IREX¹⁵ also identified serious challenges faced by media representatives. Discussion and adoption of the "Russian Law" led to large-scale protests. The key findings of the study revealed that many journalists were the target of threatening calls from unknown numbers, their family

¹⁴ CMIS, Research on Journalists’ safety before the 2024 elections: <https://cmis.names.ge/en/journalists-safety-before-the-2024-elections/>

¹⁵A joint study by the Media Advocacy Coalition and IREX on Safety of Journalists, 2024

members also received similar calls, and most calls made to their family members contained direct threats to journalists. Physical security is a serious concern, as 45% of respondents experienced various forms of harassment or physical violence; half of the respondents feel physically vulnerable; most took extra security measures; there are alarming trends in other directions as well. In particular, posters and graffiti containing the hate speech appeared near the residences and working places of journalists.¹⁶ The government's reaction to the threats against journalists and insulting graffiti on their private property and offices is alarming. In a Facebook post, the member of the political council of the Georgian Dream party, MP Dimitri Samkharadze, admitted that the ruling party is responsible for the insulting graffiti made on the offices of the media and non-governmental organizations. Meanwhile, Samkharadze publicly threatened the critics of the government.¹⁷

The facts of intimidation of journalists are disturbing, such as the case of the director of the Adjara Times Sul Khan Meshkidze. The Prime Minister and the government of Adjara ceremonially opened a section of the new bypass road in Batumi on October 11. The Adjara Times reported that the road is not actually completed and is blocked with concrete slabs. After that, an unknown person sent threatening messages to Meshkidze's mobile phone.¹⁸

The European Court of Human Rights (ECHR) issued an important judgment in the case of Azerbaijani journalist Afgan Mukhtarli. The court ordered Georgia and Azerbaijan to jointly pay 21,000 Euros. According to the court's decision, a violation was established on the part of Georgia in terms of the investigation - in relation to Articles 3 and 5 of the European Convention on Human Rights (prohibition of torture and the right to liberty); no substantial violations on the part of Azerbaijan regarding the facts of ill-treatment and detention have been proven; violation of the Article 5, Paragraph 3 of the Convention (prompt presentation of the detainee to the court) was established; violation of the Article 8 (right to respect for private and family life) was established; no violation of the paragraph 1 of the Article 5 was confirmed. The European Court paid particular attention to the fact that Georgia failed to ensure a

¹⁶Netgazeti.ge, Nino Zuriashvili's car was damaged and hateful posters were affixed to the wall of her house, May 10, 2024: <https://netgazeti.ge/news/721899/>; CPJ, Georgian journalists threatened after covering „foreign agent“ law protests, 10 May 2024: <https://cpj.org/2024/05/georgian-journalists-threatened-after-covering-foreign-agent-law-protests/>

¹⁷Netgazeti.ge, MP Samkharadze admits to being the organizer of offensive graffiti, May 31, 2024: <https://netgazeti.ge/life/724973/>

¹⁸Mediachecker, October 15, statement, 2024: <https://www.facebook.com/share/p/P6sADoS82PHG7ytJ/>

complete investigation of the facts of Mukhtarli's abduction, ill-treatment, and illegal transfer to Azerbaijan.¹⁹

The current circumstances threaten the existence of free media, but the people working in the field still continue to fulfill their professional duties and serve the public, which is especially important for democratic development in the pre-election period.

The Chairman of the Central Election Commission (CEC), Giorgi Kalandarishvili, accused media outlets, especially TV Pirveli, of alleged illegal use of personal information of employees of the administration during the pre-election period. The CEC Chairman warned TV Pirveli that if they violated the law and ethical norms in their relations with administration representatives, the cooperation with them would be reconsidered. According to Nodar Meladze, the News Director of TV Pirveli, the dissatisfaction of the CEC Chairman was caused by the journalistic investigation conducted by the TV Company, which investigated the family ties of high-ranking officials of the CEC. Meladze noted that Kalandarishvili's statement constitutes pressure and blackmail, the aim of which is to force the termination of the investigation; also, it represents a threat of legal prosecution in circumstances where the court is not independent in its decisions.²⁰

Politicized state agencies

The fundamental principle of a democratic state - separation of power and institutional independence - is facing serious challenges in Georgia. The politicization of the state institutions and their capture by the ruling party has a particularly heavy impact on media freedom. As evidenced by the research and practice, the judiciary, executive, legislative authorities, and so-called independent bodies act in a coordinated manner against critical media at the behest of the ruling party.

¹⁹Jam-News, Afghan Mukhtarli wins dispute against Georgia and Azerbaijan in Strasbourg, September 5, 2024: <https://jam-news.net/ge/afgan-mukhtarli-saqme/>

²⁰The Georgian Charter of Journalistic Ethics, Statement on the pressure exerted on the media by the CEC Chairman and the attempt to impose censorship on journalistic activities, September 12, 2024 <https://www.qartia.ge/ka/siakhleebi/article/98320>.

Decisions made in the court system are often politically motivated and directed against independent media, which is particularly visible in defamation cases. The ruling party, in its capacity, uses administrative resources to restrict the activities of critical media. The Parliament, which should be the main instrument of democratic control, often appears as the initiator and supporter of the repressive media legislation.

It is particularly concerning that nominally independent institutions, such as the Communications Commission, use their authority not to protect media freedom, but to suppress critical media outlets. This is manifested both in biased decisions made in the pre-election period and in daily activities.

Institutional bias and politicization create a vicious circle, where critical media are marginalized and oppressed at all levels of state institutions. This process has especially intensified in recent years, which was reflected in the deterioration of Georgia's position in the evaluations of international organizations and rankings of media freedom.²¹ Such systemic politicization of state institutions not only harms media freedom, but also threatens the country's democratic development and its Euro-Atlantic aspirations.

The Parliament - a closed agency for independent media

The Parliament of Georgia, which should represent the cornerstone of democratic governance, faced significant challenges in terms of media freedom and accountability. The legislature gradually became a closed space for independent media. This process was particularly intensified by the introduction of new media accreditation rules and stricter security measures, which significantly limited the ability of journalists to cover parliamentary activities and ensure public awareness. The fact that these restrictions are often used selectively against critical media outlets is particularly alarming, which calls into question the quality of functioning of democratic institutions in Georgia.

²¹See for example, Freedom House: [Nations in Transit, 2024](#).

According to the Transparency International Georgia report²², the openness and transparency of the parliament has significantly deteriorated since 2023. The situation worsened after the adoption of the updated media accreditation regulations on April 4, 2023, which made the parliament a more closed and opaque body for critical and independent media representatives. In 2024, during the days of discussions and voting on the "Russian law", it became extremely difficult for independent and critical media outlets to enter the parliament building. For example, in May 2024, the so-called "yellow level" of security was declared in the Georgian Parliament²³ Palace several times, and the media was restricted from working in the legislative body. Only accredited journalists of TV broadcasters were allowed in the parliament, however no more than two groups from each broadcaster.

