



**Organization for Security and Co-operation in Europe**  
**The Representative on Freedom of the Media**  
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Current Media Situation in Georgia  
Fifth Country Report

The Office of the OSCE Representative on Freedom of Media has been following with great interest the media situation in Georgia, where both independent newspapers and television channels are active despite severe economic conditions in the country. Focusing on the Caucasus in 2000, the Office published a book with the Representative of the Chairman-in-Office for the Caucasus, Ambassador Heidi Tagliavini, entitled *The Caucasus: In Defence of the Future*, a collection of essays and articles by twenty-six well-known Caucasian and Russian authors on the theme of the present-day situation in the Caucasus and the search for possible ways of resolving the conflicts. Freimut Duve and Ambassador Tagliavini presented the book in Tbilisi in January 2001, as well as in Moscow and St. Petersburg. While in the Georgian capital, Mr. Duve visited both independent and state media hearing firsthand about the difficulties under which both must operate.

The following report does not claim to give a complete picture of the media situation in Georgia because of the lack of thorough and reliable data. However, this Office, and other area specialists who read it, found its overall portrayal of Georgian media to be balanced and hopefully useful. Although the problems of the media in Georgia are not unique, we agree that the media situation in that country compares favourably to other newly independent States of the former Soviet Union. We can endorse certain of the report's recommendations, such as the need for improvement in Georgian media legislation and regulations and therefore welcome Georgia's new draft law on freedom of speech. This Office supports as well the recommendation that a wide range of international aid organizations afford the independent media substantial financial, technological and professional support at this delicate stage in the development of media freedom in Georgia.

## **1. Introduction**

In the years since independence was achieved in 1991, Georgia appeared on the verge of collapse with an almost total breakdown in law and order. Industry ground to a standstill; hyperinflation and unemployment reduced much of the population to dependence on international aid. Abkhazia and South Ossetia claimed their secession from Georgia following Georgia's declaration of sovereignty. In November 1992 Eduard Shevardnadze was elected parliamentary chairman with an overwhelming 96 per cent of the votes. A new Constitution, which introduced the institution of the presidency, was adopted on 24 August 1995, and in elections in November of that year, Shevardnadze was elected President with an overwhelming majority. It was only in 1995 that a gradual process of political and economic stabilization got underway. An IMF anti-inflation programme was adopted and the new currency (lari) preserved its value against the US dollar.

Even though the authorities managed to stop the civil war, disarm illegal units, and stabilize the economy, many problems remained. Fiscal woes confirmed that Georgia's economic transition was nowhere near the model of success it had been touted to be. Government control over the country's diverse regions showed no sign of strengthening. And parliamentary and presidential elections – though applauded by international organizations – revealed that democracy in Georgia faced many serious problems including sluggish economic growth, systemic corruption, weak and asymmetrical centre - region relations, and nascent diplomatic institutions.

## **2. Legal and Regulatory Framework**

As a member of the United Nations, the OSCE, and the Council of Europe, Georgia is a signatory to the main international conventions and agreements. The country has accepted herewith international standards on human rights and implemented them in its domestic legislation. In particular as a member of the Council of Europe (admitted on 27 April 1999), Georgia is obliged to meet requirements set in the area of human rights by the Council's General Assembly within three years.

With regard to media legislation, Georgia has one of the strongest freedom of information statuses in the CIS. However many (non)governmental organizations point out that media legislation and regulations remain one of the weakest points in the overall media situation in the country, exceeded only by its critical financial situation. It is important to state that there is a large gap between the law as it is written and how it is understood, implemented and enforced.

The principle of freedom of the mass media is written into the Georgian Constitution adopted in August 1995. This states specifically that “the mass media are free; censorship is impermissible” and that “the State or separate individuals do not have the right to monopolize the mass media or the means of disseminating information...Citizens of the Republic of Georgia have the right to express, distribute and defend their opinions via any media, and to receive information on questions of social and state life. Censorship of the press and other media is not permitted.” (Article 24.2)

In August 1991, the Georgian Parliament passed a Law on the Press and Other Mass Media, which took effect as of its publication on 10 September 1991. Although the law is acknowledged by journalists to be exemplary, there exists no functioning official independent watchdog body authorized to monitor its implementation and review alleged violations and charges of non-compliance. This duty still devolves on the relevant commission of the Georgian Parliament. Several articles of the media law are vague enough to allow the State to exert subtle pressure if it wants to do so. In autumn 1997, Parliament amended the 1991 law to bring it into conformity with the 1995 Constitution. However, the law was not adopted after journalists’ organizations criticized it for limiting press freedoms.

Even though the law forbids censorship, as well as the existence of any media or distribution monopoly, including by the State, it contains some limits on disclosing “state secrets”, “hate speech” and inflammatory language, and infringement on “the honour and dignity” of citizens, which can easily be misinterpreted and misused. Article 4 of the law stipulates that “the mass media are forbidden to disclose state secrets; to call for the overthrow or change of the existing State and social system; to propagate war, cruelty, racial, national or religious intolerance; to publish information that could contribute to the committing of crimes; to interfere in the private lives of citizens or to infringe on their honour and dignity.”

At the same time, the law made clear the subordination to, and responsibilities of, the state-controlled media vis-à-vis the Government and it also leaves no doubt that state-run media remain under strict government surveillance. Article 18 stipulates that government-controlled media outlets are obliged to print free-of-charge government communications. For example, television and radio news coverage of political developments has to follow “official guidelines”. Top management at the State TV and Radio, and at the official Information and Publishing Corporation Sakinform, is appointed and approved by the President and the Parliament respectively.

Other provisions of the law considered by journalists as restrictive are related to registration of media outlets and obtaining licences for broadcasters. Media outlets are required to register and to obtain a licence from the State (Article 7). If the registration body considers the goals of the applicant to be in contradiction with the law (Article 10), it may deny registration to the media outlet. On the same grounds, this article can be applied retroactively – a licensed outlet’s activity may be suspended for a year without any legal proceedings. At the same time the Law on the Press and Other Mass Media allows journalists and media outlets to file appeals in disputes with government agencies over licensing and accreditation, as in the case of Rustavi-2 described in the next section of the report.

