Georgia Media Landscape Assessment 2021

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Table of Contents

Acronyms

AIPCE	Alliance of Independent Press Councils of Europe
CRRC	Caucasus Research Resource Center
CSOs	Civil Society Organisations
GEL	Georgian Lari
GNCC	Georgian National Communications Commission
GPB	Georgian Public Broadcaster
MDIs	Media Development Indicators (by UNESCO)
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
RDD	Random-digit Dial
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN	United Nations

Executive Summary

The media can play a number of important roles in society, of which serving as a support system for democracy and good governance – including through promoting accountability, fostering participation and public debate about matters of public importance, and exposing wrongdoing, including corruption and human rights abuses – is one of the most important. A number of features, what one might call an enabling environment, are needed for the media to be able to play this particular role in a robust manner.

UNESCO's Media Development Indicators (MDIs)[1] highlight several of the key features of an enabling environment for the media to be able to support democracy and good governance, and these provide the main organisational framework for this Report. To provide evidence for its findings and recommendations, this Report relied on seven key research tools, namely: 1) a desk-based literature review; 2) focus group discussions; 3) key informant interviews; 4) a public opinion survey; 5) a survey of senior journalists; 6) content analysis via monitoring of select television and online media outlets; and 7) feedback from selected experts. The primary data collection activities took place between June and October 2021.

The first issue addressed in the Report is whether media serves the information needs of all Georgians, something that is central to its ability to support democracy. In terms of content diversity, a key finding is that important parts of the media, and especially national commercial television stations, are not only highly partisan in their news coverage but also focus too much on issues with a party-political slant, as opposed to wider issues of concern to the public, especially social issues but also economic issues. Too little content is being disseminated which is of interest to minority groups, and even less in their own languages. While this is not an easy problem to address, discussions should continue about how to reduce partisanship in these media, to connect them better with their audiences and to increase their willingness to serve the information needs of those audiences.

For its part, GPB, while less dramatically partisan than commercial television stations, still clearly fails to meet the standards expected of a public service broadcaster, including by not covering news which is challenging for the government and refraining from engaging in robust criticism where this is warranted. While GPB does disseminate a reasonably diverse range of content overall, more needs to be done here given the level of public financial support for GPB, including in the area of content targeting minorities. One clear recommendation here is that the appointment of the governing board of GPB should move away from an approach which ensures a balance of competing political representatives (i.e. whereby political tendencies are represented on the board in proportion to their support in the legislature) to an approach which leads to independent,

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[1] Available at: https://en.unesco.org/programme/ipdc/initiatives/mdis.

non-partisan, professional representatives sitting on the board. This might require an amendment to the governing legislation for GPB, although there is nothing in the Broadcasting Law which requires members of the Board of Trustees to be political in nature, or just a political agreement to move away from the current approach to a professional approach.

While women comprise an overall majority of those working in the media sector, the evidence suggests that they are not similarly or even equally represented at the higher levels of media management. Furthermore, members of minority groups appear to be underrepresented in the media at all levels. More research is needed to assess both the exact scope of these challenges as well as how best to address them, but consideration should be given here to both public policy measures and efforts by individual media outlets.

Georgia has in place reasonably strong rules preventing undue concentration of ownership of the broadcast media, as well as rules on transparency of broadcast media ownership and funding. These rules should be applied strictly and consideration should be given to extending them to cover both cross-ownership and transparency in relation to the print and online media.

A second key issue addressed in this Report is the extent to which Georgians have trust in their media, another key requirement for the media to be able to support democracy and good governance, and something which has generally been declining globally in recent years. The good news is that more than twice as many Georgians (40%) fully or somewhat trust journalists than fully or somewhat distrust them (18%), although one-third of respondents were neutral on this. However, when asked whether the news in the media was either impartial or accurate, far more respondents disagreed than agreed on both counts. Exacerbating the problem here is high-profile attempts by political actors to influence media reporting, including through excessively strong criticism of media which oppose their political outlook, which political parties should take steps to address.

A lot of trust was exhibited towards civil society reporting on and monitoring of the media, although there were also some suggestions that this should be more advocacy oriented. It would be useful for civil society to explore that suggestion further in consultation with key stakeholders.

A third key issue here is the systems for regulating media professionalism, especially complaints systems, and how effective they are in practice. There are different systems for this in Georgia, including a self-regulatory system run on a voluntary basis by the media (namely the Georgian Charter of Journalistic Ethics), a co-regulatory system run by the media but mandated by law (namely the internal systems the Broadcasting Law requires each broadcaster to put in place to apply the Code of Conduct for Broadcasters adopted by the Communications Commission),[2] and statutory regulation via the

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[2] Note that the terminology commonly used in Georgia does not appear to be in line with international usage. This is even reflected in the Broadcasting Law itself, which calls the legally mandatory system it imposes "self regulation", whereas international terminology calls that a co-regulatory system.