In addition to the restrictions caused by security measures, the representatives of the Georgian Dream and People's Power periodically demand the suspension of accreditation. For example, the accreditation of Maka Chikhladze, journalist of TV Pirveli, was suspended for one month at the request of Guram Macharashvili, MP of People's Power, who first agreed to the interview with the journalist, and later, only because he did not like the question, he demanded to cancel it.

At the request of the Georgian Dream MP Nino Tsilosani, Nini Balanchivadze - a journalist from the TV Company Mtavari, was banned from working in the legislative body for one month and Sopo Gozalishvili, a journalist from the TV Company Formula, was banned from working in the legislative body for six months. Also, based on the request of the People's Power MPs Sozar Subari and Guram Macharashvili, the accreditations of the TV Pirveli's journalists, Nata Kajaia and Maka Chikhladze, were suspended for one month.²⁴

²²Transparency International - Georgia, Performance Assessment of the Parliament 2023. July 10, 2024: <https://transparency.ge/ge/post/sakartvelos-parlamentis-2023-clis-sakmianobis-shepaseba>

²³Statement of the Parliament of Georgia on additional security measures. May 12, 2024: <https://shorturl.at/7rOB7>

²⁴Mediachecker, journalists whose accreditation was suspended applied to the ombudsman to determine discrimination. June 6, 2024: <https://shorturl.at/hQqdJ>

SLAPP lawsuits against critical media

Strategic Lawsuit Against Public Participation (SLAPP) remains a significant challenge. Lawsuits are often used as a tool of intimidation and are aimed at restricting journalistic activity and the public's right to receive information. Despite the legal framework that supposedly protects freedom of expression in Georgia, courts often interpret and apply the law in a way that unfairly benefits representatives of the ruling party or individuals associated with them. This grossly violates the rights of the media and journalists and undermines the principles of democracy.²⁵

Since 2021, ruling party officials and others associated with them have been launching legal disputes against critical media outlets on defamation grounds. The purpose of these clearly baseless lawsuits is not to protect honor, dignity, and professional reputation, but to silence the media and active citizens.²⁶

In October 2024, the Tbilisi City Court ordered the TV company Pirveli and its journalist, Sopo Niauri, to pay 10,000 GEL to Aleksandre Chikaidze, the former Minister of Internal Affairs of the Georgian Dream government. The subject of dispute was a media story about those arrested on charges of creating and operating fraudulent call centers. Like in similar cases, the court reviewed the case in a short period of time and held the journalist responsible along with the media outlet.²⁷

In a short period of time, high-ranking officials of the Georgian Dream, namely Tbilisi City Mayor Kakhi Kaladze and brother-in-law of the Prime Minister Irakli Kobalidze – Davit Patsasia, applied to the National Enforcement Bureau regarding the execution of the incriminating decision against the TV Company Pirveli.²⁸ Although repressive mechanisms have not yet been implemented in practice, both cases indicate the real danger of what measures can be taken against the media.

²⁵Democratic Initiative of Georgia, SLAPP Cases in Georgia, 2023: <https://shorturl.at/d8XhG>

²⁶Democratic Initiative of Georgia, SLAPP Cases in Georgia, 2023: <https://shorturl.at/d8XhG>

²⁷On.ge, The court ordered TV "Pirveli" and journalist Sopo Niauri to pay 10,000 GEL for Chikaidze, 11 October 2024 <https://shorturl.at/gLHcu>

²⁸Publika.ge Kobakhidze's brother-in-law against TV "Pirveli" | According to Meladze, the second enforcement document was handed over today, July 26, 2024, <https://publika.ge/kobakhidzis-sidze-tv-pirvelis-winaaghmdeg-meladzis-tqmit-dghes-ukve-meore-saagh-ruleblo-dokumenti-chabarda/>

According to the Transparency International - Georgia (TI), the case of the journalists fired from the pro-government media outlet Rustavi 2 is a clear example of the government's use of double standards in judicial enforcement. The organization is studying the cases of the dismissed journalists from Rustavi 2. According to the TI, the National Enforcement Bureau is obstructing the process of paying compensation stipulated by law to journalists fired from Rustavi 2. In the case of TV Pirveli, the National Enforcement Bureau immediately initiated the process.²⁹

Disinformation against media

Disinformation remains one of the serious problems for Georgia. The disinformation coming from Russia, which intensified after the Russian invasion of Ukraine in 2022 and the full-scale war, once again poses a significant challenge to the news field and the population of Georgia in general. At the same time, various local and international reports cite anti-Western messages disseminated by the government as one of the problems. Unfortunately, the analysis of the current challenge of disinformation by the state, coordination between various responsible agencies, and the effectiveness of response actions remain a problem.³⁰

In the 2024-2027 government communications strategy adopted in December 2023, although disinformation is identified as one of the priority directions for the activities of the Department of Strategic Communications of the government administration, the strategy does not mention the hybrid threats coming from Russia.³¹ Also it is worth to mention the Facebook page "In Reality"(Sinamdvileshi), managed by the government's Strategic Communications Department, which has been discrediting the assessments/opinions or actions of journalists, activists, and politicians who are critical of the government for years.³²

²⁹Transparency International - Georgia, National Bureau of Enforcement Applies Double Standards to TV Stations, 24 September 2024: <https://shorturl.at/TBIVr>

³⁰Transparency International - Georgia, Spreading Disinformation in Georgia - State Approach and Countermeasures www.transparency.ge/sites/default/files/a42mm-18pgcover_3.pdf

³¹Communication Strategy of the Government of Georgia 2024-2027:

https://www.gov.ge/index.php?lang_id=GEO&sec_id=428&info_id=86923

Strategic communication against disinformation and propaganda:

<https://gnomonwise.org/public/storage/publications/March2024/R06BBBoMqGxmQo6qOtTO.pdf>

³²What is Democracy, Discreditation and Religious Propaganda "In Reality?" – Ruling Party Against Critical Opinion, 18.01.2023. <https://mythdetector.ge/ka/ra-aris-demokratia-diskreditatsia-da-religiuri-propaganda-sinamdvileshi/>

Since the autumn of 2023, the discrediting and disinformation messages against media outlets critical of the government (pro-opposition and independent) have intensified. The situation reached a critical point in the process of adopting the "Russian law".

In August 2024, Meta, the management company of the social network Facebook,³³ removed 76 Facebook accounts, 30 Facebook pages, and 11 Instagram accounts for coordinated inauthentic behavior that violated Meta's policy against coordinated inauthentic behavior. The report indicated that the deleted accounts came from Russia, and they targeted Georgia, Armenia, and Azerbaijan. The report said that in Georgia, they posted about the most recent protests against the "foreign agents' law" where they criticized the protesters and supported the ruling party. To advertise the activity, \$77,000 was spent on Facebook advertising.