Regulation of the electronic media is especially inadequate. The existence of independent television certainly does not mean independence and freedom for Georgian broadcasting. The licensing process for television and radio is complicated, and is an important lever for potential pressure. The Ministry of Communications issues and is empowered to revoke the licences of broadcasters. It also specifies a broadcaster’s transmitting capacity, manages the State printing house, the distribution of newspapers and the “subsidies” to the state-owned media. The result is that no single independent broadcaster is able to serve the whole nation.

The media, together with civil rights organizations, the public, and significantly, Georgian and especially foreign businesses, insist on the slackening of controls and the deregulation of the communications system. The most significant legislative improvement that occurred in 1999 for broadcasters was the passage of the Law on the Post and Communications. This law regulates the licensing process for telecommunications companies and specifically for television and radio broadcasters. It is a significant improvement on previous regulatory legislation as it removes direct control over the licensing process from the Ministry of Communications to an autonomous licensing commission. It has been established and its members have been appointed by the President; these cannot include representatives of ministries. The Commission consists of a chairman, who will sit for six years, and two other commissioners, each of whom will sit for 3 years. The Commission will be

financed independently through licensing fees. This legislation provides for open hearings and public comment on licensing issues and is a step forward in removing politics from the licensing process.

There is a general lack of confidence among journalists that requests for information will be fulfilled. One key weakness in the freedom of information provision is that it excludes “state secrets”. The Law on State Secrets, adopted by Parliament in September 1996, demands that the Council on National Security develop criteria on secret information to be approved by the President. But government officials, resistant to the new legislation, have been able to withhold information, claiming a broad definition of what constitutes a “state secret”. In 1999 a new law on Freedom of Information was included in a new Administrative Code enacted in June. However, provisions meant to guarantee the right to freely receive and impart information are still brief and vague, a problem that allows government officials to define for themselves what material is and is not open to the public. Limiting access to information has become a widespread trick for punishing certain journalists. The sanctions include denial of requests for credentials, eviction from press conferences, refusals for interviews, and even destroying journalists’ equipment.

Another long-time concern has been that court cases regarding defamation may be turned into another instrument of state control over the press. The behaviour of Georgian courts (especially lower ones) leaves no ground to regard them as allies of freedom of the press. In 1999 libel was finally repealed from the country’s Penal Code. The first draft of the amended Penal Code included criminal sanctions for insult and increased penalties for offending the President or other officials. Pressure from local and international press freedom advocates prompted Parliament to drop the worst anti-press provisions before approving the amended Penal Code in September 1999.

Another official change in the provision concerning civil libel requires government officials to prove malicious intent to demonstrate that they have been libelled by a false news report. And the burden of proof in civil libel cases – most of which are filed by government officials – was shifted from defendants to plaintiffs. At that time there were more than 20 libel suits pending in Georgia. Under the old libel standards, the plaintiff – almost always a government official – prevailed in about 70 per cent of the cases, according to Georgian journalists. The new law could open the door for more aggressive reporting, since journalists are far less likely to end up in court for what they publish. But when the changes were approved in September, Supreme Court Justice Nougzar Skhirtladze cautioned that the new standards would not work unless media developed “self-regulating agencies”.

### **3. Media Structures**

Print Media. The founding in 1990 of 7 Dghe (7 Days) - the first non-party newspaper - was a watershed in Georgia’s development of an independent media and the democratic process in general. Published under the aegis of the Journalists’ Association, the newspaper is regarded as the forerunner of today’s independent media.

Since May 1991, having gone through a reorganization and a split within the editorial body, the newspaper was published under the name of Droni (the Times). It gained popularity rather fast, since that period was characterized by the scarcity of unofficial papers. However, being an opposition forum rather than a neutral storyteller, it still did not represent free media in a full sense.

The winter of 1992 and the Christmas coup overthrowing Gamsakhurdia sparked a boom in independent media. 7 Dghe was revived, and Iveria-Express appeared in the autumn. Rezonansi, a former bulletin of the National Concordance Association, was issued as an independent publication. Alia Sakartvelodan ([Jewish] Immigration [to Israel] from Georgia) appeared on the eve of 1993, while an additional split of 7 Dghe gave birth to Mimomkhilveli (the Observer). Many of the newspapers that appeared in the mid-90s disappeared after the first issue, others appeared irregularly, and only few proved capable of surviving.

There are now some 200 independent newspapers in circulation in Georgia. During recent years the press has served increasingly as a check on Government, frequently criticizing the performance of high-level officials. Increasingly, independent newspapers have been replacing the government-controlled press as the population’s source of information; the leading independent daily newspaper, Alia has a national circulation nearly 20 per cent higher than the government-controlled daily. However, observers report that this seems to be mostly a Tbilisi-based phenomenon and that independent newspapers continue to struggle in the regions. Several newspapers are serious and reputable sources of information. High printing costs and general poverty, especially in the countryside, limit the circulation of most newspapers to a few hundred or a few thousand.

The economic situation is one of the main impediments to the existence, the professionalism and the independence of the Georgian press. The professional level of journalists is not satisfactory; their salary level is

not adequate. Furthermore, lack of normal equipment, such as computers, and poor quality of printing facilities, or even lack of these, in most cases worsen the overall situation.

Of course there are profitable and self-sustainable newspapers, but only 20 per cent of those registered are being effectively published. In Tbilisi, where the purchasing power of the population is higher and the advertisement market is wider, papers are more likely to be solvent and therefore can afford being independent. An average of 25-35,000 newspapers are sold every day in Georgia, with annual circulation at 500-600,000.

The circulation figures and newspaper rating tend to fluctuate, albeit it is obvious that the information market has stabilized, being dominated by the non-governmental press. Major dailies are Alia (approximately 12,000 copies), Akhali Taoba (9,000) and Rezonansi (6,000). Kviris palitra is the most popular weekly digest (35,000), followed by the weekly tabloid Asaval Dasavali (23,000). The main constraint the independent press is struggling with is its profitability. The existing underdevelopment of the advertising market results in a higher cost to the reader. The average price of a single issue varies from 0.3 to 0.5 lari (\$0.15 to \$0.25), but in provinces where the purchasing ability of the population is lower, prices are 0.1 to 0.15 lari higher.

