

GEORGIA: A CRISIS POINT FOR PRESS FREEDOM



In Spring 2024, a delegation from the European Centre for Press and Media Freedom (ECPMF) conducted a press freedom fact-finding mission to Tbilisi, Georgia as part of a project funded by the National Endowment for Democracy (NED). Throughout the mission, ECPMF met with Georgian journalists and media workers, journalists working in exile in Tbilisi, NGOs, activists, political figures, the National Communications Commission, and the office of the Public Defender (Ombudsman) of Georgia. The in-person meetings were followed up by a series of online meetings and written interviews with key stakeholders working in the field. This report details the main findings of the fact-finding mission.

ECPMF would like to extend its gratitude to all mission meeting participants with special thanks to members of the Georgian Media Advocacy Coalition (MAC) and Natia Tavberidze at Human Rights House Tbilisi for their support in the mission preparation phase and to the Georgian Democracy Initiative (GDI) for their expert contribution to the report.

TABLE OF CONTENTS

Introduction	4
Law on Transparency of Foreign Influence and prohibition of LGBTQI “propaganda”	6
Stigmatisation	7
Restricted future funding	7
Administrative burden	7
Invasive investigation process	7
Excessive fines	8
LGBT propaganda	8
Physical attacks and impunity	10
Limitations of the Georgian Criminal Code	10
Attacks at protests	11
Smear campaigns	12
Unstable funding and targeting of media donors	13
SLAPPs	14
Exiled media	16
Conclusion	17

Introduction

In December 2023, the European Council granted European Union candidate status to Georgia. Then Prime Minister of Georgia, Irakli Gharibashvili, took the opportunity to congratulate the country's citizens, heralding the decision as a historic day and stating that he would “eagerly look forward to advancing on their integration path”¹. That path towards accession to candidate status had come with a number of conditions from the European Union to ensure compliance with European values. Among their recommendations² was a commitment to ensuring a safe and conducive environment for independent media. Specifically, the Georgian government was requested to:

“undertake stronger efforts to guarantee a free, professional, pluralistic and independent media environment, notably by ensuring that criminal procedures brought against media owners fulfil the highest legal standards, and by launching impartial, effective and timely investigations in cases of threats against safety of journalists and other media professionals.”

Before granting candidate status, the EU issued a report analysing progress made by Georgia towards these established priorities. On the topics of press freedom and freedom of expression, it noted that the country had achieved limited progress³, citing concerns related to the independence of the National Communications Commission (the media regulator), a highly polarised media environment, physical and verbal attacks against journalists, “strong language” used against journalists from senior government officials, and court proceedings and investigations regularly ruling against figures from opposition media.

Fast forward to 2024 and Georgia's path towards accession to the EU remains littered with obstacles as it concerns issues related to media freedom. In July, the Ambassador of the EU to Georgia announced that “Georgia's EU accession process is stopped for now”⁴.

Through a series of meetings with Georgian journalists and media workers, NGOs, activists, political figures, the National Communications Commission, journalists working in exile in Tbilisi, and the office of the Public Defender (Ombudsman) of Georgia, the findings of ECPMF's press freedom fact-finding mission painted a picture of independent media in the midst of an existential crisis.

Alongside the aforementioned issues raised by the EU report, the mission delegation heard concerns about physical attacks, a lack of sustainable funding for independent media, government targeting of donor organisations, severely restricted access to public information, the use of vexatious lawsuits to target journalists, the exodus of educated media workers in search of a better standard of living, and numerous threats facing exiled journalists working in the country – namely those from Russia and Belarus. These issues, coupled with the worrying reintroduction of the “Law on Transparency of Foreign Influence”⁵ in April 2024 and a proposed series of bills outlawing LGTBQI “propaganda”⁶, present a distinctly bleak image for media freedom in Georgia. Despite this, a sizeable group of committed, independent journalists – often working for online media – continue to withstand the pressure and provide vital information in order to hold power to account in Georgia and across the wider southern Caucasus region. Months of mass protests against the Law on Transparency of Foreign Influence further illustrate a broad public rejection of government initiatives to undermine democracy and a free press, as well as a desire to bring Georgia towards European integration, despite waves of violence and intimidation against protestors⁷.