On October 24, 2024, two days before the parliamentary elections, at 8 o'clock in the morning, financial police officers searched the homes of the Georgian employees of the Atlantic Council, Sopo Gelava and Eto Buziashvili. This fact caused serious criticism from both local and international communities.³⁴ The Georgian experts have been working against Russian disinformation and propaganda for years. The Atlantic Council is outraged by this development and its impact on the activities of its employees in the short period before the elections in Georgia. The Georgian colleagues are engaged in independent and impartial activities, the purpose of which is to protect and strengthen democracy from those who try to destabilize it - the statement of the Atlantic Councils says.³⁵

Access to public information

Access to public information is a right guaranteed by the Constitution of Georgia and international law. Within the framework of the right guaranteed to the public and, of course, the media, obtaining public information is important in terms of increasing its activity and accountability.

³³Adversarial Threat Report, Meta. August 2024. <https://transparency.meta.com/metasecurity/threat-reporting/>

³⁴Radio Liberty, Pre-election raids in the homes of disinformation researchers and the Tbilisi office of an American company - what do we know? October 24: <https://www.radiotavisupleba.ge/a/33172213.html>

³⁵ Atlantic Council, Statement on the home raids of two Atlantic Council staff in Georgia, 24 October, 2024: <https://www.atlanticcouncil.org/news/announcements/statement-on-the-home-raids-of-two-atlantic-council-staff-in-georgia/>

Access to public information has reached a critical point for journalists. [According](#) to the results of the project of “Center for Media, Information, and Social Research” (CMIS)³⁶, as a result of the analysis of public information requested between September 2023 and August 2024, it is determined that access to public information represents a significant challenge at both the central and local levels. Refusal of letters from agencies, or late or untimely response indicates a systemic problem. According to the research report of the Institute for Development of Freedom of Information, the response rate from public institutions in 2022 was the lowest since 2010.³⁷ The fact that access to public information is a problem is also indicated in the report of the UN Special Rapporteur on Human Rights Defenders.³⁸

Considering the significance of the mentioned problem, the Office of the Public Defender of Georgia emphasized the important challenges related to the absence of an effective institution of access to public information, which especially affects journalists and human rights defenders. In the statement issued in connection with the International Day for Universal Access to Information, the Office emphasized the need to create legal guarantees corresponding to international standards for the effective enforcement of the right to information. The current system is insufficient, as the lengthy court appeal process often prevents access to important information. Such delays reduce the value of information for journalists and activists, preventing them from carrying out their work effectively.³⁹

Challenges in covering court hearings

Media coverage of court sessions is another challenge. The access of media, especially online media, to court proceedings is accompanied by gaps and obstacles. The media often face unjustified refusal to film, unclear administrative procedures, and unclear decisions from the press office. This trend not only hinders the effective work of the

³⁶“Center for Media, Information, and Social Research” <https://cmis.ge/projects/pubinf/ka>

³⁷Institute for Development of Freedom of Information, Access to Public Information in Georgia 2022, 10 March 2023.: <https://idfi.ge/ge/access-to-public-information-in-georgia-2022>

³⁸Country Visit Report: Georgia, UN Special Rapporteur on Human Rights Defenders: <https://srdefenders.org/country-visit-report-georgia/?fbclid=IwAR3pnLBKDoIUxKVz9gJTbodgK4g0THjt!XGTb7LB1bFxAzBQt1G9nB6Ho2s>

³⁹IPN, Ombudsman highlights challenge of access to public information in Georgia, 28 September 2024: <https://t.ly/z4Olg>

media, but also threatens the right of the public to receive information about cases of public importance pending in court.

The coverage of court sessions is regulated by the legislation of Georgia, where special conditions are provided for broadcasters. The priority right is given to the Public Broadcaster, and in case of its refusal, another national broadcaster can use this opportunity. In order to film the process, a prior request must be submitted. Photo taking by online publications depends on the permission of the judge, who decides before the start of the hearing. However, recently the practice has changed. Internet publication "Publika" was denied to take photos several times. According to the editor of "Publika", they failed to cover the trial of the person arrested at the protest rally. It should be noted that the refusal was given by the press office, and the judge has not reviewed this issue. A similar case happened again - the press office informed the editors of the refusal in advance, but it turned out that the judge did not make such a decision.

Radio Liberty was not allowed to take photos on several occasions. According to journalist Nastasia Arabuli, during the hearing of the case of those accused of stealing unique books from the European libraries, despite a prior written request and the absence of other media outlets, she was denied filming. It is noteworthy that a similar restriction was imposed on Gela Bochikashvili, a journalist from the same media outlet, during a session where the case of a participant in a rally against the "Russian law" was being discussed, who is accused of damaging the building of the legislative body and injuring a rescue service representative.⁴⁰

The continuation of the current trend will significantly limit the activities of the online media and worsen the already existing standard.

The News Director of TV Pirveli Nodar Meladze wrote on the social network Facebook that the system does not accept the television's applications regarding the coverage of court sessions, and the judge does not allow media representatives to attend the sessions. According to Meladze, until now, no explanation has been made and no alternative mechanisms have been proposed regarding the acceptance of applications. The Media Advocacy Coalition has critically evaluated the information

⁴⁰Mediachecker, Part of online media faces problems with filming the trials, September 23, 2024: <https://www.mediachecker.ge/ka/mediagaremo/article/98407-onlain-mediis-natsils-sasamarthlo-procesis-fotogadaghebaze-problemebi-egmneba>

spread by TV Pirveli regarding the failure of the application system for court proceedings.⁴¹

Georgian media environment in international evaluations/rankings

The adoption of the "Russian Law" in 2024, the government's harassment of critical media, attacks on journalists and impunity, and the indifferent attitude of law enforcement officers to illegal actions against journalists significantly deteriorated the quality of media freedom in the country.

According to the classification of the organization Reporters without Borders (RSF), in 2024, Georgia was on the 107th place with 53.05 points out of 180 countries and territories. This represents a 27-point decline from last year's ranking, while Georgia ranked 77th in the same organization's classification with 61.69 points.

Media development organization IREX's 2024⁴² report highlights the government's attempt to pass the "foreign agents" law in 2023 and the continuous flow of manipulative information from the government and pro-government media. At the same time, the country's acceptance of the EU candidate status in December of 2023 is positively evaluated.

According to the Nations in Transit 2024 report⁴³ of the American organization Freedom House, "Autocratizing hybrids like Hungary, Serbia, and to a lesser extent Georgia are on their way to becoming Semi-Consolidated Authoritarian Regimes based on the report methodology. Key institutions, from the media to the courts, have gone beyond the level of politicization expected under classical definitions of hybrid regimes. Now they are effectively captured by ruling parties and abused for partisan or personal gain." The evaluation of the current events in Georgia states that media freedom is an important challenge, especially considering the factor of Georgia's accession to the European Union.