Descendants of the major official newspapers Sakartvelos Respublika and Svobodnaia Gruziya, formally proclaimed as independent papers, also face financial problems, but they do receive subsidies from the State. This negatively affects the competitiveness of the non-recipients. Moreover, management of the official newspapers is afraid of losing the subsidies - vital for the survival of the paper, necessary to keep their job - in case of negative reporting about the authorities, central or local. Consequently, they do refrain from criticism and do not have editorial autonomy.

Independent media outside the capital have faced pressure from local government, a lack of advertising, and an impoverished population. The few attempts to establish independent papers in several regions and cities have ended in failure. Exceptions are the region of Samtskhe-Javakheti and Kutaisi, which have a relatively independent press.

In the distribution market both state and private agencies are active. PGS Ltd (Press Distribution Service), established by four independent newspapers Alia, Akhali Taoba, Rezonansi and 7 Dghe in 1996, is the largest distributor in Tbilisi (some 50 per cent of the market), followed by the government-controlled Matsne and smaller private agencies. The state agency Sakpressa dominates distribution outside of Tbilisi, but the private Pressinfo has gained a foothold there as well.

So far the independent press is facing three main obstacles in Georgia: the willingness of the authorities to allow its freedom and diversity, especially in the regions; an independent judiciary to safeguard it; and, finally, the economic conditions for achieving it.

**Broadcasting Media.** There are several dozen TV broadcasters operating today in Georgia, however many have a localized frequency and therefore a limited audience. Figures provided by a recent market research study for the period including the presidential campaign show that State TV 1 has the highest market share for the whole of the Republic with 29 per cent, followed by Rustavi-2 Network with 17 per cent and State TV 2 with 13 per cent. In Tbilisi, however, Rustavi-2 has the highest rating, followed by State TV 1. The most popular programmes on State TV 1 and Rustavi-2 are their evening news broadcasts, while State TV 2 is most popular for its broadcasting of films.

These figures, as well as other objective analyses, indicate that State TV has the broadest reach in the country, serving regions of Georgia which are not reached by commercially-owned broadcasters. This places a special obligation on State TV 1 as the most widely received provider of information in the country, a fact which is recognized in Georgian law and by international agreements to which Georgia is a party. However the company does not live up to these standards. First of all the structure of State TV, as well as the staff, is extremely bureaucratized with the number of its employees exceeding the total of all independent channels. The technical equipment is outdated too. Further, the quality of broadcasting is suffering under indirect control by the State. Despite the fact that the management of State TV channels states that the staff is independent in making current affairs programmes, there seems to be some control of the contents of the programmes by the authorities. Although censorship and direct interference do not exist, in reality official guidelines, such as a parliamentary decree enacted during the summer of 1995 which stipulated detailed guidelines for the coverage of internal political developments in State Television news broadcasts, create an atmosphere in which some journalists apparently feel compelled to modify their approach to coverage of political developments.

The first unsuccessful attempt at independent television came when a group of staff left the State Radio-TV Company in 1990 to start their own venture. After several months of pressure from the authorities, the private

TV station Mermisi (Future) was closed. In addition, its equipment, stored in the Ministry of Communications, was destroyed in the 1991-92 civil war.

The next major event was the establishment of the (state-owned) Channel 2 (State TV 2) in 1991. The predominantly young staff adopted a fast-paced, MTV-like style. The station was temporarily closed when some employees took part in the rallies against Gamsakhurdia. It started broadcasting again after Gamsakhurdia was overthrown in early 1992, but the new authorities soon curtailed its independence. The quality of the programming declined, and a number of creative teams left for other stations. The liberal image of Channel 2 news coverage is now gone, and it does not greatly differ from State TV 1.

Ibervisia, which joined the scene in 1992, also played an important but short-lived role in the development of independent television. Unlike the entertainment-focused Channel 2, Ibervisia focused more on the news, and tried to be like CNN rather than MTV. The way it presented the news visibly differed from the outdated image of State Television, though the content was not safe from the influence of the political situation. Unofficially, it is believed that Ibervisia was a joint venture of the former Komsomol leaders and the so-called Borotebi (Evils), a branch of the paramilitary Mkhedrioni organization. The controversial images of the partners paralysed the work of the channel, which was finally closed after the weakening of the Mkhedrioni's political influence, and all attempts to revive it gave no results.

However, the setback did not halt the movement towards independent TV broadcasting. The Government's monopoly on broadcast news was broken when Rustavi-2, a member of the independent television network TNG (Georgian Television Network), emerged in 1998 as an important alternative to State Television after successfully resisting two years of government attempts to shut it down.

The story of Rustavi-2 is an example of how the Government may shut a media outlet without legal grounds. The agency Gamma Plus (initial name of Rustavi-2) registered with the Ministry of Justice in 1994. The regulations of the agency envisaged the right of broadcasting and on these grounds a licence allowing exploitation of the TV channel was given by the Ministry of Communications. The TV channel adopted the name Rustavi-2 and soon reached the competitive edge in a field formerly dominated by state-run channels.

However, only several months after it went on air, Rustavi-2's transmission was stopped. The Rustavi municipality applied to the Ministry of Communications demanding to deprive Rustavi-2 of its right to broadcast and to award the frequency the channel has used to an independent TV company Kldekari which was set up by the municipality itself.

The Ministry of Communications was "assisted" by the Ministry of Justice, which declared that an information agency has the right to broadcast, yet cannot possess a TV channel. On these grounds the licence N44 stipulating Rustavi-2's right was cancelled.

In May 1997, after a legal battle that finally ended in the Supreme Court, Rustavi-2 regained what it had lost and resumed its independent stance in news and programming.

One observer called the closure of Rustavi-2 a disturbing aberration when the country's climate for broadcasters is considered as a whole but also pointed out that licences could be obtained for bribes and that the Georgian leadership could use this as the rationale for closing other independent television stations whose domestic coverage is considered too critical.

Georgy Akimidze, the co-founder and artistic director of Rustavi-2, said the decision to revive the Rustavi-2 broadcasts "gave hope for an improvement in the situation between mass media and regulatory agencies and was a positive step for the development of the independent media in Georgia." He also mentioned that the positive outcome of the case was made possible with considerable support from various press freedom advocacy groups.

