

State of the Media in Georgia

Report Based on the European Commission's Questionnaire

Main Trends and Recommendations

Georgia's Reforms Associates (GRASS)

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Executive Summary

Freedom of the media has been one of the critical challenges for Georgia's democratic development and the country's road to European integration in recent years. Georgia's media landscape reflects the transitional nature of a democratic system when the authorities seek to curtail media freedom and promote government propaganda. Attacks on the freedom of media came under the particular attention of the European Union in 2022, when the European Parliament adopted an extremely critical resolution on the state of media in Georgia.

The media landscape in Georgia is still pluralistic; however, political influences are evident. There are three types of TV media in Georgia. The first is entirely or partially controlled by the Government and includes TV Imedi, PosTV, Georgia's Public Broadcaster and Rustavi 2. Usually, these TV channels broadcast the Georgian Dream's partisan stance, and their editorial policy is strictly pro-government and often propaganda-oriented. The second type of TV media has an editorial policy which is critical of the Government and includes such TV channels as TV Mtavari, TV Pirveli, TV Formula and Kavkasia TV. The third type of TV media espouses a far-right and/or pro-Russian editorial policy. TV Obiektivi and Alt-Info are among such TV channels.

Even though the Constitution of Georgia and relevant legal acts protect media freedom, right to expression and freedom of speech, the reality is drastically different. This report concludes that the actual state of affairs in media often differs from what is prescribed by law and is stated officially by the political authorities.

This report identifies a number of alarming trends concerning TV media in Georgia. Addressing these trends will be essential to accelerate Georgia's European integration process and fulfil Copenhagen political criteria. Our recommendation to the Government of Georgia and the EU institutions is to address these trends and consider solving these issues as a major conditionality for the European integration of Georgia. If these trends continue and are not reversed fast, it could lead to the perishing of the critical media and strengthening of the pro-Governmental propaganda media, which will irreversibly damage Georgia's European aspiration.

Worrying trends in the Georgian media

* **Arrest of Nika Gvaramia, TV Mtavari Director:** Founder and Director of TV Mtavari, Nika Gvaramia, was arrested on 16 May 2022 and sentenced to three-and-a-half years in prison. Other media managers and owners of media are also at the risk of being detained. The arrest of Nika Gvaramia caught the attention of Georgia's international partners in the EU and elsewhere, including the European Parliament and Amnesty International.

* **Prison sentence for the founder of TV Formula, Davit Kezerashvili:** On 7 September 2021, the Supreme Court of Georgia sentenced Davit Kezerashvili, owner of 51% of shares of TV Formula, to five years in prison. On 29 March 2022, Tbilisi City Court ruled that Davit Kezerashvili and the former Head of the Georgian Ministry of Defence's Procurement Department, Aleksandre Ninua, had to pay EUR 5,060,000 to the Ministry of Defence. The ongoing civil court case could end with the TV Formula being taken off the air.

* **Legal persecution of media managers and founders of TV networks on political grounds:** The pace of the court cases against media owners and directors (Nika Gvaramia, Davit Kezerashvili, Avtandil Tsereteli) was clearly controlled by the authorities. In the pre-election or post-election periods, which are important for the ruling party, these court cases proceeded in an accelerated manner to pressure the political opposition and media owners. However, the court cases were delayed to maintain pressure and bring an aura of uncertainty during the relatively politically inactive times. Using the judiciary to pressure critical media is an especially worrying trend that has been identified in the report.

* **Non-investigation of the violence cases:** Violence against the journalists and the lack of investigation and bringing the perpetrators to justice (the crackdown on journalists on 5 July 2021 and the physical assault against media workers on 20 June 2019) remain a severe problem for Georgia. There have been over 90 cases of violence against journalists in the last three years. None of these cases was thoroughly investigated. In most cases, when court verdicts were reached, sentences were symbolic and neither adequately punished the perpetrators nor ensured the prevention of future assaults on the media representatives. Apart from the violence, which the Government often condones, there were many cases of the illegal wiretapping of journalists.

* **Financial problems:** Media institutions witnessed a sharp drop in financial inflows last year for three reasons: (1) Legislative amendments curbed the flows of financial resources to the media. In particular, because of the amendments to the law on gambling, it became virtually impossible for the gambling companies to air advertisements on Georgian TV channels; (2) Amid the COVID-19 pandemic, some of the businesses which promoted

advertisements through the television cut their media budgets, although the media continued to remain active and was operating in full mode. (3) Explicit or implicit pressure on the businesses from the authorities prevented them from injecting financial resources into the critical TV stations. Court cases against the media owners and directors had a special chilling effect on the fundraising ability of the TV companies.