⁴¹Media Advocacy Coalition, Statement, July 22, 2024.

⁴²IREX: [Vibrant Information Barometer 2024](#).

⁴³Freedom House: [Nations in Transit, 2024](#)

In the report of the same organization, which is about Internet freedom, Georgia maintains the status of a free country.⁴⁴

The Committee to Protect Journalists (CPJ)⁴⁵ condemned the final adoption of the "Foreign Agents" law and overriding the President's veto in its statement as an act against free media and journalists. "The Committee to Protect Journalists strongly decries the Georgian parliament's Tuesday decision to overturn a veto by the country's president and adopt a Russian-style "foreign agents" law that would target media outlets and press freedom groups," - reads the statement.

In the resolution⁴⁶ of the European Parliament of April 22, 2024, the European Parliament critically evaluated the ruling party's decision to reintroduce the "Foreign Agents" law. The resolution states that such legislation "... undermines the work of independent NGOs and media outlets, which are the best and most effective entities for scrutinising and monitoring the authorities' activities."

The UN Special Rapporteur on Human Rights Defenders assessed the events of 2023 in the report⁴⁷ published in 2024, which also focused on the activities of journalists. The report highlights public comments made by the ruling party towards independent media (which covers corruption and election-related topics) aimed at stigmatizing it. The report also draws attention to the attacks on journalists and media representatives, to the events that occurred on July 5-6, 2021, and impunity. "...during the visit it became clear that they [journalists] are also at high risk and, despite assurances that media freedom is a priority, that the State is not taking sufficient measures to ensure that they [journalists] can carry out their work free from fear of retaliation," - states the report.

The "Media Freedom Rapid Response" (MFRR) published a report⁴⁸ on the state of media freedom in EU member and candidate countries. The report was produced by the leading organisations such as the European Centre for Press and Media Freedom (ECPMF), the European Federation of Journalists (EFJ), and the International Press Institute (IPI). Examples of violations of journalists' rights in Georgia were included in

⁴⁴Freedom House: [Freedom on the Net, 2023](#).

⁴⁵The Committee to Protect Journalists <https://cpj.org/2024/05/georgian-parliament-overrides-presidential-veto-adopts-russian-style-foreign-agents-law/>

⁴⁶ European Parliament. MOTION FOR A RESOLUTION on the attempts to reintroduce a foreign agent law in Georgia and its restrictions on civil society. 22.4.2024: https://www.europarl.europa.eu/doceo/document/B-9-2024-0248_EN.html

⁴⁷Country Visit Report: Georgia, UN Special Rapporteur on Human Rights Defenders: <https://srdefenders.org/country-visit-report-georgia/?fbclid=IwAR3pnLBKDoIUxKVz9gJTbodgK4g0THitlXGTb7LB1bFxAzBQt1G9nB6Ho2s>

⁴⁸Report by Media Freedom Rapid Response (MFRR) consortium, 10 September, 2024: <https://t.ly/zs-nr>

the research. In particular, dozens of cases of violations involving media representatives were recorded. The violators of rights were mainly the state officials and law enforcement officers. The typology of violations includes physical violence, property damage, verbal abuse, and legal prosecution.

The EU Candidate Status

On November 8, 2023, the European Parliament decided⁴⁹ to grant Georgia the status of a candidate for EU membership. The recommendation was made on December 14, 2023; the European Council decided to grant status and open accession negotiations with the country. During the accession process, Georgia was assigned to fulfill 9 recommendations.⁵⁰ Among the recommendations, the fight against disinformation, foreign information manipulation and interference against the EU and its values is on the first place.

The 9th recommendation concerns the protection of human rights, including the media environment and journalists: “Improve the protection of human rights including by implementing an ambitious human rights strategy and ensuring freedom of assembly and expression. Launch impartial, effective, and timely investigations in cases of threats against safety of vulnerable groups, media professionals and civil society activists, and bring organisers and perpetrators of violence to justice. Consult and engage with civil society, allowing for their meaningful involvement in legislative and policymaking processes and ensure they can operate freely.”

Within the framework of the Civil Society Foundation project, 12 civil organizations monitored the implementation of the recommendations by the Government of Georgia.⁵¹ In the assessment made from November 8, 2023 to March 31, 2024, it is stated that in the last 5 months, only 2 out of 9 points were partially implemented by the government. According to the report, the points that refer to the information

⁴⁹ 2023 Communication on EU Enlargement Policy (extract about Georgia): https://www.eeas.europa.eu/delegations/georgia/2023-communication-eu-enlargement-policy-extract-about-georgia_en

⁵⁰ 2023 Communication on EU Enlargement Policy (extract about Georgia): https://www.eeas.europa.eu/delegations/georgia/2023-communication-eu-enlargement-policy-extract-about-georgia_en

⁵¹ 9 Steps Towards the EU - State of Implementation. April 11, 2024: <https://grass.org.ge/ka/publikaciebi/kvleva/2505-9-nabiji-evrokavshirisken-shesrulebis-mdgomareoba>

environment and the rights of journalists are unfulfilled. The report indicates that although the Georgian government approved the 2024-2027 communication strategy on December 11, 2023, one of the priorities of which was the fight against disinformation, the process of working on the strategy was not transparent and inclusive, and government officials promoted the spread of anti-Western disinformation themselves. Regarding the 9th recommendation, it is said that although the Action Plan of the Government of Georgia on the Protection of Human Rights was approved by the ordinance of the Government of Georgia on December 28, 2023, the process of its development was not inclusive. It is also mentioned that cases of excessive use of force and disproportionate measures against the protesters of the "Russian law" on March 7-9, 2023, were not investigated during the reporting period.

Four months after obtaining candidate status, in April 2024, the ruling party's re-initiation of the so-called Russian law was criticized in the European Union.⁵² One month after the adoption of the law, on June 27, 2024, the EU leaders expressed "serious concern" regarding the developments in Georgia in the resolution of the European Council⁵³ and called on the Georgian authorities "...to clarify their intentions by reversing the current course of action which jeopardises Georgia's EU path, de facto leading to a halt of the accession process."

Sanctions

The sanctions imposed by the USA against high-ranking officials of Georgia represent an unprecedented step in the history of relations between the two countries. The State Department's sweeping decision, which affects more than 60 individuals and their family members, reflects growing US concern over the disruption of democratic processes and human rights violations in Georgia. Individual sanctions against high-ranking officials and violent pro-Russian party representatives are particularly important, indicating the West's willingness to take specific measures to protect democratic institutions and counter authoritarian tendencies.