According to the US NGO "Internews" there are up to 40 independent stations, including Rustavi-2 and seven other TV stations in Tbilisi, broadcasting on the territory of Georgia. Most of them are facing financial problems. The equipment is generally of moderate capacity (cameras, transmitters, editing), advertising income remains low though it is reportedly increasing, the channels depend on sponsors and foreign donations and the programming is commonly focused on entertainment (films, shows, music) and is full of pirated production. The situation has slightly improved since independent broadcasters received financial and technical assistance from international donors. "Internews" has contributed considerably to increasing the professionalism of Georgian broadcasters by organizing various seminars and onsite training.

In general Rustavi-2 remains a leader of Georgian independent broadcasting. It has a considerable budget, highly rated news programming and good broadcasting quality. Once a member of the Georgian Television Network (TNG), it became so strong that in 1998 it took over functions previously carried out by the TNG and is now providing 12 independent local broadcasters with 2 hours programming on a daily basis in return for certain airtime for advertising. In 1998 Rustavi-2 started re-transmitting its daily news programme Courier via satellite and a year later also of its night news programme Night Courier, and herewith gave local TV stations an opportunity to transmit these programmes in the regions. During the last two years Rustavi-2 has been introducing new programmes, exploring new opportunities, and has also started broadcasting its news programme Courier via the Internet. This relatively rapid development of the company makes local broadcasters fear that they would lose Rustavi-2 as a partner. There is another serious threat to their survival. In 1999 the Parliament's decision to stop broadcasting of the Russian TV station ORT on the territory of Georgia made one of the most reliable relay lines available for an independent broadcaster that would win in the expected tender. Even though this offers a serious alternative to the State TV, on the other hand it would also create unfair conditions in the broadcasting market, with possible closure of many financially weak independent TV stations.

Radio. Georgian Radio owes its popularity to the frequent lack of electricity, leading to insufficiencies in TV reception. Nowadays in Tbilisi the FM waves are used by two state-owned channels and 10 private ones. Overall more than 50 per cent of the population of Georgia listens to the radio. In urban areas, and particularly in Tbilisi, the radio audience is even bigger and reaches approximately 70 per cent of the urban population. The most frequently listened to independent radio station is Radio Fortuna, a channel devoted mainly to entertainment that broadcasts round-the-clock like all other FM channels. Other popular radio broadcasters are Radio 105 and Radio "Audientsia". The latter broadcasts in Russian. All of them are broadcasting a mixture of local news, entertainment and advertising and are popular (as elsewhere in the world) due to the fact that they broadcast more music with little talk. Their short news bulletins are taken entirely from agency reports, with no additional analysis, as they find other ways to compete for the attention of a very young audience, the main listeners of private radio stations. There are other private stations that operate in Kutaisi, Zugdidi, Samtredia and Batumi (albeit the latter actually appears to be owned by the local ruling party).

The two state radio stations, operated by the TV and Radio Corporation, broadcast in Georgian 24 hours per day over the whole territory of Georgia. The State 1st Channel has several current affairs programmes, of which The Rush Hour is most popular. Also, State 1st Channel offers programmes in Russian, Armenian, Azerbaijani and Greek for those ethnic minorities within Georgia. It also reportedly has some programming in German and English. Opinion polls show that State 1st and State 2nd Channels are nearly as popular as Radio Fortuna.

#### **4. Restrictions of Media Freedom**

According to the 1999 US State Department Human Rights Report, the Government of Georgia constrains some press freedoms despite a Constitution and a 1991 press law which provide for freedom of the press. International organizations such as the European Media Institute, IFES, IREX and Internews appear to agree. In an evaluation by the US non-governmental organization, Freedom House, Georgia has the status of a "partly free" country, and belongs to the group of 58 States that lack legislative guarantees of freedom of speech. In Freedom House's annual record – Press Freedom in the World 2000 – Georgia had 47 penalty points. It has been noted though that there are fewer cases of violations against journalists than in previous years.

According to journalists, security and law enforcement authorities have attempted to intimidate the press through public comments and private admonitions. The new Administrative Code enacted in June 1999 contains a freedom of information section that provides for public access to government meetings and documents. Journalists lack effective legal protection, a circumstance that has hindered investigative journalism.

Because of a lack of effective press associations in the country, organized collective advocacy for press rights is rare. Instead, in Georgia individual stations undertake media advocacy when they find themselves in conflict with the local authorities. Usually, this kind of advocacy begins when a station owner does not comply with "suggestions" from local interests on how they would like to see themselves and the region covered on the news. Harassment can take the form of intrusive inspections of their accounting, fire and safety standards, or it can be as extreme as shutting off their signals or electricity. Additionally, there is a general lack of understanding among journalists and government officials, especially in the regions, of the press freedoms that exist in Georgia. If a journalist does not know his rights, then he will be unable to demand them. For many small non-governmental television stations or newspapers, taking a case to court is difficult. Very few have the resources to pay for an attorney to represent them and a long, drawn out court battle could financially destroy

them. However, increasingly, journalists are turning to the courts to resist infringements against them, such as the cases against the television station Rustavi-2.

Although Article 24 of the Constitution clearly prohibits prior restraint, arbitrary actions of the governing bodies occur regularly. As soon as journalists trespass certain limits, they find themselves under some kind of pressure. Outside the capital, the situation is even worse. Since the courts are not independent of political influence, they cannot be considered a guardian of the free press as in some other countries. Even if the legislative state of affairs was to be taken care of, problems would still exist if the fundamental principle of division of powers as outlined in the Constitution were not put into practice. On the positive side, it should be added that if the courts of the first instance neglect the principle of freedom of speech, the Supreme Court, as a rule, sides with the media. The Supreme Court is comparatively free from political pressure, and any influence from the Government is in some way balanced by the media as well as by Georgian and foreign public opinion as in the case which is described next.

In June 1997, the Parliamentary Investigation Commission presented evidence that the Security Ministry illegally eavesdropped on the telephone conversations of Sakartvelo editor Nodar Grigalashvili and the editors of other newspapers. Following the scandal, Security Chief Shota Kviraia, who had ordered the tapping of opposition journalists' telephones, resigned. It is widely believed that the main cause of his departure was due to other political considerations, but the fact itself that the chief of this agency had to resign over an eavesdropping scandal still should be considered a positive step toward the creation of a democratic State.

Unfortunately it is not only the Government or its particular representatives that puts constraints on the independent media. The public itself and the church condemn anything considered to be a violation of their beliefs of Christianity and patriotism.