1 <https://twitter.com/GharibashviliGe/status/1735361054085877839>

2 https://neighbourhood-enlargement.ec.europa.eu/news/commission-adopts-2023-enlargement-package-recommends-open-negotiations-ukraine-and-moldova-grant-2023-11-08_en

3 https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_697%20Georgia%20report.pdf

4 <https://www.politico.eu/article/georgia-eu-accession-stopped-anti-west-pivot-russian-law-foreign-agent-bill/>

5 <https://www.ecpmf.eu/georgia-mfrri-partners-strongly-condemn-new-attempts-to-introduce-a-foreign-agent-law/>

6 <https://www.dw.com/en/eu-candidate-georgia-wants-to-outlaw-lgbtq-propaganda/a-68700801>

7 <https://qvia.ge/files/Human%20rights%20Amidst%20the%20russian%20law.pdf>



Press and protestors gather to stage protest against 'transparency of foreign influence' bill during voting near Georgian Parliament building in Tbilisi.
picture alliance / Anadolu | Davit Kachkachishvili

Law on Transparency of Foreign Influence and prohibition of LGBTQI “propaganda”

On 03 April 2024, the ruling Georgian Dream party announced the reintroduction of the highly controversial Law on Transparency of Foreign Influence⁸. The law would require organisations who receive more than 20% of their funding from foreign sources to be labelled as “organisations pursuing the interests of a foreign power”. Beyond this stigmatising label, the law also requires affected organisations to submit regular financial statements to the Ministry of Justice, leaves them open to monitoring by the Ministry, obliges them to publicly share potentially sensitive information about their supporters and staff, and imposes major sanctions for non-compliance.

Demonstrators – who have dubbed the bill as the “Russian law” – took to the streets across Georgia to protest against what many view as a legislative move taking the country one step further from European integration. The Georgian Dream had attempted to pass a similar law in March 2023, with the main difference between the two being the label enforced on subjects of the law, which changed from “foreign agent” to “organisation pursuing the interests of a foreign power”. Following waves of mass protests, the 2023 draft law was withdrawn from the parliament.

The in-person meetings of the mission took place in Tbilisi prior to the reintroduction of the draft law. While most interlocutors made reference to government efforts to pass the law in 2023 – and the authoritarian shadow it had cast over their work ever since – most expressed limited worry that it would be reintroduced so abruptly. In follow-up online meetings held after 03 April, some participants noted their surprise that the law had been reintroduced, with the general sentiment being that most had been somewhat blindsided by the news, especially so shortly after Georgia was granted EU candidate status. The process for passing the law was equally rushed and carried out with a lack of consultation with civil society, media outlets, or other impacted stakeholders. The draft law was formally registered on 08 April, endorsed by the Legal Issues Committee of the Parliament of Georgia on 15 April, adopted in its first reading on 17 April, adopted in its second reading on 01 May, and then again in its final reading on 14 May. President of Georgia Salome Zourabichvili vetoed the law on 18 May⁹, which was then overturned by the parliament on 28 May¹⁰.

Throughout this process, independent journalists were routinely prevented from accessing the parliament and prohibited from reporting on debates regarding the draft law^{11,12}. These restrictions often specifically applied to representatives of online media, regardless of whether or not the journalists were accredited¹³. This is particularly worrying as many mission interlocutors stressed that the parliament building is often the only setting in which independent media have access to government officials. Bans on journalists accessing the parliament must be overturned, especially when they prevent the media from reporting on key debates regarding such highly controversial pieces of legislation.

In its urgent opinion on the draft law, the Venice Commission noted that the law was adopted “in an unnecessarily hasty fashion” and that the parliament neglected to address a “demonstrable need to carry out meaningful consultations with the stakeholders affected by the law, notably civil society organisations, on-line media outlets, and broadcasters”¹⁴.

⁸ <https://www.ecpmf.eu/defending-press-freedom-in-georgia-as-the-foreign-agent-bill-passes-the-third-reading/>

⁹ https://x.com/Zourabichvili_S/status/1791848816230203711

¹⁰ <https://www.mapmf.org/alert/31583>

¹¹ <https://www.mapmf.org/alert/31412>

¹² <https://www.mapmf.org/alert/31417>

¹³ <https://www.mapmf.org/alert/31575>

¹⁴ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2024)013-e)

Stigmatisation

The potential impacts of the Law on Transparency of Foreign Influence on media freedom are wide-ranging. Firstly, the labelling of news outlets as “organisation pursuing the interests of a foreign power” is highly problematic. In an already deeply polarised society – one in which journalists face major threats as a result of their work – this new label only serves to further foster a climate of animosity towards independent journalists. While discussing the threat of smear campaigns, some mission participants feared that verbal discrediting campaigns would spill over into physical violence against journalists. The official labelling of media as in some way adversarial will inevitably serve to polish the target on the backs of journalists while simultaneously undermining public trust in their work. Some outlets with whom ECPMF met expressed reluctance to comply with the law in order to avoid labelling themselves as under foreign influence solely for receiving financial support from abroad, a title which they strongly deny. The wider issue of smear campaigns and their impact on media freedom in Georgia will be expanded on in a later section of this report.