⁵² European Parliament. MOTION FOR A RESOLUTION on the attempts to reintroduce a foreign agent law in Georgia and its restrictions on civil society. 22.4.2024: https://www.europarl.europa.eu/doceo/document/B-9-2024-0248_EN.html

⁵³Extracts on Georgia from the Conclusions of the European Council 28.06. <https://t.ly/1OVdq>

The US Secretary of State, Antony Blinken, announced large-scale sanctions against high-ranking officials of Georgia. According to the State Department's decision, visa restrictions were imposed on more than 60 individuals and their family members due to disruption of democratic processes and human rights violations. The first wave of sanctions includes representatives of the government, parliament and law enforcement agencies who played an active role in the adoption of the "Russian law". Among the sanctioned individuals are municipal representatives who abused their official authority, businesspeople involved in corrupt deals, and individuals spreading disinformation.

At the same time, the US Department of the Treasury imposed individual sanctions on senior officials. The list also included the leaders of the pro-Russian movement "Alt-Info" - Konstantine Morgoshia and Zurab Makharadze, as well as - the director of the Special Tasks Department of the Ministry of Internal Affairs Zviad Kharazishvili and his deputy Mileri Lagazauri. Kharazishvili and Lagazauri are accused of leading and organizing violent actions against civilians, activists, journalists, and members of the opposition political parties during protests. In the case of Alt-Info leaders, Morgoshia, as the founder of the organization, has been sanctioned for spreading disinformation and hate speech. The violent attacks he supported are particularly noteworthy. Makharadze is accused of directly calling for violence against minorities and journalists and organizing such actions. According to the State Department, these sanctions are a response to the weakening of democratic institutions and systematic violations of fundamental human rights in Georgia. Special attention is focused on the restriction of the civil society and the violation of the right to peaceful assembly.⁵⁴

Cyber security

Cyber security remains a significant challenge. There are frequent cases when media organizations or journalists become targets of cyber-attack. Media representatives do

⁵⁴Publika.ge, the USA imposed visa restrictions on more than 60 persons, including members of the government and parliament: <https://publika.ge/ashsh-ma-60-ze-met-pirs-mat-shoris-mtavrobis-da-parlamentis-wevrebs-savizo-shezghudvebi-dauwesa/> September 16, 2024.

not feel safe online, especially after the publication of the famous "Consolidated Data"⁵⁵ materials, to which there was no effective response from the state.

According to the Georgian media outlet Sova,⁵⁶ they lost access to their original website, and their former domain was taken over by an unknown person and is currently being used to spread Russian propaganda. According to the media, it was revealed that their old domain was purchased by an unknown person, and a fake version of their media outlet appeared at this address, where partially stolen materials were posted. "Judging by the new content of the website, on which our legal name is used, it is clear that Russian propaganda is behind these manipulations, which is trying to mislead our readers," the editor's statement said.

Critical pre-election media environment

Before the parliamentary elections of 2024, the Georgian media, especially its independent and critical segment, faced serious challenges. In the pre-election period, the Communications Commission, and the judicial authorities systematically fined critical broadcasters for not airing the propaganda and unethical political advertisements of the Georgian Dream.

Insulting statements made by representatives of the ruling party towards journalists and attempts to harm their reputation are particularly worrying. Many facts of violence against the media and illegal interference in their professional activities are still uninvestigated, which seriously hinders the effective functioning of the media.

Along with the above-mentioned problems, the media was threatened by the repressive mechanisms of the "Russian Law" adopted by the Georgian Dream. Such a hostile environment not only threatens independent media, but also undermines democratic processes, limits pluralistic environment, and deprives Georgian citizens of the opportunity to make an informed choice.

The problem of access to public information remained acute. Despite the obligation imposed by law, central and local government bodies either did not respond to public

⁵⁵Publika.ge, "We confirm that such conversation took place" | What some of the figures say about the recordings, 2 August 2021: <https://publika.ge/vadasturebt-rom-msgavsi-saubari-shedga-ras-hyveba-figurantebis-chanawerebze/>

⁵⁶SOVA statement regarding the loss of access to the old website, October 15, 2024: <https://t.ly/5s0BZ>

information requests at all, or provided incomplete responses in violation of the terms established by the law. This problem was especially intensified during the pre-election period. The Georgian Dream leaders continued to insult journalists for asking critical questions.

In the pre-election period, access to the media was markedly unequal for electoral subjects. The ruling party's boycott of critical media outlets continued, significantly hindering the full provision of information to voters. Pro-government media outlets - "Imedi", "Rustavi 2" and POSTV - were closed to opposition parties and civil society, while members of the ruling party avoided cooperation with critical media. As a result, substantive political debates practically disappeared from TV. Even the "Public Broadcaster" was not able to provide a full-fledged political debate, which is its direct duty. This is especially problematic during the pre-election period, as voters are deprived of the right to make an informed choice. The editorial policy of the pro-government media outlets aimed not at informing voters, but at discrediting opposition parties, civil society organizations, the president, the EU institutions, and the US, thereby reinforcing the ruling party's anti-Western narrative.

The disinformation spread during the pre-election period was mainly directed against the opposition parties, the president, journalists, and non-governmental organizations. The ruling party spread false information as if the opposition, journalists, and activists were calling the public for armed actions.⁵⁷

Kharagauli Municipality Mayor Koba Lursmanashvili did not allow Laura Gogoladze, editor of the newspaper "Chemi Kharagauli", to attend a pre-election meeting of the Georgian Dream and even publicly insulted her. Verbal attacks and insults of this kind undermine the public's trust in media representatives and make it difficult for them to fulfill their professional duties.⁵⁸

⁵⁷Pre-election environment assessment by monitoring mission "My Voice", October 25: 2024
<https://lnkfwd.com/u/MKdK9cv3>

⁵⁸TV Formula, Mayor of Kharagauli against "Chemi Kharagauli", 17 October 2024:
<https://www.facebook.com/watch/?v=4369198036640057>

Restrictions on the entry of foreign journalists into Georgia

Restrictions on the entry of foreign journalists into Georgia have become an increasing problem. Many cases were recorded in 2024, including illegal actions against Armenian, Belarusian, Czech, and Swiss journalists. These facts point to a systemic problem in terms of media freedom. It is particularly alarming that restrictions often apply to media representatives, who express a critical position, while denials of entry into the country are mostly unfounded or based on formal reasons.

The association of media supporters expressed concern over the illegal restrictions on foreign media representatives. As in previous years, several such cases were recorded during the pre-election period, indicating the problems of media freedom.