Due to all the constraints described above there is one particular problem as deeply rooted in Georgia as in any other State of the CIS, and that is self-censorship. Journalists withhold questions, prefer not to write about certain topics and refrain from critical commentary. In particular, police interventions and the conflict between Tbilisi and Abkhazia are still dangerous, and indeed taboo, subjects. Self-censorship is also evident when issues concern Georgian history, cultural heritage, religion, or the commercial activities of the Shevardnadze family. However it should be noted that self-censorship is more characteristic for the state-run media.

The cases described below illustrate the outlined problems.

Pressure and Obstruction. At a press conference, held in the House of Journalists (a kind of journalists' club), the chairman of the Abkhazian government-in-exile's Cabinet, Zurab Erkvania, said that all materials about Abkhazia must undergo a censorship check. This innovation was to be introduced in the interest of state defence, he said. During a January 1996 interview, Zaza Shengelia, then vice-mayor of Tbilisi and now the chairman of State TV and Radio, decided he did not like the reporter's questions, and demanded the videotape from the director of Chor-News (a tabloid show of Channel 1). After he was rebuffed, the vice-mayor proceeded to physically assault the director.

In January 1997, Rezonansi published an interview with a businessman, sporting a quotation in the title: "Our ministers are idiots." The same issue contained a picture of Nanuli Shevardnadze looking at her husband with admiration, with the caption saying: "Oh, what a boy!" Subsequently, finding themselves under political pressure from the supreme authorities, the publishers of Rezonansi chose to fire Giorgi Gakhelidze, the journalist responsible for the issue.

In 1997, Rustavi-2 reporter Nino Khoshtaria took an ironic tone when covering the official reception at the State Office dedicated to the 26 May Independence Day. A week later, State Office press secretary Soso Tkebuchava threatened Khoshtaria, saying he was going to have her fired.

In an incident of harassment involving the military, Ministry of Defence officials called Amiran Meskheli, a correspondent for the newspaper Orioni, for military service on 11 June 1998, following the publication in May of an article that included Meskheli's interview with several soldiers. The trial of the journalist, who in April 1998 reported allegations of homosexuality and sexual harassment in the armed forces, was postponed indefinitely in 1998. At that time, government and military officials reportedly responded by threatening the reporters with arrest, demanding the names of sources, and filing a civil lawsuit that charged defamation. Amiran Meskheli was detained for allegedly having evaded military service. He subsequently was conscripted and assigned to the unit on which he had reported. Human rights monitors considered this action a transparent attempt at intimidation and filed a lawsuit to overturn his conscription. On 20 August, a court ordered his temporary release, ruling that Meskheli had been "called up in violation of the law". Meskheli remained out on bail at the year's end.

In May 1998, the independent newspaper Kavkasioni published allegations of graft and misconduct by the Abkhaz government-in-exile, a quasi-official body that claims to be the genuine government of Abkhazia and to speak for refugees from Abkhazia. In June 1998, two members of the Abkhaz government-in-exile filed a civil libel suit against the Tbilisi-based weekly independent newspaper Kavkasioni and against its editor, Sozar Subeliani. One case, filed by the exiled Minister of State Security, came in response to an article by Subeliani alleging the minister's misconduct during the Abkhaz-Georgian war. The minister apparently decided not to pursue the charges. In the other case, which was based on the same article, a Tbilisi court ordered Kavkasioni to publish an apology for "damaging the reputation" of the Ministry of Internal Affairs of the government-in-exile. The newspaper's appeal against an adverse 1998 decision by the court had not been heard by the year's end. A decision in favour of the plaintiffs could set a dangerous precedent, especially since other independent newspapers, such as Rezonansi, are also facing libel suits filed by government officials.

The trial of Eliso Chapidze, editorial writer of the daily Rezonansi, and editor Lasha Tughushi resumed on 2 February 2000 before the Didube district court in Tbilisi. The case was brought by Interior Minister Vakhtang Kutateladze after Rezonansi published an article about the involvement of the minister's son in a road accident in which a young man was seriously injured.

Mid-February 2000 the Interior Minister of the "Autonomous Republic of Abkhazia", Mamuka Nachkepia, said he planned to prosecute freelance journalist Klara Abramia for libel. She had published a report accusing the minister of corruption and of being to blame for the failure of a military operation in Gali district in May 1998, forcing 40,000 people into exile. When the story first appeared, the journalist's car was stolen and was later found burnt out.

Journalists Attacked. In 1998 a number of politically destabilizing events rocked Georgia, including assassination attempts on President Shevardnadze, abduction of four UN observers in Abkhazia, renewed hostilities in Abkhazia's Gali region, and an attempt to oust Shevardnadze by supporters of Georgia's late President Zviad Gamsakhurdia. As the Government struggled to maintain political control and rein in the opposition, official harassment of journalists increased.

Lasha Nadareishvili and David Okropiridze, editor-in-chief and a reporter for the independent weekly Asavali-Dasavali, became targets of violent attacks on independent journalists when they were beaten by armed assailants in September 1998.

Aka Suliava, a freelance journalist who writes for various independent newspapers, was set upon and beaten by four strangers outside his home on 1 February 2000. He had received several threats after making a series of investigations into arbitrary arrests and police violence. In particular, Aka Suliava and his colleague Givi Targamadze had been warned that they would be "punished" if they did not stop criticizing the Tbilisi police chief, Soso Alavidze.

Zaza Maisuradze, a cameraman with the television channel Rustavi-2, was assaulted and his tapes seized as he was filming a fire at two houses in Tbilisi on 1 March. According to the journalist, the houses belonged to people close to former Interior Minister Djemal Gakhokidze. Maisuradze also said he recognized his attackers as the ex-Minister's bodyguards. Rustavi-2 filed a complaint about the assault.

Another example of harassment of journalists was documented by the EIM. Akaki Gogichishvili, the host of the programme 60 Minutes of the Rustavi-2 TV company, strongly criticized Georgian oligarchs and their patrons in the country's leadership in his programmes. In one of the programmes in May 2000 he unmasked corruption in the Union of Writers of Georgia using information from the National Audit Chamber. After that he was summoned to the prosecutor's office where the Deputy General Prosecutor of Georgia suggested to him what might be a result of his conduct, and advised him to talk with his parents about whether it was worth continuing programmes. On the next day, 17 May, a relative passed him a warning that he could be murdered. The journalist organized a press conference in which he reported about the threats of the deputy prosecutor and also about the warning passed to him via his relative. After a three-day demonstration of support at the presidential residence, Shevardnadze announced, via his press secretary, that he had ordered the heads of the law-enforcing bodies to ensure Akaki Gogichishvili's safety.