Restricted future funding

As well as helping to cultivate a climate of hostility towards journalists, the unfavourable labelling may also damage the ability of outlets subject to the law to receive future funding, from both domestic and foreign sources. One meeting participant worried that it would make funding Georgian media a much less attractive prospect for foreign donors if they were operating under the “foreign influence” label. In addition, domestic sources may be equally unwilling to be associated with these organisations for fear of retribution if their contributions are added to a public registry. With so many outlets dependent on donor funding – which will be the focus of a later section of this report – any damage to their ability to access these finances will have a detrimental impact on prospects for a sustainable future for specific outlets and for media pluralism in general.

Administrative burden

The obligations for subjects of the law would also create a significant administrative burden for those trying to comply with all regulations. Mission interlocutors underlined their already limited resources – both human and financial – making it clear that the additional capacity needed to ensure full compliance with the law would stretch many outlets beyond their limits. Several interlocutors informed ECPMF about their limited capacity to work on new projects as a result of their reliance on project-based funding. Bearing this in mind, forcing representatives of media organisations to commit time, money, and human resources to regularly reporting on their financial situation to the Department of Justice would be unnecessarily burdensome and would reduce their ability to carry out vital journalistic work.

Invasive investigation process

As well as allowing the Ministry of Justice to monitor organisations who have registered as working “under foreign influence”, the new law also grants the Ministry power to investigate non-registered organisations in order to check for potential non-compliance. This particular stipulation in the law represents a serious concern for independent media outlets for several reasons. Firstly, amendments to the law specify that those undergoing “investigation and study” as part of the draft law can be obliged to submit personal data to the Ministry, which may include “racial or ethnic origin, political views, religious, philosophical or other beliefs, and one’s sexual life” as well as a broad reference to “other personal data or secret-containing information”¹⁵. Forcing journalists to submit such personal information to the state runs a clear risk of placing them under undue threat and pressure from the authorities. Secondly, those subject to the law will be obliged to register on a public database. Understandably, media organisations, especially investigative outlets or those covering sensitive topics, could be unwilling – potentially even unable – to provide data about all of their supporters for fear of publicly identifying them and leaving them open to harassment. Inability to comply with the law

¹⁵ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2024)013-e)

in order to avoid inadvertently exposing the identity of their supporters would result in hefty fines, the likes of which could pose an existential financial threat to certain outlets.

Excessive fines

Failure to comply with the law would constitute an administrative offence and is punishable by fines of up to 25,000 GEL (approximately €8,700). With certain organisations stating that they will refuse to register to avoid the aforementioned issues and threats, these excessive punishments would be enough to force some to cease operations entirely. One particular outlet with whom ECPMF met anticipated that the adoption of the law would result in them shutting down prior to the elections scheduled for October 2024.



Georgian far-right parties and their supporters hold a banner that reads: "No to LGBT darkness" during a rally against Pride Week in Tbilisi. picture alliance / ASSOCIATED PRESS | Shakh Aivazov

"LGBT propaganda"

The Georgian Dream government is also striving to push through a set of bills targeting "LGBT propaganda"¹⁶. ECPMF and many mission participants view these bills as a major threat to the work of independent media in Georgia. Reflecting anti-LGBTQI laws in neighbouring Russia, the proposed amendments aim to restrict the rights of same-sex couples as well as ban the changing of gender and same-sex marriages. Most pertinent to media freedom, the bills also state that "distributing a work, programme, or other material with content aimed at popularising same-sex family or intimate relationships, incest, adoption or foster care of a minor by a same-sex couple or non-heterosexual person, medical intervention related to gender reassignment, or non-use of gender-specific terminology is prohibited", as is "providing information in the educational process of a public or private educational institution aimed at popularising" those same topics¹⁷. Multiple mission participants referenced this as a major threat to press freedom. Shalva Papuashvili, Speaker of the Georgian Parliament, expects the legislative package to be voted on in autumn of 2024¹⁸.

¹⁶ <https://www.mapmf.org/alert/31610>

¹⁷ <https://civil.ge/archives/588748>

¹⁸ <https://www.reuters.com/world/europe/georgian-parliament-gives-initial-approval-sweeping-curbs-lgbt-rights-2024-06-27/>

The swift introduction of such restrictive legislation poses a potential existential threat for independent media in Georgia, with the “LGBT propaganda” bills threatening to interfere with the editorial line of outlets – especially those focusing specifically on LGBTQI topics – and the Law on Transparency of Foreign Influence threatening the very existence of independent outlets reliant on donor funding.

