Georgia

Access to Internet content in Georgia is largely unrestricted as the legal constitutional framework, developed after the 2003 Rose Revolution, established a series of provisions that should, in theory, curtail any attempts by the state to censor the Internet. At the same time, these legal instruments have not been sufficient to prevent limited filtering. The ONI detected filtering on corporate and educational networks. Evidence also shows that Internet cafés limit access to some download sites (reportedly to conserve bandwidth and cut down on costs). During the Russia-Georgia war of August 2008, Georgian ISPs systematically filtered Russian Internet content. Georgian end users were also affected by the March 2008 blocking of YouTube by Turkish Telecom. Internet penetration remains low despite a liberal telecom market and comparatively moderate service prices, and it is influenced by an unstable political climate that has discouraged investment.

Background

Since 2003, Georgia has been governed by the reformist administration of President Mikheil Saakashvili, who came to power in the wake of the Rose Revolution. During

RESULTS AT A GLANCE

Filtering	No Evidence of Filtering	Suspected Filtering	Selective Filtering	Substantial Filtering	Pervasive Filtering
Political			•		
Social	•				
Conflict and security			•		
Internet tools	•				

Other Factors	Low	Medium	High	Not Applicable
Transparency	•			
Consistency	•			

KEY INDICATORS	
GDP per capita, PPP (constant 2005 international dollars)	4,403
Life expectancy at birth (years)	71
Literacy rate (percent of people age 15+)	100
Human development index (out of 179)	93
Rule of law (out of 211)	120
Voice and accountability (out of 209)	120
Democracy index (out of 167)	104 (Hybrid Regime)
Digital opportunity index (out of 181)	88
Internet users (percent of population)	7.8

Source by indicator: World Bank 2009a, World Bank 2009a, World Bank 2009a, UNDP 2008, World Bank 2009b, World Bank 2009b, Economist Intelligence Unit 2008, ITU 2007, Miniwatts Marketing Group 2009.

this time, the government implemented tax reforms and liberalized the economy. These measures resulted in significant foreign investment, including investments from neighboring Russia and Kazakhstan. Georgia's strategic position makes the country an important route for the oil and gas pipelines connecting the Caspian Sea with the West—one of which is the strategic Baku-Tbilisi-Ceyhan (BTC) pipeline.[1] The country's unemployment rate is high (12.6 percent), with more than a million Georgians living outside the country.

Georgia has demonstrated a clear commitment to reform its economic and regulatory environment by enhancing transparency and efficiency as a means to improve the business climate. These reforms have positioned the country among the world leaders in the ''ease of doing business'' index prepared by the World Bank.[2] Georgia has also surpassed other CIS countries by obtaining the highest level of compliance with international standards with regard to its telecommunications sector.[3]

In August 2008, Georgia and Russia were embroiled in an armed conflict in South Ossetia (a semi-autonomous breakaway region bordering Russia). Georgia's strained relations with Russia have important economic and political consequences for the country's future.

Internet Infrastructure

In 2007, the government initiated a liberalization of the radio and television industry. This effort resulted in an increase in the number of independent newspapers and cable TV channels, several dozen of which now operate in the country. The state retains controlling interest in a number of key television stations, which has led to some criticism from international observers. Such criticism was especially apparent following the government's decision to revoke the license of Imedi—a major private TV channel which

was strongly aligned with opposition parties.[4] This and other unilateral acts by the government have led to accusations that the administration is attempting to exert influence over the independent media.[5]

The fixed-line telecommunications network in Georgia remains outdated and is in need of significant investment. The network has very limited coverage outside Tbilisi—Georgia's capital—but even inside the capital the quality of telecommunications varies greatly. In urban areas, there are around 20 lines per 100 inhabitants, but in rural areas there are only around four lines per 1,000 inhabitants. At the same time, the number of fixed-line customers dropped in 2006 to 553,000, compared to their level in 2004 (596,000).[6] In 2005, the main telecommunications operator, Georgian Telecom, was privatized. There are currently three mobile phone operators in the country: Geocell (TeliaSonera), MagtiCom, and Beeline (VimpelCom).