At least three other journalists were victims of assault in the course of their work in 1999: two had condemned police "blunders", while the third had the temerity to film the house of a former Interior Minister. Similar cases of harassment by police were also registered in 2000, especially during the presidential elections in April 2000.

## **5. Media Situation in the Ajarian Autonomous Republic**

The situation in the Ajarian Autonomous Republic in south-west Georgia deserves special mention. Here, privately-owned media barely exist. The Ajarian authoritarian leader Aslan Abashidze eliminated both political opposition and independent media. In contrast, the state and party media is widely represented (only a single party is allowed to have its own publications in Ajaria). The Supreme Council (which is in charge of the region's government) owns the Ajarian and Russian-language Ajara newspapers, and the Ajara TV channel is owned by the State.

The views of Ajarian media outlets are identical. Even a hint of diverse opinion is inconceivable, as well as any variance in portraying the monolithic power structure. The semi-official media praise the personal qualities of local leader Aslan Abashidze, while at the same time demonizing the opposition. The national press is not limited in its access to Ajara, but publications containing unfavourable material are confiscated by police at the distribution centre. Channel 1 covers Ajara but the local channel replaces offensive material before the signal is broadcast.

One case illustrating the attitude of Ajarian authorities towards the independent press was recorded in May and June 1997, when Giorgi Sanaia published a series of articles in *Rezonansi* about ecological problems in Ajara. The mayor of Batumi, the largest city in the region, promised "to hang Sanaia on the pier". Then a suit was brought in Batumi court against the reporter for slander. The articles were held responsible for affecting the summer's tourism on the region's Black Sea beaches. Since Sanaia was beyond the reach of the local court, *Rezonansi's* Batumi bureau chief was held responsible.

The most recent case of a serious violation of media freedom was registered in early 2000, when various NGOs appealed to President Eduard Shevardnadze to order an investigation into the apparently illegal takeover of the independent TV station Channel 25 in the Ajarian capital, Batumi.

On 19 February 2000 Aslan Smirba, former Batumi mayor and current Georgian parliamentarian and close associate of Ajarian President Aslan Abashidze, forced three of Channel 25's owners to sign over 75 per cent of the station's shares to Mikhail Gagoshidze, who was believed to have been chosen by Aslan Smirba to be the station's nominal owner. According to various sources in the region, Smirba told the station owners that he would "put a bullet through someone's head" if they refused to transfer their shares to Gagoshidze. In an attempt to legitimize the transaction, Smirba then forced the owner to accept a payment of USD 50,000.

Channel 25 is the only independent station in the region and the sole alternative to the state-owned channel, Ajara TV. Smirba, who has often criticized Channel 25's coverage, has made several previous attempts to coerce the station's owners into selling their shares. He also claimed that Channel 25 owed him approximately USD 56,000 for a 1996 payment that he had made to Ajarian official Leonid Zhgenti in return for granting the State permission to broadcast.

Smirba provided no evidence to back up this allegation, despite having promised that he would take no further steps to acquire Channel 25 until the legitimacy of his claim could be proven. All of the station's journalists and most of its technicians have since resigned in protest.

## **6. Media and the Presidential Elections in Georgia in April 2000**

**Political Background of Election.** The elections for the presidency in April 2000 were held on the anniversary of the 9 April 1989 events in Tbilisi when Soviet forces attacked a peaceful demonstration for independence. Two of the candidates during the election campaign were intimately involved with this important event in the history of Georgian politics, Eduard Shevardnadze (then Soviet Foreign Minister) and Jumber Patiashvili (then First Secretary of the Georgian Communist Party). This crucial event provided a backdrop for the campaign.

The expected contest between the leaders of Georgia's two largest parties, President Eduard Shevardnadze and Aslan Abashidze, failed to materialize. Abashidze decided not to wage a nationwide campaign, remaining confined to the territory of the Autonomous Republic of Ajara. Abashidze's conduct during the campaign period was limited to feeding speculation over the withdrawal of his candidature in favour of Jumber Patiashvili. As a result, the election was effectively contested only between Shevardnadze and Patiashvili. No other candidate waged a serious election campaign.

The presidential election of 9 April 2000 was preceded and largely shaped by the parliamentary elections of October 1999 that represented an overwhelming victory for the Citizen's Union of Georgia (CUG) and thus an endorsement of its leader, President Shevardnadze.

**Regulatory Framework.** According to Article 17 of the Presidential Election Law of Georgia "the presidential candidates from the moment of their registration by the Central Election Commission shall participate in the election campaign on the basis of equality. They have equal rights to use the media and other means of mass communication on the whole territory of Georgia." Article 7 of the same law obliges the media to "cover the preparation and holding of the election thoroughly". State television was obliged to provide one hour of broadcast time per day free of charge. Article 47 of the Parliamentary Election Law obliges State TV to distribute free time equally between the parties. This article also forbids the selling of airtime to candidates on State TV and Radio.

The recommendation of the Council of Europe's Council of Ministers "Concerning Media Coverage of Election Campaigns", adopted on 9 September 1999 applies to Georgia. The recommendation states: "no privileged treatment should be given to public authorities during (news) programmes... Special care should be taken with programmes other than news or current affairs which are not directly linked with the campaign but which may also have influence on the attitude of voters." It also recommends that the relevant authorities monitoring coverage of the elections should be given the power to intervene in order to remedy possible shortcomings.

In fact, monitoring of State TV (particularly State 1) showed a clear bias in terms of time allocated, tone and range of programming devoted to Shevardnadze. This contradicts the agreement Georgia reached with the Council of Ministers in September 1999. State TV representatives explained the advertising of Shevardnadze, illegal according to the Presidential Election Law of Georgia, as being the result of having sold time previously to advertising companies which had in turn resold the airtime to Shevardnadze's campaign team. Other candidates did not complain specifically about this, nor did the Central Election Commission react in any way to the legal dilemma.