Physical attacks and impunity

Threats to physical safety represent a considerable concern for journalists working in Georgia. While many meeting partners had not directly experienced physical attacks themselves, they remained acutely aware of the risks they may face as a result of their work in an increasingly hostile environment towards media in the country. Every meeting partner mentioned one infamous incident in July 2021, during which over 50 journalists were attacked before the Tbilisi Pride March¹⁹. Following the attack, at least eight journalists were taken to the hospital. One cameraman, Alexander Lashkarava for independent station TV Pirveli, died days after undergoing surgery to treat his injuries²⁰. Meeting participants expressed concern at the level of co-ordination shown in the assault, explaining that the attackers knew exactly where the journalists would be and when. One group of meeting participants added that the attackers also knew how to effectively disable the journalists' cameras, noting that they did not simply smash their equipment but rather targeted specific components or cables that, when damaged, would render them unusable. While some individuals²¹ have been convicted for their role in the attack, the investigation is still ongoing and not all of those involved have been brought to justice. Unsurprisingly, this response from law enforcement has done little to assuage the concerns of journalists working since then. Numerous mission interlocutors highlighted that those alleged to have orchestrated the attack had acted with complete impunity and some accused the Georgian Dream government of inciting violence against journalists, for which there has also been no punishment. Although some meeting participants felt there was a decline in the threats of physical attacks in recent years – prior to the protests against the Law on Transparency of Foreign Influence – it is clear that they are still working under the looming shadow of the brutal and tragic attack in 2021.

Limitations of the Georgian Criminal Code

Meeting participants also expressed worry at the limited scope of the Georgian Criminal Code²² as it relates to the protection of journalists and media workers. This opinion was shared by NGO representatives and journalists, and is reflected in the annual report²³ of the Human Rights Ombudsman (Public Defender). While Article 154 of the Criminal Code criminalises “illegally preventing a journalist from carrying out his/her professional activities”, “coercion into spreading or not spreading information”, and “the same action perpetrated under violence, threat of violence or by using one’s official position”, its overly-vague wording still leaves journalists vulnerable and makes it possible for authorities to abstain from adequately investigating crimes against journalists. Meeting partners explained how this article only applies to situations in which a journalist is attacked while carrying out their work. In cases where a journalist is attacked in relation to their work, but not during “working time”, it is not treated by law enforcement as an attack against a journalist. A 2023 report²⁴ from the Council of Europe as part of its project titled “Strengthening Media freedom, Internet governance and Personal data protection in Georgia” further emphasises the shortcomings of the Georgian Criminal Code. The report outlines instances of attacks against journalists in which it was unclear whether or not Article 154 applied. From meetings with mission participants, it is clear that the limitations of the Criminal Code in this regard foster a culture of impunity for crimes against journalists, undoubtedly contributing to a chilling effect for other media workers. The office of the Human Rights Ombudsman (Public Defender) of Georgia stressed this point in particular, noting that government response was key in the fight against impunity and to guarantee safety for people performing their professional duties.

Timely and adequate responses from the government and law enforcement are crucial in reducing the number of attacks against journalists in Georgia. All crimes against journalists must be investigated thoroughly

¹⁹ <https://fom.coe.int/en/alerte/detail/103630291>

²⁰ <https://www.theguardian.com/media/2021/jul/11/georgian-cameraman-dies-after-attack-by-far-right-anti-lgbtq-mob>

²¹ <https://cpj.org/2022/04/georgia-convicts-26-people-over-2021-attack-on-journalists-by-anti-lgbt-protesters/>

²² <https://www.wipo.int/wipolex/en/text/209027>

²³ <https://www.ombudsman.ge/res/docs/2024052911382931838.pdf>

²⁴ <https://rm.coe.int/georgia-tp-review-of-soj-june2023-eng-2779-4462-8232-3/1680ac9348>

and in a timely fashion, and appropriate punishments must be handed out to all perpetrators, in order to quell the festering climate of impunity.

Attacks at protests

The reintroduction of the Law on Transparency of Foreign Influence prompted months of sustained mass public protest against the draft law and the Georgian Dream government more broadly. As authorities commenced an often violent crackdown against the demonstrations, journalists were subject to a number of physical attacks – both from law enforcement and private individuals. In the first months of these protests, the Media Freedom Rapid Response (MFRR)²⁵ registered eight physical attacks²⁶ affecting a total of 25 journalists or media workers. Six of these attacks were at the hands of law enforcement officials while the remaining two were carried out by private individuals, with perpetrators facing little-to-no accountability for their actions.