The Internet emerged in Georgia in 1994 as an off-line e-mail service. By 1996, Sanet Networks (one of the early Georgian ISPs) attracted U.S. financial support and was the first entity in Georgia to provide full Internet services. In 1997, four more companies started to provide Internet services using dial-up technology. In 2002, ADSL services were introduced into the market.

During the 2000–2007 period, revenues earned by Internet operators increased from 3.7 million Georgian lari (GEL) to 42.5 million.[7] In 2006, their combined annual profits increased by 32 percent. Within the telecommunications market, the Internet is the second fastest growing segment after mobile services. Georgian sources estimate that by the end of 2007 the total number of Internet users of ADSL technologies went beyond 41,000.[8]

In 2006, a Kazakh investor acquired the state-owned telecom operator and established United Georgian Telecom (UGT). This operator is the owner of the cable infrastructure in the country, which it leases to other ISPs. Using its monopoly position, UGT charges higher rents on access to its network. Moreover, UGT frequently rejects requests by some ISPs to install or terminate their fiber-optic lines at UGT operated facilities and charges a fee for each DSL user.

In 2006, three of the largest ISPs on the market—Georgia Online, Sanet, and Caucasus Networks—merged to form Georgia's largest ISP, Caucasus Online. The company is the Internet market monopolist providing service to more than 80 percent of the population. Caucasus Online has begun laying down its own fiber-optic metropolitan network in Tbilisi. This development should lessen the dependence on the main fixed-line operator, UGT, which leases the underground right-of-ways that carry cable to Caucasus Online for USD 110 per kilometer.

A major countrywide survey on Internet use has not been carried out in Georgia. Consequently, reliable statistics on average Internet use are unavailable. However, isolated evidence can be gathered through small-scale surveys. Based on these sources, it is estimated that in 2008 there were approximately 360,000 Internet users in Georgia,

which represents 7.8 percent of the population.[9] The majority of Georgian Internet users are under 30 years of age.

The languages most commonly used among Georgian Internet users are English (90 percent), Russian (8 percent), and Georgian (2 percent). It is estimated that 50 percent of users access the Internet from their workplace, 40 percent from their homes, and 10 percent from other places (such as schools, universities, Internet cafés, and mobile networks). The monthly price of ADSL varies from USD 20 to USD 200 depending largely on bandwidth. The local backbone connection varies from 3 to 20 Mbps. Internet service is usually available in urban areas, with around 80 percent of the services provided in Tbilisi.

The Georgian market for Internet services consists of the following companies: Caucasus Online (covering 80 percent of the market), UGT (10–15 percent), and others that make up a combined 5 percent share of the market (Geonet, Service Net, Egrisi, Maximali [WiMAX provider], Magti, Geocell, and Beeline). Magti signed a contract with the Ministry of Education and Science of Georgia to connect 2,000 public schools (including schools in rural and high-mountain areas) to the Internet by the end of 2011. This will contribute to the growth of country's Internet audience, with approximately 700,000 new users. Georgian Research and Educational Networks Association (GRENA) is a noncommercial ISP that provides Internet access to academic and educational institutions. The market is open for foreign ISPs. At the end of 2008, Caucasus Online established a new fiber-optic channel, which goes from Tbilisi to Poti and through the Black Sea to Bulgaria and Romania, and connects to Cogent. The new channel gave Caucasus Online the ability to offer speeds up to 20 Mbps. Other ISPs route their commercial traffic through Turkey via Turk Telecom, Sweden via Baku, and Rostelecom via Novorosiisk.

All ministries and almost all government agencies have Web sites. The number of blogs is rapidly rising in the country, mainly among young people. No blogs are supported by opposition parties.