Party representatives themselves had different views over the legality of purchasing time for political advertising from state media. In the 1999 parliamentary elections this was declared by resolution to be illegal by the CEC, although the sale of time to candidates via intermediary purchasers appears to have been deemed legal. After the parliamentary elections the law does not seem to have been clarified.

Candidates with complaints about their coverage in the media did not see lodging complaints with the CEC as an appropriate means of addressing these. Opposition candidates and other local observers alike met the impartiality of the CEC with cynicism. Neither did the CEC take an active role in monitoring violations of the presidential election law by media outlets.

**Complaints of Media Coverage.** The OSCE Office for Democratic Institutions and Human Rights (ODIHR) sent a team of experts to Georgia to observe the entire presidential electoral process before, during and after the presidential elections, including an assessment of the media environment.<sup>9</sup> The result was the following:

"Outside the free airtime allocated to registered candidates, the State media failed to provide balanced reporting on candidates and gave the incumbent a clear advantage. The coverage in the private media was more balanced, although the incumbent again received the highest amount of coverage, in terms of time, space and quality." (ODIHR 9 June 2000 final report on Republic of Georgia Presidential Elections)

All candidates, apart from the incumbent, complained of biased media coverage on national media, of an informational blockade of their campaigns. However, given the lack of campaigning activity from all but two of the candidates, this is difficult to justify.

According to the Press Secretary for the CUG, Shevardnadze's campaign made use of all media channels, but with a strong focus on television as the only effective nationwide medium. As Head of State, Shevardnadze naturally enjoyed the advantage of being extensively covered in news programming, however "to observe objectivity" Shevardnadze cancelled the weekly press briefings for the duration of the campaign. In addition to the free allocated time given to all candidates, candidates made use of additional paid advertising on State TV, independent channels and on radio.

Jumber Patiashvili was fielded by the Revival Bloc and, given the absence of an active campaign by Aslan Abashidze, was effectively the only serious opponent to Shevardnadze. According to Patiashvili, his campaign strategy was focused more on direct campaigning across the country than use of media, and he campaigned in most of Georgia's regions. However, Patiashvili had a number of complaints regarding both his access to the media and the coverage of his campaign. Firstly, he said that his allocated slots on Channel 1 were timed so as

to coincide with Georgia's frequent and predictable power shortages. His second major complaint was the biased nature of his coverage on Channel 1. Patiashvili preferred direct protest rather than applying to the appropriate electoral institution to voice his complaint because he doubted the ability of independent media to remain objective and referred to journalists as "fulfilling state orders".

Another presidential candidate, Avtandil Joglidze, lodged an open protest with the CEC, in which he complained that he had not been given the "necessary permission" to begin using his free time on State TV until 20 March, 10 days after the campaign officially began. He also complained about having no access to free broadcasting time on radio (candidates were not entitled to free time on radio during the presidential campaign).

Coverage of Elections by Broadcast Media. Television. The figures of various surveys, as well as other objective analyses, indicate that State TV 1 has the broadest reach in the country, serving regions which are not reached by commercially owned broadcasters. This places a special responsibility on State TV to provide impartial and balanced coverage to the electorate, without favouring one candidate over others. In actuality, the company failed to live up to this obligation.

The station's coverage was notable for its lengthy news coverage of Shevardnadze's campaign, with the addition of special programmes on his life, such as an interview with his wife and a programme focusing on his grandson. There was only limited coverage of other candidates' campaigns.

An additional serious blemish on State TV's coverage lay in its acceptance of campaign advertisements only supporting the incumbent and their appearance in ordinary commercial slots rather than separate blocks as political advertising.

Of the independent TV channels, Rustavi-2 is the most successful. The channel maintains that it has an "ordinary" relationship with the authorities, although harassment of investigative reporters continues, in Tbilisi as elsewhere. The news director stated that the candidates were offered the chance to debate on Rustavi-2 but each declined. He also reported a serious incident in Gori on 5 April, when local police harassed a Rustavi-2 reporter who was reporting on difficulties encountered by Patiashvili campaign staff with local authorities. This was reported on the station's news programmes.

The privately-owned Iberia TV had a very reduced role during elections due to the financial difficulties it has been facing for years. During the initial period of the campaign, its election coverage was mostly neutral, but two days before elections it began to broadcast election adverts for Shevardnadze in large quantities.

In comparison with all other TV stations that devoted their coverage to Shevardnadze, TV Ajara was the exception because up to 70 per cent of its news coverage was dominated by Aslan Abashidze.

Radio. Despite the fact that it was assumed that radio would have played a more important role in election coverage, none of the candidates paid much attention to it, and the privately-owned stations wrote their news bulletins taken entirely from information agencies reports with no political analysis.

Election coverage at State Radio was almost as one sided as State TV's, although it did broadcast daily transmissions of foreign broadcasters which to a certain extent provided a broader platform to opposition candidates.

Coverage of Elections by the Print Media. In the case of state-owned outlets that still remain partly funded by the State, newspapers were obliged to print government statements, at their loss, as they admit. Svobodnaya Gruzia published Shevardnadze's electoral programme but not those of any other candidate.

The non-state funded press, on the other hand, showed an encouraging range in the nature of their coverage, showing a true pluralism and taking their responsibility towards the campaign very seriously. The case of Droni's leaning towards the incumbent candidate was explained by the paper's ownership links with the governing party, CUG.

It also should be noted that there was no case cited where newspaper journalists were harassed or seriously impeded in their coverage of this election campaign.

Advertising. The question of advertising impinges in this campaign in a number of ways. Such political advertising as there was (including posters in the streets) was nearly all in favour of Shevardnadze. However, independent media of all sorts reported that there was very little demand for adverts from any of the candidates. Hidden advertising (the practice of paying for articles to appear in your favour or to another's detriment) was also present to a certain degree, but in much lower quantities than during the parliamentary election of 1999.

This probably corresponds to the lack of an active political advertising campaign of any sort. Indeed, the newspapers carry very little commercial advertising in general – an important aspect of their financial difficulties. In comparison to other media, newspapers apparently had high prices for official advertising. One page in Rezonansi, for example, which states a print-run of 7,000, costs \$460, while 30 seconds on its two radio stations cost 12 lari (\$6).