*** Use of the cases of libel against the critical media channels:** The use of libel lawsuits by the politicians and civil servants against the TV channels increased in recent years. Court rulings, in clear violation of Georgia's liberal freedom of expression legislation, also dramatically increased. The apparent aim of the Government is clear – to cause a “chilling effect” on the critical media outlets and make them prone to self-censorship. One problematic aspect of the courts' rulings is that they often refer to the “European practice” to justify sanctioning the media. For instance, in many court rulings, public servants (mayors, MPs, head of the State Security Service) erroneously, though clearly in an orchestrated way, refer to the *McVicar v. the United Kingdom* case to justify that the burden of proof is on the media in the cases of libel.

*** Politicized regulator:** The extremely politicized Georgian National Communications Commission (GNCC) curbs freedom of expression in three ways. First and foremost, the GNCC pursues the infamous rigorous practice of charging very high fines for violations committed by the media, mainly when this concerns the media critical of the Government. At the same time, the GNCC interprets the legislation in such a way as to forbid critical media and the NGOs from placing advertisements which are of a political or social nature during the off-election campaign period. GNCC argues that such ads can be placed during the pre-election period, i.e., only during the two months running up to the election day.

*** Constant boycott and attacks on the opposition media by the Government and the ruling party:** Generally, the relations between the ruling party and the media, which is critical of the Government, as well as between the opposition parties and the pro-government media, are extremely unhealthy. The authorities are constantly boycotting the critical media, even during the election campaign periods, while the opposition parties are seldom invited to the broadcasts and the debates of the pro-government TV channels. Moreover, the general attitude of the government vis-à-vis journalists who are critical of the Government is borderline bullying, name-calling and shaming. Such an attitude prevents the media companies from implementing their journalistic duties.

*** Usage of propaganda, and recently anti-Western propaganda for political purposes:** pro-Governmental media outlets often use coordinated propaganda against the political opposition, critical media outlets, civil society organizations and recently against the West

and the European Union. A particularly worrisome propaganda message box that “West wants Georgia to engage in the war” has been pushed recently, together with the coordinated verbal assaults on the EU representatives, MEPs and former and current high officials of the Western partner states. Such a blatant usage of propaganda tools by the Government affiliated media sources further polarizes the society and Government from each other, hampers the development of the democratic political culture, and creates additional obstacles for the European integration path of Georgia.

Recommendations

European Union will most certainly impose conditionalities on Georgia, whether for receiving the candidate status, starting the accession negotiations, or implementing concrete steps necessary to fulfil the Copenhagen democratic criteria. Moreover, European Union and the United States hold human rights dialogue meetings with Georgian authorities. We believe that the state of the media in Georgia should be part of any dialogue or agenda between Georgia and its Western partners. This report outlines a number of recommendations which must be implemented to ensure higher quality protection of media freedom in Georgia. Moreover, if these recommendations are not implemented, we believe that the critical media outlets could become highly vulnerable, and as a result, only pro-governmental and propaganda media outlets might dominate Georgia's media landscape.

Recommendation 1. President Salome Zurbishvili should pardon the media managers and owners sentenced to prison in politically motivated cases.

Recommendation 2. The Prosecutor's Office should discontinue the court cases against the media owners and managers.

Recommendation 3. The Prosecutor's Office and the courts should ensure that the property, the bank accounts and the assets of media entities are not seized and foreclosed.

Recommendation 4. The Prosecutor's Office should investigate every instance of violence against journalists, particularly those committed on 5 July 2021, as well as the cases of illegal wiretappings and assaults against journalists during the 2020 and 2021 election campaigns.

Recommendation 5. The GNCC should abandon its practice of imposing excessively high fines against the media.

Recommendation 6. The GNCC should stop its politicized interpretation of the law on broadcasting and allow advertisements of a political and a social nature to be aired during the non-election periods.

Recommendation 7. The Government should stop the coordinated practice of suing the independent media for libel.

Recommendation 8. The Government and the courts should stop referring to the “European practice” when journalists are sued for libel. The courts should refrain from making deliberately incorrect references to the irrelevant cases of the European Court of Human Rights (ECHR), which alters the direction of the burden of proof during the libel cases.

Recommendation 9. The authorities should resume visits to the debates of the TV channels, which are critical of the Government. In turn, opposition politicians should start visiting the TV channels with pro-governmental editorial policies.

Recommendation 10. The Parliament of Georgia should not return to the draft laws initiated during the last several years, which would allow the GNCC and the Government to regulate the content of the free expression of political parties and the media with the pretext of a fight against hate speech or blasphemy.

Recommendation 11. State agencies should start providing public information fully and in a timely manner to the media companies as it is prescribed by law

Recommendation 12. Georgian Public Broadcaster should become depoliticized and its management board and editorial policies independent from political control.

Recommendation 13. The ruling party and the media companies affiliated with it should stop spreading propaganda and cease verbal propagandistic assaults on the European and Western former or current high officials.

Recommendation 14. All media outlets should refrain from spreading unverified information, especially when preparing the investigative pieces. Best fact-checking practices should be transposed into the broadcasters’ everyday programs.