On September 17, the founder of a bilingual media outlet, Arsen Kharatyan, who previously held the position of advisor to the Prime Minister of Armenia, was denied entry into the country. It should be noted that this was his second attempt - the first time, after a temporary delay, he managed to enter Georgia, but on his next visit, he was no longer allowed to cross the border. A similar case was observed against the Belarusian journalist and activist Andrei Mialeshka, who was with his young son. Despite the fact that his family members live in Georgia, the border control refused him entry without justification. Recently, similar restrictions were often applied against media representatives, who express a critical stance towards the Russian government and local authorities.⁵⁹

The case of the Czech journalist, Ray Baseley, who was detained in Tbilisi airport for 34 hours and was finally forced to return to Prague, is also noteworthy. Law enforcement officers explained the refusal of entry with only formal reasons.⁶⁰

⁵⁹Media Advocacy Coalition, statement regarding the denial of entry to the country of foreign journalists, September 17, 2024: <https://lnkfwd.com/u/MKeZAFo7>

⁶⁰Mediachecker, Czech journalist Ray Baseley left Georgia, October 24, 2024: <https://www.mediachecker.ge/ka/mediagaremo/article/98618-chekhma-zhurnalistma-rei-beislim-saqarthvelo-datova>

Swiss journalist Stephan Goss was refused to enter Georgia.⁶¹ According to the information spread on the social network X, the journalist was planning to come to Georgia to cover the parliamentary elections.

Afgan Sadigov, an Azerbaijani journalist detained in Tbilisi, has been on hunger strike for more than a month. According to the information of Sadigov's wife, the health condition of the journalist has deteriorated severely. Sevinj Sadigova says that Afgan can hardly move, has very low blood pressure and glucose levels, and is in danger of falling into a coma. "His state is very serious. They brought him to the meeting today in a wheelchair. At the end of the meeting, in absence of our children, the doctor and the psychologist informed me that his health condition is very serious and he may fall into a coma at any moment. The doctor demands that he eats something, but Afgan refuses. He declares that he will continue his hunger strike, because the law does not work and only orders are valid, that he has no other choice and he will die," Sadigova says. The Tbilisi City Court sentenced Afgan Sadigov to pre-extradition detention. The Central Criminal Police Department arrested the journalist for further extradition. The City Court's decision was upheld by the Court of Appeals. The Migration Department of the Ministry of Internal Affairs refused to grant political asylum to Afgan Sadigov. The journalist began his hunger strike in September. The Azerbaijani journalist, who is the editor-in-chief of the online media outlet Azel.Tv, has been in Georgia since December 24, 2023, and has a temporary residence permit issued by the Ministry of Justice of Georgia. Before his arrest, the journalist tried to leave Georgia, but the Georgian law enforcement officers did not allow him to do so. According to them, he could return only to Azerbaijan.⁶²

The international community is also actively demanding the termination of imprisonment and the release of Sadigov, for example, Amnesty International is demanding immediate release of the journalist.⁶³

Against this background, the unhindered entry of a Russian propagandist into Georgia is alarming. According to the international organization "Reporters Without Borders" (RSF), Russian propagandist Alexander Malkevich was in the country during the

⁶¹Social media post by the journalist, 26 October 2024:

<https://x.com/gossstephan/status/1850011833119211864?s=46&t=KsYwMfPOrnNIDPiEQg5c-w>

⁶²Mediachecker, Sevinj Sadigova: "Afgan could fall into a coma at any moment", October 24, 2024:

<https://www.mediachecker.ge/ka/mediagaremo/article/98622-sevinch-sadigova-afgani-nebismier-tsuths-sheidzleba-komashi-chavardes>

⁶³RFE/RL, Amnesty International urges not to extradite Afgan Sadigov to Azerbaijan, August 6, 2024:

<https://www.radiotavisupleba.ge/a/33067625.html>

parliamentary elections in Georgia.⁶⁴ According to the RSF, he is the creator of a propaganda network in the occupied territories of Ukraine. Malkevich stated himself that he was in the country as an accredited journalist of the Central Election Commission of Georgia. In addition, he violated Georgia's law on occupation by holding a meeting with the de facto president Alan Gagloev in Tskhinvali. Malkevich is under sanctions from the European Union, the United States, Canada, and other countries. The US has declared him wanted on charges of interference in the elections.

The Communications Commission

During the pre-election period, the Communications Commission's heavy pressure on critical broadcasters - Mtavari Arkhi, TV Pirveli and Formula - was particularly evident. The Commission drew up offense reports on these broadcasters many times. Although the Commission issued several offense reports against pro-government channels, it seems that these steps only served to create an image of an "impartial arbitrator" in front of the international partners and observation missions.

The Georgian Democratic Initiative (GDI) presented an analysis of the decisions of the Communications Commission of Georgia. According to the study, the commission's pre-election decisions raise reasonable doubt that it may be used as a tool of the government to restrict media and political expression. The broad and vague practices of the Commission significantly hamper the freedom of media and expression and prevent establishment of a free election environment.⁶⁵ In the key findings section, it should be noted that the Commission defines political advertising too broadly, which creates a threat of media censorship. There is a high rate of satisfaction of the complaints of the ruling party. Decisions are often unsubstantiated and the criteria for violations are unclear to broadcasters. Ambiguous legal practice creates a chilling effect for broadcasters. Courts often make unsubstantiated decisions. The fines impose a heavy financial burden on the media. The Commission's practices, which often align with the interests of the ruling party, are particularly alarming given the

⁶⁴ Reporters Without Borders, social media post, October 31, 2024:
https://x.com/rsf_inter/status/1851994781070590393?s=46

⁶⁵ GDI, Analysis of Decisions of the Communications Commission of Georgia, October 22, 2024:
<https://lnkfwd.com/u/MKdauCgw>

fact that critical media already face numerous challenges, including: the enactment of the "Russian law", attacks on journalists, the rise of SLAPP lawsuits, and attempts of the government to discredit the media.⁶⁶

In the pre-election period, the regulatory agency sanctioned a number of broadcasters. Although representatives of pro-government media were also affected by sanctions, it is important to understand the basis for why critical media were fined and what the commission's attempt to present an artificial balance was related to.

The Tbilisi City Court fined Mtavari Arkhi, TV Pirveli, and Formula with 5,000 GEL each for not airing the Georgian Dream's advertisement "No to War, Choose Peace" and ordered to air it. The decision was made based on the offense reports of the Communications Commission, which was preceded by a complaint from the Georgian Dream.