Legal and Regulatory Framework

The Constitution of August 24, 1995,[10] enshrines freedom of expression and freedom of information. The primary legislation that regulates the electronic communications sector is the Law on Electronic Communications No. 1514 of June 6, 2005.[11]

The law establishes the principles for development of a competitive environment in the communications sector; specifies the rights and obligations of persons owning, using, or providing services by means of electronic communications networks and facilities; and defines the scope of competence of the national regulatory authority in the sector—the Georgian National Communications Commission (herein referred to as the Commission). The provisions of the law step up the process of liberalization

of the electronic communications market by (a) introducing a simple system of general authorization instead of an individual licensing regime; (b) identifying operators having significant market power in order to prevent the abuse of power and determining the usage of methodological approaches when carrying out competition analysis on the market segments; (c) recognizing principles of convergence and technological neutrality; and (d) setting out a sanctions regime in the event of violations of the legislation or the Commission's decisions. Articles 41 and 42 of the law establish the procedures for dealing with interconnection disputes.

The government has also implemented a strategic program for ensuring the decentralization of power in the regions, furthering transparency of governance, and promoting ICT for maintaining sustainable democracy in the country. The ICT development framework program has been elaborated under the initiative of the government and the Commission with the support of the UNDP and the World Bank. With its program for 2004–2009, the government has recognized that the development of the telecommunications sector and of the information society constitutes a main priority for the country's strategic economic development. One of the main objectives of the program is to overcome the uneven urban/rural coverage as communication system operators and service providers focus mainly on the big cities and settlements with little interest in developing networks for rural areas. As part of the National Strategy for ICT Development, among others, the government plans on creating a single information and communication network with integrated services, expanding the telephone network and transfer to digital systems, converting to digital TV-radio broadcasting, and increasing Internet usage among the population.

The Ministry of Economic Development, in particular its Telecommunications and Information Technology Department, sets out the government policy in the electronic communications sector and is responsible for monitoring communications and ICT policy implementation. The sector regulator, the Commission, was established on July 1, 2000. The Commission members are appointed for a period of six years by the president, a fact which may affect their political independence. Otherwise, the Commission is not financed by the state budget, and its source of revenue consists of the license and regulation fees it collects from licensees. The Commission regulates legal, technical, and economic issues on interconnection among telecommunications network operators. Other statutes providing for the Commission's regulatory authority are the Georgian Law on Broadcasting[12] and the Law on Independent Regulating Authorities.[13]

The regulations of the Commission promote innovation in the communications service sector, for example, by easing the procedures when consumers bring disputes against operators and forbidding suspensions of service in the event of a dispute.[14] Other decisions[15] revise the legal regime to guarantee a consumer's rights with regard to the protection of personal information, higher accountability and responsibilities of

the operators, effective complaint procedures, and better service. The Commission plans to expand the market of broadband communications service to ensure competition in local access networks, in order to decrease bandwidth rates and to promote VoIP technologies.

Any activity in the telecommunication sector in Georgia requires proper authorization.[16] In order to obtain an authorization,[17] the operator must register with the Commission and provide the required company information and type of services it intends to offer. Receiving authorization is not a burdensome process, with 25 ISPs receiving authorization to operate in 2007 alone.[18] To ensure compliance with active legislation, the Commission exerts direct control over the activities of operators in the electronic communications sector.[19]

According to Article 24 of Georgia's Constitution, any person has the right to receive and disseminate information in writing or any other form. Media restrictions and censorship are prohibited. The rights provided for in Article 24 may be restricted by law only to the extent needed to ensure the state's security and territorial integrity, prevent crimes, protect the rights and dignity of individuals, prevent the dissemination of information that has been considered confidential, or ensure the independence and impartiality of justice. Furthermore, the principle of freedom to disseminate information is also enshrined in Article 13 of the Criminal Code of Georgia.