Protestors gather outside the parliament building in Tbilisi, Georgia, on Monday, April 15, 2024, to protest against the "the Russian law".
picture alliance / ASSOCIATED PRESS | Zurab Tsertsvadze

²⁵ <https://www.mfrr.eu/>

²⁶ <https://www.mapmf.org/explorer?f.year=2024&f.yyyyymm=2024-04,2024-05,2024-06,2024-07&f.country=Georgia>

Smear campaigns

The mission to Tbilisi also showed that journalists in Georgia regularly face smear campaigns and discrediting from high-level public officials. Perhaps the most widely publicised example, which was highlighted by numerous meeting participants, is the targeting of Gela Mtvlishvili, editor of online news site Mtis Ambebi. On 20 February 2024, Speaker of the Georgian Parliament, Shalva Papuashvili, publicly discredited Mtvlishvili²⁷, undermining his credentials, claiming that his investigation into a landslide in the Shovi region was “full of lies”, and questioning on what grounds the journalist was shortlisted for the EU Prize for Journalism 2023. Papuashvili further demanded to know the names of the jury members. After the Media Freedom Rapid Response (MFRR) partners published a statement on the incident²⁸, Papuashvili hit back at the consortium in a Facebook post²⁹ claiming that the MFRR statement “represent[ed] disinformation about media freedom in Georgia in general, and about my statements, in particular”. In the post, Papuashvili doubled down on his attack on journalist Gela Mtvlishvili, stating “How prominent a journalist Gela Mtvlishvili is is a matter of a separate discussion but this is not the main inaccuracy of the statement” before once again questioning his professionalism.

This was not the only such incident. In January, when journalist Tea Giligashvili asked the Parliament for public information about the expenses of a Georgian Dream MPs’ visit to Italy, a copy of her letter was subsequently posted on a party-affiliated Facebook page questioning the legitimacy of her request. At the time, Georgia’s Media Advocacy Coalition denounced these actions, claiming that the Georgian Dream party “systematically uses the Facebook page to discredit political opponents, civil society organisations, critical media and journalists”³⁰.

Multiple meeting participants expressed concern about the pattern of public officials discrediting journalists. During a meeting with the Georgian Media Advocacy Coalition (MAC), partners highlighted the use of social media for disseminating government propaganda and smear campaigns. Meeting participants also worried that smear campaigns would further solidify an image of independent journalists as the enemy. At times of heightened tension – such as the crisis following the reintroduction of the Law on Transparency of Foreign Influence – this represents a significant threat to journalist safety in public places. While mission participants said “press” insignia once guaranteed a degree of safety, some journalists now preferred not to identify themselves for fear of threats to their safety.

The prospect of smear campaigns and their impact on media freedom in Georgia is only worsened by the revival of the Law on Transparency of Foreign Influence. The enforced labelling of certain independent media outlets as “organisations pursuing the interest of a foreign power” contributes to a climate of mistrust and adversariality towards journalists. By creating a divide between those financed by Georgian funds versus those funded (at least partly) from abroad, the deep political polarisation in Georgian society – which is reflected in the media landscape – is only increased, with independent journalists likely being portrayed in a more hostile light. The use of anti-media rhetoric and discrediting of journalists by high-ranking public officials is unacceptable. Georgian authorities must ensure that journalists are allowed to report freely without facing discrediting from politicians.

27 <https://www.mapmf.org/alert/31223>

28 <https://www.ecpmf.eu/georgia-mfrr-partners-denounce-smear-campaign-against-journalist-by-speaker-of-the-parliament/>

29 <https://shorturl.at/RFlia>

30 <https://civil.ge/archives/523381>

Unstable funding and targeting of media donors

The instability of and lack of access to sustainable funding mechanisms for independent media is not a unique or new problem, but it is one that is felt with considerable magnitude in Georgia. Participants in the ECPMF mission to Tbilisi – specifically representatives of independent media outlets – all expressed worry at the financial future of the media. The revival of the Law on Transparency of Foreign Influence has only exacerbated these concerns.

Editors and media managers spoke of journalism being in “survival mode”, with most outlets relying to a large extent on support from donor organisations. Certain outlets explained that donors comprised up to 90% of their total funding and that they faced serious difficulty in attempting to diversify revenue streams. While the funding coming from these sources offers a financial lifeline to outlets, it also has the potential to limit their organisational freedom. Meeting participants spoke of a lack of core funding as emphasis is instead placed on project-based funding. This means that those reliant on donors have limited freedom to develop and experiment with new ideas. Not only does the reliance on project funding impact organisational freedom, participants also said that it has the potential to negatively impact safety and capacity building, with outlets having less freedom to invest in these areas.