Election Coverage in Ajara. Election coverage by state-controlled media in Ajara, Ajara TV and the newspaper of the same name, was devoted to Aslan Abashidze. Ajara TV praised Abashidze and dedicated 75 per cent of its coverage to him out of the candidates, although the entire coverage for the whole period was just eight hours, owing to the limited broadcast time afforded to the channel.

Independent newspapers in Ajara were not approached by any of the candidates. In the case described above, an independent TV station in Ajara, Channel 25, was forced to withdraw its news programme for the duration of the election campaign. This fact constitutes a violation of the freedoms of expression guaranteed by the Georgian Constitution.

## 7. The Internet in Georgia

Even though progress has been made with the help of non-governmental organizations, development of the Internet in Georgia has been severely limited due to a number of deeply-embedded factors ranging from the archaic state of the country's telecommunications infrastructure, to the high-cost of connectivity and of basic computer equipment in relation to average salaries, the lack of system administrators and qualified engineers, and the susceptibility of the nation's electricity supply to erratic interruptions. In summary, Georgia, like Central Asia, Azerbaijan, Armenia, Moldova and Belarus, so far has little Internet infrastructure in comparison with Russia and Ukraine, who are the front runners in the CIS.

It is impossible to determinate the exact size of the Internet, where hosts are and how many users there are. Nonetheless, one recent survey calculates the number of hosts in Georgia at 979 in December 1999, in comparison to 53 hosts in November 1995, when Georgia established its first permanent Internet link. The number of users is even more difficult to estimate. Firstly, only a minority has an IP connection which permits surfing the World Wide Web (www). Most users only have access to e-mail. Secondly, there are no means to check it, since the number of subscribers at providers only gives an indication of the number of connections, not the number of people that can use this connection. The current number of users in Georgia, according to the 1998 World Telecommunications Development Report: Universal Access, is estimated at 37 users per 10,000. The numbers are said to double every year. Internet is a growing phenomenon.

Nonetheless, there are several obstructions to the swift expansion of the Internet, the main one being the poor telecommunications infrastructure. Until the nation's overall telecommunications infrastructure is improved, fast and reliable connectivity in Georgia will not become a widespread reality. Most people, particularly residential users and NGOs, currently are dependent on telephone dial-up connections to the Internet at the speed of up to 33.6 kb/sec, a speed considered acceptable for a single-home computer.

Another major barrier is the cost. But even if the cost remains high, prices have been falling due to competition. For a long time, SANET was the only reliable commercial Internet provider and was able to charge \$150 per month for just two hours a day of Internet access. But after the appearance of new commercial providers in 1997, SANET reduced its fees to be in line with the rates of the new providers. Currently there are four major Internet service providers in Georgia, including SANET, Caucasus.Net, Global One Georgia, and Geonet. Caucasus.Net is providing the most affordable service, including unlimited Internet access for \$40 per month.

Despite the fact that so far, Internet is not a very visible medium in the CIS, it is apparent that the number of subscribers is increasing. Overall the Georgian Government is supporting the Internet development in the region, and international organizations and international NGOs are investing considerable sums in infrastructure development.

The Open Society Institute (OSI) has provided significant technical and financial support toward improving Internet connectivity in Georgia. Other organizations, such as USAID and OSGF, have undertaken programmes in Georgia to help improve connectivity and train people how to use the Internet. In early 1997, the OSGF opened the Internet Centre for Wide Open World, whose main purpose is to provide Internet grants to organizations across Georgia. Its projects have included grants to organizations working to create and popularize a Georgian character coding standard for the alphabet – a main requirement for making Georgian information available through the Internet. Currently there are several on-line newspapers in Georgia, including

on-line versions of Georgian print media, which allows a domestic and international spread of information that goes far beyond the control of governments.

## 8. Conclusions and Recommendations

Georgian media legislation and the Constitution provide for freedom of the press. However, even as the independent press grows increasingly active, the Government continues to constrain some press freedoms. There is no law providing public access to information and government officials are sometimes unwilling to answer press inquiries. Journalists lack effective legal protection. Nevertheless, dozens of independent outlets operate freely, frequently criticizing high-ranking officials. Self-censorship is common, however, especially in state-run media. No independent newspaper as yet has a large national audience, although several have emerged as serious and reputable sources of information. During the last two years, the government monopoly on radio and television programmes was broken and the Internet became a vital source of information for an increasing number of Georgians.

Media legislation and regulations should be improved in several areas. This concerns in particular the present libel laws, which can be broadly interpreted and often misused. The regulation of the division of frequencies and of obtaining licences should become more clear-cut and non-discriminatory. There is also a clear need for an independent media regulatory agency, that is entrusted with the management of state-run media – that needs to be distanced from politics – as well as with monitoring the implementation of regulations concerning independent broadcasters.

Further, considering the negative side effects of selective subsidies - encouraging dependency of recipients and affecting competitiveness of non-recipients - it is important that general subsidies are distributed for a meaningful period of time and that their implementation is decided upon by a body which is separate from the authorities.

Even though the overall standard of Georgian media is by no means exemplary, it should be stated that it compares favourably with the media situation in many other CIS countries. Still, in order to improve the situation further, it is vital for the Georgian media that international organizations continue to observe the situation, press for the implementation of international standards, and support independent media financially, technologically and by means of training.

Implementation of international aid programmes in Georgia at the stage when media is still facing many constraints is a must for achieving media freedom, pluralism, and professionalism. Considerable support of such organizations as USAID, Soros Foundation, Internews, EIM, CPJ, IFES, BBC, Eurasia, Freedom Forum and many others makes such development more feasible.

The OSCE Representative on Freedom of the Media will continue to follow the media situation in the Republic of Georgia. While remaining concerned about the conditions under which Georgian journalists must labour, including difficult access to public information, harassment, pressure, obstruction and even violent attacks, and about the special problems of the regional media, the Representative is encouraged by the new draft law on freedom of speech which Georgia has recently introduced to comply with its obligations as a member of the Council of Europe, since it appears to conform to international law and to contain positive provisions on defamation which could serve as a model for other CIS countries. The Freedom of Media Office is well aware that for the active independent media to survive, considerable technological, financial and professional support is needed and therefore encourages continued aid to this sector at a critical time in the history of democratic Georgia.