The Law on Freedom of Speech and Expression of 2004[20] elaborates on the content of freedom of expression originally enshrined in the Constitution. This law also details the narrow circumstances under which freedom of speech and expression may be restricted.

Internet Filtering during the 2008 Russia-Georgia War

Despite the existence of legal safeguards that prohibit Internet censorship, the August 2008 conflict between Russia and Georgia witnessed unprecedented censorship of Russian Web sites by Georgian ISPs. According to Georgian sources interviewed by the ONI, Georgian ISPs filtered access to Russian media Web sites in the ''.ru'' domain to prevent the dissemination of what was described as ''inaccurate and inflammatory reports by the Russian media.''[21] Whether these actions were legal under Georgia law has not been adequately determined. From a factual perspective, President Saakashvili declared a state-of-emergency based on Article 46 of the Constitution during the onset of the conflict. As required by Georgian law, his decision was approved by Parliament within 48 hours. Consequently, media rights and freedom of expression were temporarily restricted in line with Article 46(2) of the Georgian Constitution. The law does not explicitly cover the Internet, however, at least two Georgian ISPs implemented limited filtering aimed at ''protecting the population'' during the state-of-emergency. ONI testing confirmed this filtering had occurred. One of the two ISPs, the GRENA,

connects many of the country's schools. Its director claimed that the decision to filter content on the GRENA was taken by its leadership, and not a result of any government orders or pressure. Filtering was also detected on Caucasus Online, the largest ISP in the country.

During the conflict, Georgian authorities alleged that the Russian government supported DoS attacks by Russian hackers and cyber criminals against Georgian ISPs and Web sites. An investigation carried out by the Information Warfare Monitor, a sister project of the ONI, detected attacks against a variety of Georgian Internet resources, including Web sites belonging to the government, media, blogs, and Internet forums. This cyberwar received significant attention in the Western media, which implied Russian government involvement, noting that the cyber attacks occurred at the same time as Russian troops crossed the border and deployed in South Ossetia. In the aftermath of the conflict, independent experts did not find conclusive evidence that the Russian government was directly involved in planning or carrying out cyber attacks on Georgia. At the same time, it is clear that the Russian government did little to curtail the activity of pro-government hackers and activists who used Russian online forums and Web sites to coordinate denial-of-service attacks against Georgian Web sites and Internet infrastructure.[22]

Surveillance

Article 20 of the Constitution of Georgia provides for the inviolability of private records, correspondence, and telephone and other kinds of communications conducted through technical means. These rights can be restricted only with an appropriate court warrant, except for urgent cases as provided in certain statutes. Government authorities have been reported to engage in the conduct of targeted and selective surveillance. Allegations in the press point to illegal surveillance that is said to include interception of mobile phones, landline phones, and e-mails.

ONI Testing Results

Despite existing legal restrictions, filtering and monitoring of the Internet has been documented at Georgian ISPs. Evidence of filtering has also been documented on academic networks. In addition to the blocking of Web sites during the conflict with Russia in August 2008, the media reported that some Russian sites hosted on ''.ru'' were blocked again after the state-of-emergency was lifted.[23]

Limited cases of filtering in Georgia were detected by ONI. Over the course of several months during 2007 and 2008, ONI tested the main ISPs: Caucasus Online, GRENA, and Iberiapac. Several international gambling sites are filtered by most Georgian ISPs. In addition, a global blogging site has been blocked. Sporadic filtering has also been

observed on GRENA, where Web sites carrying pornography and drug, violence, and hate speech are actively blocked.[24]

Commercial entities and public organizations filter some content mainly as a way of reducing Internet traffic. Often, online gaming services and instant messaging services are also affected. Researchers for ONI have observed that, in some Internet cafés, limited access to bandwidth is the result of intensive downloading.

Georgia is also subject to upstream filtering. The main Georgian ISP buys its international connectivity from Turk Telecom. Consequently, the access ban imposed by Turk Telecom to YouTube in March 2008 caused a temporary blocking of the popular video-sharing site in Georgia.