Perhaps most worryingly, multiple meeting participants highlighted the potential influence of the Georgian Dream government on the media’s relationship with donor organisations. Two high profile examples include independent outlets Open Caucasus (OC) Media and Indigo, both of whom met with ECPMF during the mission to Tbilisi. The incident with OC Media has been well-documented and was regularly referred to by meeting participants. Speaker of Parliament Shalva Papuashvili wrote to the donors of OC Media in what the outlet described as an “apparent bid to influence or punish the outlet for declining to publish an opinion piece he had written.”³¹ This effort to directly target a source of funding for the outlet – with full knowledge of independent Georgian media’s reliance on donor funding – is a thinly veiled threat to media pluralism in the country. A second incident of this nature involved independent outlet Indigo. As part of a project funded by a foreign foundation, the outlet produced an issue of their magazine documenting the history of protest in Georgia. Prior to its launch event, Indigo received calls from pro-government media outlets asking if the launch was actually an “educational event teaching people how to protest”. As this rumour spread, other journalists reached out to the donor organisation for further information. This resulted in the donor asking Indigo to cancel the event for fear of the project having a political influence in Georgia. Indigo did not cancel the event.

Considering the reliance of many independent Georgian media outlets on donor funding, it is imperative that Government representatives refrain from interfering with the relationships between Georgian media outlets and donor organisations.

³¹ <https://oc-media.org/speaker-of-georgian-parliament-pressured-oc-medias-donors-after-failure-to-place-op-ed/>

SLAPPs

Expert contribution from the Georgian Democracy Initiative (GDI)

Strategic Lawsuits Against Public Participation (SLAPPs) have emerged as a troubling phenomenon in Georgia, increasingly targeting critical media organisations and journalists.

In particular, this trend became especially evident in 2021, with nearly 15 defamation lawsuits filed against journalists and media outlets by the end of the year. It is noteworthy that the trend continued to gain momentum and, by June 2024, the number of defamation lawsuits against journalists and media organisations recorded by the Georgian Democracy Initiative (GDI) had reached as high as 40, the majority of which were initiated by individuals with significant political influence. In eight of those cases, the Tbilisi City Court has already ruled in favour of the claimants. Additionally, the Court of Appeals and Supreme Court have upheld the lower court's decisions in the four cases they have reviewed so far.

An analysis of these SLAPP cases reveals distinct patterns that underscore their campaign-like nature and the threats they pose. Unlike SLAPPs in other countries, which often involve business figures, Georgian SLAPP cases predominantly stem from political motives. For instance, some of the influential political figures that have initiated these lawsuits include the Head of the State Security Service³², the Mayor of Tbilisi³³, 11 other mayors of self-governing units, and various ministers, such as the Minister of Internally Displaced Persons of the Autonomous Republic of Abkhazia³⁴, the Minister of Defense, and the Minister of Finance and Economy of Adjara. Additionally, lawsuits have been filed by individuals or institutions connected to Georgian political figures, such as the father of the former Prime Minister, Irakli Gharibashvili³⁵, the mother of the current Prime Minister, Irakli Kobakhidze³⁶, and Bank Cartu, closely related to Bidzina Ivanishvili³⁷. Therefore, in the context of Georgia, SLAPPs have become a tool for politically influential individuals to target critical media outlets.

Furthermore, the synchronised timing of these lawsuits and the similarity in their arguments lead Georgian CSOs to believe that they are part of a coordinated campaign by government officials aimed at suppressing critical opinions and silencing journalists, media representatives, and human rights defenders³⁸. For instance, one notable case involved 11 mayors from self-governing units (of Tskaltubo, Kutaisi, Kareli, Aspindza, Adigeni, Chiatura, Poti, Kvareli, Ninotsminda, Borjomi, and Marneuli) filing lawsuits against Mtavari Arkhi and Nika Gvaramia. All of these lawsuits sought identical amounts of 55,555 GEL (nearly €18,760) for moral damages and shared the same copy-pasted legal arguments³⁹, illustrating their coordinated nature. Additionally, what also raises doubts regarding the campaign nature of these initiatives is that SLAPPs are mostly filed against the same TV companies: TV Pirveli, Formula, and Mtavari Arkhi, which are considered the three biggest critical media outlets in Georgia. This pattern raises significant concerns about the motives behind these lawsuits and underscores the coordinated effort to suppress critical voices in the country.