TV companies issued a joint statement regarding the advertisement of the ruling party - "No war, choose peace". Their position was supported by a number of civil society organizations. The Media Ombudsman published the Communications Commission's responses, which the regulator sent to television stations. Mtavari Arkhi, TV Pirveli and Formula requested information from the Commission about the compliance of the video clip ("No to War, Choose Peace") and its airing with the legislation. The commission provided identical responses to all three channels: "The Commission is deprived of the opportunity to assess specific material in advance, outside of the administrative proceedings, and issue a recommendation on its airing/not airing."⁶⁷

The Communications Commission issued reports for administrative violations to Imedi and Rustavi 2 for not airing paid political advertisements of the opposition political parties. According to the Commission, the complaints of the opposition political parties state that despite the submitted paid political advertisements and the decisions of the Communications Commission and the court on this matter, by which both TV stations were already declared to be violators of the law, the broadcasters still did not air the paid political advertisements provided by the political parties.⁶⁸

⁶⁶ GDI, Analysis of Decisions of the Communications Commission of Georgia, October 22, 2024:

<https://lnkfwd.com/u/MKdkXrXn>

⁶⁷ Mediachecker, Non-placement of ads and time allotted to opposition parties - "Dream's" complaints and fines against critical media, October 15, 2024: <https://www.mediachecker.ge/ka/mediagaremo/article/98516-reklamebis-ganuthavsebloba-da-opoziciuri-partiebisthvis-dathmobili-dro-ocnebis-sachivrebi-da-jarimebi-kritikul-medias>

⁶⁸ Mediachecker, ComCom issued further offense reports to "Imedi" and "Rustavi 2" for not airing advertisements of opposition parties, October 23, 2024: <https://www.mediachecker.ge/ka/mediagaremo/article/98607-comcom-ma-imes-da-rusthavi-2-s-opoziciuri-partiebis-reklamis-ganuthavseblobisthvis-oqmebi-kidev-sheudgina>

In October, the Tbilisi City Court fined Rustavi 2 with 5,000 GEL for not airing a free political advertisement of the Unity - National Movement. For the same reason, Imedi, POSTV and Maestro were fined with 5 000 GEL each. Imedi published a statement, according to which, until Mtavari, TV Pirveli and Formula did not air the videos of the Georgian Dream, it would no longer release advertisements of the Collective National Movement. POSTV also shared this decision.⁶⁹

In September 2024, the Communications Commission issued an offense report to Mtavari Arkhi, TV Pirveli and Formula for not airing the political advertisement of the Georgian Dream, in which representatives of non-governmental organizations are seen and the following phrase is voiced: "Say no to the moral degeneration of society and choose traditional values".⁷⁰ Based on the reports of the Commission, the Tbilisi City Court fined all three TV companies with 5,000 GEL on different days.

Before the TV Companies appealed this decision of the court in the Court of Appeals, the ruling party appealed to the Communications Commission for the second time because of the non-placement of its advertisement. The Commission reviewed the case once again and issued another offense report against the TV companies. The City Court fined Mtavari Akhi, TV Pirveli and Formula for the second time with 5 000 GEL each and ordered them to broadcast the disputed video clip based on the request of the Commission.⁷¹

According to the Transparency International - Georgia, showing representatives of the nongovernmental organizations in the Georgian Dream's election video aims to continue the campaign coordinated and planned by the ruling party against local election observation organizations and to tarnish their reputation. Alongside with that, the decisions of the Communications Commission and the Court deal a financial blow to the critical media.⁷²

The Communications Commission fined Mtavari Arkhi for referring to the law On Transparency of Foreign Influence" as "Russian". The Commission's decision may be

⁶⁹Mediachecker, Non-placement of ads and time allotted to opposition parties - "Dream's" complaints and fines against critical media, October 15, 2024: <https://www.mediachecker.ge/ka/mediagaremo/article/98516-reklamebis-ganuthavsebloba-da-opoziciuri-partiebisthvis-dathmobili-dro-ocnebis-sachivrebi-da-jarimebi-kritikul-medias>

⁷⁰ Ibid

⁷¹ Ibid.

⁷² Ibid

seen as another attempt of censorship and yet another message that free and critical media should not call the law adopted by the ruling party "Russian law."⁷³

Mediacritic, which is founded by the Communications Commission, mainly criticizes those media outlets, whose editorial policies are distinguished as critical of the government. In the period from March 2023 to July 2024, more than a hundred publications were examined, from which the following key findings were revealed⁷⁴:

- Disproportionately criticizes media outlets with independent editorial policies;
- Criticism often goes beyond professional standards;
- The subjects of criticism are not only journalists, but also respondents;
- Less attention is paid to the challenges of the local media environment, while the problems of the Western media are actively covered.

In 2019-2022, the state budget allocated funding for the Mediacritic in the amount of more than 1.6 million GEL, but information about the remuneration of external authors is not available.

Special Investigation Service

A significant institutional change was carried out in the law enforcement system of Georgia in 2019 when the State Inspector's Investigation Service was established. On March 1, 2022, the Service was transformed into a Special Investigation Service. The main mission of the agency is effective, timely and impartial investigation of violent crimes and mistreatment by public officials. The scope of activity of the Service also includes investigation of the facts related with illegal interference in the professional activities of journalists. According to the legislation, the Special Investigation Service exercises its powers autonomously and is not subordinate to any state body or official.⁷⁵

⁷³GDI, statement - The Communications Commission Deemed the Mention of the 'Russian law' in a Video Clip to Be a Political Advertisement That Undermined the Georgian Dream and fined "Mtavari Arkhi" for Airing It During a Non-Election Period, August 16, 2024: <https://gdi.ge/en/news/komunikatsiebis-komisiam-klipshi-rusuli-kanonis-khsenebagar>

⁷⁴Media Development Foundation, what does ComCom's "Mediacritic" see in the West and what can it not see in Georgia? September 11, 2024: <https://lnkfwf.com/u/MKd4I-zP>

⁷⁵Special Investigation Service website: <https://sis.gov.ge/history>

Despite its important function and role, the creation and activity of the agency itself became the basis of many legitimate criticisms. It should be noted that ensuring the independence of this agency was one of the nine preconditions for granting the candidate status to Georgia by the European Commission. The legal reform process is subject of special attention of the Venice Commission. In the extensive opinion of the Commission of 2022, serious remarks are expressed regarding the independence of the Service. Special criticism refers to the influence of the Prosecutor's Office on the activities of the Special Investigation Service. It is important to mention the institutional reform of 2022, when the State Inspector's Service was divided into two independent agencies - the Special Investigation Service and the Personal Data Protection Service. According to the Venice Commission, this decision was made hastily and without due consideration. According to the experts of the Institute for the Development of Freedom of Information (IDFI), the Georgian Dream only partially considered recommendations of the Venice Commission. The key issues that would ensure real independence of the agency remain particularly problematic. In the recommendations of the Venice Commission, special attention is paid to the safety guarantees of the heads of the Service. The Commission believes that not only the head of the Service shall enjoy the immunity, but the deputy heads too that will ensure institutional stability.⁷⁶

The quality and pace of the investigation of crimes committed against media representatives is particularly problematic. A number of cases related to illegal interference in professional activities of the media representative are under the authority of the Special Investigation Service.⁷⁷ However, according to the assessment of the media and the civil society organizations, most of the facts of attacks on journalists are not effectively investigated; investigations into cases of interference in professional activities are often of a formal nature, and the affected journalists complain about the delay in the proceedings. The Service practically does not take preventive measures to protect media representatives. There is no risk assessment system and effective preventive protection mechanisms.