Conclusion

At present, Internet filtering in Georgia appears to be limited to corporate and educational networks. With the exception of the Russia-Georgia war, which witnessed limited state-sanctioned filtering of Russian Internet resources, access to Internet content remains largely unfettered. Georgia's dependence on international connectivity makes it vulnerable to upstream filtering, evident in the March 2008 blocking of YouTube by Turk Telecom. It is unlikely that the government would look to impose further controls over Internet content (or force ISPs to do so) given its strong public desire to forge stronger links with NATO, the European Union, and the United States.

Notes

1. Georgia, a Soviet republic until 1991, is strategically situated at the crossroads between Europe and Asia. Spreading over parts of the Caucasus Mountains with an outlet on the Black Sea, the country has historically been the object of a struggle for influence among Russia, Turkey, and, more recently, the United States.

2. World Bank, ''Doing Business,'' http://www.doingbusiness.org/EconomyRankings.

3. European Bank for Reconstruction and Development, *Telecommunications Assessment, 2008*, http://www.ebrd.com/country/sector/law/telecoms/assess/index.htm.

4. *BBC News*, ''Georgia Country Profile,'' August 10, 2009, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1102477.stm.

5. Economist Intelligence Unit, ''Georgia Country Profile,'' 2009, http://store.eiu.com/country/GE.html?ref=lef_nav.

6. Ibid.

7. Annual Reports of the Georgian National Communications Commission, http://www.gncc.ge/.

8. Ibid.

9. Miniwatts Marketing Group, ''Internet World Statistics: Georgia,'' 2009, http://internetworldstats.com/asia.htm#ge.

10. Constitution of Georgia, August 24, 1995, http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf.

11. The Law of Georgia on Electronic Communications, June 6, 2005, No. 1514, http://www.gncc.ge/files/7050_3555_376651_eleqtr.eng.pdf.

12. Law of Georgia on Broadcasting, December 23, 2004, No. 780-RS, http://www.parliament.ge/index.php?lang_id=ENG&sec_id=69&info_id=16087.

13. Law of Georgia on Independent Regulating Authorities, September 13, 2002, No. 1666—IS.

14. GNCC Resolution No. 3 of 2006: On Approval of Regulations on Service Providing and Protection of Consumers' Rights in the Sphere of Electronic Communications.

15. GNCC Resolution No. 8 of 2006: On Amendments to the Regulations for Service Providing and Consumers Rights Protection in the Sphere of Electronic Communications; GNCC Resolution No. 7 and No. 9 of 2007: On Introducing Changes and Amendments to the Resolution No. 3 of March 17, 2006, On Approval of the Rules and Regulations (Regulation) for Providing Services and Protecting Customer Rights in the Sphere of Electronic Communications.

16. The Law of Georgia on Electronic Communications, Chapter III, ''Authorization of Undertakings in the Electronic Communications Sector: General Rights and Obligations of Authorized Undertakings.''

17. The Law of Georgia on Electronic Communications, Article 2(i).

18. The ISPs need to provide the necessary information to the Commission related to their activities, according to the Law of Georgia on Electronic Communications, Article 19(2).

19. The Law of Georgia on the Control of Entrepreneurial Activity, Art. 3.1.

20. The Law on Freedom of Speech and Expression, June 24, 2004, No. 220-RS, http://www.parliament.ge/index.php?lang_id=GEO&sec_id=69&kan_det=det&kan_id=72.

21. For more information on the cyberwar conflict, refer to Information Warfare Monitor (http://www.infowar-monitor.net), which followed and analyzed the development of events.

22. Ibid.

23. *Lenta.ru*, ''V Gruzii vnov Zablokirovan Dostup k Rynety'' [In Georgia Access to the RuNet has been Blocked Again], September 10, 2008, http://lenta.ru/news/2008/09/10/notopen/.

24. Blacklists are mainly maintained using SquidGuard lists.