Financial implications are also substantial in the case of SLAPPs in Georgia, with data revealing that a significant percentage of claimants seek high damages, posing serious financial challenges for defendants. Particularly, according to the 2023 statistics examined by the Georgian Democracy Initiative (GDI), 56% of

32 Authorities Fight Critical Media in Courts, Georgian Democracy Initiative (GDI), <https://gdi.ge/en/news/authorities-fight-critical-media-in-courts.page>

33 Tbilisi City Court Partially Satisfies Defamation Claim Against TV Pirveli, Civil.ge, <https://civil.ge/archives/516950>

34 <https://civil.ge/archives/541550>

35 Irakli Garibashvili Sues TV Pirveli for Defamation, Georgian News, <https://www.sakartvelosambebi.ge/en/news/irakli-garibashvili-sues-tv-pirveli-for-defamation>

36 Irakli Kobakhidze's Mother Won Dispute Against TV Pirveli in Appellate Court, Georgian News, <https://sakartvelosambebi.ge/en/news/irakli-kobakhidzes-mother-won-dispute-against-tv-pirveli-in-appellate-court>

37 Cartu Bank's Groundless SLAPP Lawsuit Against TV Pirveli and its Journalists, Georgian Democracy Initiative (GDI), <https://gdi.ge/index.php/en/news/banki-qartus-usafudzvlo-slapp-sarcheli-telekompania-pirvelis>

38 SLAPP Cases in Georgia - A new threat to media freedom, Georgian Democracy Initiative (GDI), 20, <https://gdi.ge/storage/files/doc/SLAPP%20Report.pdf>

39 SLAPP Cases in Georgia - A new threat to media freedom, Georgian Democracy Initiative (GDI), 20, <https://gdi.ge/storage/files/doc/SLAPP%20Report.pdf>

claimants in these disputes demand excessive moral damages⁴⁰, ranging from a symbolic amount of 1 GEL (€0.35) to 3,000,000 GEL (€1,050,000), with the intention of creating significant financial barriers for them⁴¹.

Moreover, CSOs in Georgia emphasise that the underlying intention of SLAPP actions differs fundamentally from other legal disputes. Rather than seeking justice for alleged harm, these lawsuits appear designed to suppress critical opinions and impose censorship on independent media. For instance, this motive was illustrated by Minister Davit Patsatsia's admission during his defamation trial, where he openly acknowledged using legal action to punish the media and journalists for their statements⁴².

Therefore, the surge in SLAPPs in Georgia presents a significant threat to press freedom and journalistic independence. The orchestrated nature, political motivations, and punitive financial demands of these lawsuits collectively constitute a concerted effort to undermine free speech and silence critical voices in the country's media landscape.

However, what underscores the most alarming trend in SLAPP cases in Georgia is the disturbingly high rate of court rulings favouring the plaintiffs, a phenomenon civil society organisations in Georgia attribute to deeply rooted systemic challenges within the judicial system⁴³. This complex and challenging context is evident across several critical aspects.

For instance, despite the Georgian Law on Freedom of Speech and Expression clearly assigning the burden of proof in defamation lawsuits to the claimant, court practices often contradict this legal framework. Contrary, court rulings often impose on defendants the obligation to prove that their statements were not defamatory⁴⁴. This departure from legal norms has contributed to a surge in SLAPPs and increased favourable rulings for plaintiffs.

Furthermore, SLAPP cases in Georgia are characterised by rapid consideration by the courts, unlike the prolonged proceedings seen in other European nations. Contrary to the context of other European countries and unlike the general, longstanding practice established of delaying hearings in national courts of Georgia, the judges considered SLAPP cases filed by influential people extraordinarily quickly. For instance, in the case involving the head of the State Security Service, all three judicial instances were exhausted within a tight time frame⁴⁵.

This accelerated judicial approach may reinforce expectations among state officials and those aligned with the ruling party for favourable outcomes in national court disputes. Consequently, that will lead to a surge in SLAPPs initiated by politically influential individuals, posing greater risks to the media environment.