According to the information provided by the Service, in the period from January 1, 2024 to September 26, 2024, investigations were opened into 13 criminal cases. Out of 13:

⁷⁶ RFE/RL, "The Prosecution's Hand" in the Special Investigation Service - The Dilemma of an Inherent Gap, March 11, 2024, https://lnkfwd.com/u/MKeB_SiC

⁷⁷ Mediameter, <https://www.mediameter.ge/ge/media-cases>

- In 8 cases, the investigation was opened based on the notification;
- In 3 cases - based on the information spread in mass media/social network;
- In 2 cases, the investigation was opened based on referring criminal cases according to jurisdiction.

The General Prosecutor's Office of Georgia started criminal prosecution against 4 persons.

The Special Investigation Service is not informed about subsequent court rulings.

The Special Investigation Service, which is authorized, among other things, to investigate facts of illegal interference in the professional activities of media representatives, often fails to provide effective protection of journalists. There are several important gaps in the work of the Service. First of all, the issue of institutional independence of the agency is problematic. Although the law declares the Service as an independent body, significant influences are identified in practice that hinder its effective functioning.

The Election Day

Media freedom and safety of journalists are the most important indicators to be measured on Georgia's path to democratic development. The parliamentary elections of October 26, 2024, proved to be particularly grave in this regard. The Election Day showed that coverage of democratic processes remains a serious challenge for Georgian media. Violent incidents recorded at the polling stations, obstruction of professional activities and persecution of journalists indicate the systemic problems that are still unresolved in the Georgian society. The fact that the pressure was mainly directed against representatives of critical media outlets is particularly worrying, which calls into question not only the freedom of media, but also the transparency and fairness of the election process as a whole.

Serious incidents against media representatives were reported in Georgia during the October 26 parliamentary elections. According to Mediachecker⁷⁸, about 70 media

⁷⁸Mediachecker, About 40 media representatives were interfered with in their professional activities on election day, October 28, 2024: <https://www.mediachecker.ge/ka/mediagaremo/article/98692-archevnebis-dghes-profesiul-saqmianobashi-kheli-mediis-40-mde-tsarmomadgenels-sheeshala>

representatives were prevented from carrying out their professional activities at the polling stations during the day.⁷⁹

The violent actions against the media included the following facts:

- illegal restriction of professional activity;
- physical violence;
- insults and threats;
- psychological pressure;
- Institutional violations by the election administration, ruling party and non-governmental organizations affiliated with the Georgian Dream.

These violations directly impede the public's right to receive information about the electoral process. An opaque environment is created by not allowing access to the polling stations and limiting filming. Attacks on journalists and damage of their equipment are direct attempts to limit media freedom. Such actions create an atmosphere of intimidation and force journalists to engage in self-censorship, hinders normal functioning of media outlets. Threats and insults aim to intimidate journalists. Exceeding powers from the side of the election administration and representatives of the ruling party shows systemic problems.

The examples cited to illustrate the scale and severity of the violations demonstrate how difficult the media's professional activities were:

- In the village of Chiauri (Lagodekhi), Davit Chabashvili, a journalist for the TV Company Formula, was verbally insulted and prevented from working, which is confirmed by video footage.
- The Georgian Dream coordinators locked TV Pirveli journalist Tamta Dolenjashvili in a minibus near Batumi polling station No. 5. The alleged head of the coordinators, Eduard Sharadze, threatened the journalist with criminal liability.

⁷⁹Mediachecker, 70 media representatives were interfered with in their professional activities on election day, October 31, 2024, <https://www.mediachecker.ge/ka/mediagaremo/article/98736-archevnebis-dghes-profesiul-saqmianobashikheli-mediis-70-tsarmomadgenels-sheeshala>

- An unknown person threatened to attack journalists from the Mtavari Arkhi and TV Pirveli, Keta Tsitskishvili and Mariam Gaprindashvili, at the Isani polling station in Tbilisi. The journalists were banished from the station.
- In Akhmeta Municipality, at Matani polling station No. 11, Gela Mtivlishvili, the founder and editor of Mtsambebi/ Mountain Stories, was attacked, his phone was taken away, and he was prevented to take videos.
- At the Marneuli polling station No. 7, the chairman of the precinct commission aggressively prohibited journalists from Radio Marneuli, Vladimer Chkhitunidze and Tiko Davadze, to take videos.

The statement⁸⁰ released by the Special Investigation Service on October 31 regarding the response to the illegal restriction of journalists' rights is less convincing in the light of the fact that since its establishment, this agency has not ensured effective protection of the rights of media representatives in practice and is not perceived as an independent agency dedicated to protecting the rights of journalists.

These violations ultimately damage not only the freedom of media, but also the entire democratic process and the public's right to receive objective information about the electoral process.

Recommendations:

- The Georgian Parliament shall immediately repeal the "Russian Law" and the "Homophobic Censorship Law", which directly undermines media freedom and hinders the country's European integration process. These laws represent a Russian-style legislative framework, which aims to marginalize civil society and independent media.
- The Georgian Dream Government shall ensure effective investigation of all facts of violence, intimidation and harassment against journalists. It is especially important to investigate the violations observed during the election period and punish the perpetrators to end the impunity syndrome.

⁸⁰Public Broadcaster, Statement of the Special Investigation Service, October 31, 2024: <https://1tv.ge/video/specialuri-sagamodziebo-samsakhuris-ganckhadeba-4/>

- The Communications Commission and the judiciary must stop making politicized and biased decisions against media.
- The ruling party shall stop discrimination and boycott of critical media. Special attention shall be paid to the openness of state agencies to the media and to the freedom to cover court proceedings.
- The Georgian Dream representatives and affiliated persons shall stop filing unsubstantiated lawsuits against critical media to interfere with their professional activities. Judicial authorities shall ensure that media rights are protected in the face of unsubstantiated lawsuits and that legislation is interpreted in accordance with international best practices. The state must develop effective mechanisms to prevent SLAPP cases from being used to intimidate and silence critical media.
- The state shall stop discrimination of foreign journalists and ensure their smooth entry into the country.
- The judicial system must ensure impartial consideration of media-related cases and not make politically motivated decisions.

The Georgian Dream shall stop its deliberate disinformation and propaganda campaign against media, activists or political opponents. It is vitally important for the state, with the involvement of interested parties, to ensure confrontation with Russian propaganda.

- Public institutions must ensure timely and complete dissemination of public information to the media.
- International organizations should increase pressure on the Georgian authorities in terms of media freedom protection.
- International organizations should continue to support media and assist them to address existing challenges, especially in the context of violence, existential problems and limited resources.

■ The Report is prepared by Human Rights Center

Address:
0160, Tbilisi, 11a Gakhokidze St.
III floor.
Email: hrc@hrc.ge
Website: www.hrc.ge