40 SLAPP Cases in Georgia - A new threat to media freedom, Georgian Democracy Initiative (GDI), 4, <https://gdi.ge/storage/files/doc/SLAPP%20Report.pdf>

41 SLAPP Cases in Georgia - A new threat to media freedom, Georgian Democracy Initiative (GDI), 19, <https://gdi.ge/storage/files/doc/SLAPP%20Report.pdf>

42 Court Orders TV Pirveli to Pay Out 15 000 In Favor of Kobakhidze's Brother-In-Law, Georgian News, <https://sakartvelosambebi.ge/en/news/court-orders-tv-pirveli-to-pay-out-15-000-in-favor-of-kobakhidze-brother-in-law>

43 SLAPP Cases in Georgia - A new threat to media freedom, Georgian Democracy Initiative (GDI), 21, <https://gdi.ge/storage/files/doc/SLAPP%20Report.pdf>

44 SLAPP Cases in Georgia - A new threat to media freedom, Georgian Democracy Initiative (GDI), 22, <https://gdi.ge/storage/files/doc/SLAPP%20Report.pdf>

45 Tbilisi Court of Appeals Upholds the Tbilisi City Court's Decision On Liliashvili's Defamation Claim, Georgian Democracy Initiative (GDI), <https://gdi.ge/en/news/tbilisi-saapelacio-sasamartlom-cilistsamebas-tan-d>

Exiled media

In the past four years, Georgia has become a destination for journalists and media workers who are seeking safety by escaping the repressive systems in their home countries. During the mission to Tbilisi, ECPMF met with journalists in exile from Russia and conducted written interviews with exiled media workers from Belarus, all of whom moved to Georgia in recent years. ECPMF was informed that Georgia also hosts a growing community of journalists who have fled from Azerbaijan in the wake of the latest wave of political repression and arrests of media workers⁴⁶.

The main advantage of relocating to Georgia for these specific communities of journalists is the visa-free regime between Georgia and their countries of citizenship, as well as easier integration due to the still quite significant percentage of residents who can speak Russian. Nevertheless, Georgia was referred to as merely a “transit country” by some of the Russian journalists. Journalists are choosing to leave Georgia as a result of various challenges that they are facing as foreign citizens and as journalists.

One of the challenges that was mentioned numerous times is the threat to their safety and security. Some journalists from Russia expressed concern regarding the potential exchange of information between Georgian and Russian secret services, as well as easy physical access to the journalists due to the country's shared border. For example, one journalist with whom ECPMF met during the mission shared that they were approached near their home in Tbilisi by a person who was supposedly a representative of the Russian intelligence service. The alleged intelligence agent told the journalist that they were making sure “to keep [them] safe”.

One Belarusian respondent mentioned that they perceive Georgia as “a relatively safe country” and “a grey zone for Belarusians”. Both Belarusian and Russian journalists mentioned their rising concerns regarding the recently-revived Law on Transparency of Foreign Influence and potential introduction of the “LGBT propaganda” bill.

Another complication that participants reported concerns access to long-term legal status in Georgia. While journalists from Russia and Belarus are entitled to stay in Georgia for their first year without any documentation, this has left many exiled reporters in a state of limbo as they lack any legal status in the country. Examples of Russian journalists temporarily leaving the country and subsequently being denied re-entry were raised by meeting participants, as were stories of most Russian journalists' applications for Georgian residency being rejected. Considering the mass repression of critical voices in these journalists' countries of origin, humanitarian visas should be granted to journalists who are forced to work in exile in Georgia as a result of the professional threats they face in their home country.

Exiled journalistic communities created co-working and events spaces, such as one made by Belarusian journalists in Batumi⁴⁷, to stay connected and to continue collaborative work. Both Russian and Belarusian journalists stated that they are quite isolated from local journalism in Georgia and continue to focus mainly on topics connected to their countries of origin. There is no known local institutional or governmental support that was provided to the journalists in exile in Georgia but some international organisations and donors offered selective support with relocation, grants, and establishing the co-working spaces.

⁴⁶ <https://cpj.org/2024/04/azerbaijan-arrests-13th-journalist-over-alleged-international-donor-funding/>

⁴⁷ <https://t.me/MediaHubBatumi/122>

Conclusion

The situation for press freedom in Georgia is critical. ECPMF's fact-finding mission to Tbilisi revealed a range of severe, often existential, threats facing independent journalism in the country, many of them spearheaded by government officials. Ranging from physical and verbal attacks, to abusive lawsuits and unstable funding, journalists in Georgia – both Georgians and those working in exile – face major obstacles when it comes to operating safely and with complete independence. The passing of the Law on Transparency of Foreign Influence and proposed bills aimed at silencing “LGBT propaganda” both exacerbate an already dire state of affairs. The tireless work of a notable group of independent journalists and outlets in Georgia offers a degree of hope for the future of press freedom in the country, but it remains an uphill battle.

European Centre for Press and Media Freedom
Menckestraße 27
04155 Leipzig
Germany

phone: 49 (0) 172 / 367 499 0
info@ecpmf.eu
www.ecpmf.eu