Communications Commission (also established by the Broadcasting Law). However, the level of awareness among the general public about these systems is very low, and even journalists do not seem to be as aware of them as they should be. This needs to be addressed, including via public service announcements in the media about these systems as well as media news reporting on the use of these systems (i.e. cases). It might also be opportune to have public consultations to review both the Charter and Code of Conduct, to update them but also to provide an opportunity to raise awareness about them and the systems which apply them.

The co-regulatory system run by individual broadcasters has the distinct advantage of being robustly protected against external political inference but it is also both extremely inefficient and of limited use in addressing systemic professional problems in broadcasting, such as a lack of political balance and impartiality (both clearly mandated by the Code of Conduct). Consideration should, therefore, be given to whether this system might be replaced by a more centralised but still coregulatory system (i.e. one which is run largely by media outlets rather than a statutory regulator) without creating a risk of political interference. There are good models of this in different countries which could provide inspiration for Georgia.

A fifth issue addressed in this Report is the extent to which journalists are able to do their work free of fear of physical attacks and interferences such as harassment and threats, something which is clearly needed if the media are to be able to promote democracy and good governance in a country. While historically safety has not been a dominant issue for journalists in Georgia, the events of 5 July 2021 and following, sparked by the cancellation of the March for Dignity planned by Tbilisi Pride, an organisation promoting LGBTQ+ rights, have changed this dramatically. Numerous media workers were beaten during these events, including one who died later from injuries he sustained, while wearing a "Press" insignia turned into a liability instead of a form of protection, and the police generally failed to provide protection to journalists. More research is needed to come up with firm recommendations here but consideration should be given to whether there is a need for a special police unit to investigate crimes against journalists, including cases of serious threats and online harassment. Media outlets should also consider whether they are providing sufficient levels of insurance and safety training to their staff.

The final issue addressed in this Report is certain key features of the legal and policy environment. An assessment of the independence of the Communications Commission showed that despite robust legal guarantees for this, in fact oversight of the Commission is dominated by people with partisan political leanings, much as is the case with the governing board of GPB. Here, as for GPB, it is imperative to move away from political appointments to a more independent, professional system of oversight. Georgia has strong rules on the right of journalists to protect the confidentiality of their sources of information, although the legal framework could be bolstered by setting out more explicitly the grounds upon which this right may be overridden. Allegations that journalists were being subjected to surveillance, which is problematical in several respects, including as it risks exposing their sources, should be investigated and, if found to be correct, addressed firmly and quickly.

Accreditation is another area where the systems appear to be working reasonably well in Georgia. At the same time, the rules on accreditation should be reviewed to make sure that they are based on clear and fair criteria which aim to ensure that, collectively, accreditation ensures the widest possible reach of key information to the public. Practices such as not inviting journalists from opposition-leaning media to press conferences or meetings, to the extent that they are taking place, should cease.

There are credible allegations that public advertising is not being allocated fairly to media outlets based on an objective assessment of the most cost-effective way to reach the target audience. Consideration should be given to routing this advertising through an independent central body and it should at least be allocated on the basis of clear and published criteria.

Overall, it should be recognised that Georgia is doing fairly well in terms of respect for media freedom and freedom of expression more generally. At the same time, much could be done to improve the enabling environment for the media to serve as a vehicle for the promotion of democracy and good governance in Georgia. Hopefully the many recommendations for such improvements in this Report will at least serve to spark further debate about challenging areas and lead to some concrete changes.

Introduction

The media can serve a large number of important roles in society. This includes, most obviously, keeping citizens informed about matters of public concern, whether these are local, national or international in nature. Acting as watchdog of the powerful, including officials, politicians, businesspeople, companies and others, including by exposing corruption and other forms of wrongdoing, is another. Beyond keeping citizens informed, the media can also serve as a platform for social debate, including by contributing to setting the agenda in this regard. It is also important not to forget the role of the media in terms of both education and entertainment.

Closely related to many of these roles is the overriding role of the media in supporting democracy and good governance in society. The watchdog role of the media is key to accountability, itself a core metric of good governance. The same watchdog role can serve as an important means of exposing human rights abuses, thereby helping improve respect for human rights over time, another core attribute of good governance. Keeping citizens informed and both serving as a platform for and driving the agenda of social debate on matters of public concern are key to successful elections, understood as the true expression of the will of the electorate. Put differently, it is only where citizens are properly informed about events and the platforms of parties and candidates, and where they are able to benefit from high-quality debate about current affairs, that they can exercise their right to vote such that this represents their actual wishes or will. The same roles of the media are a core underpinning of informed public participation in decision-making, another key attribute of democracy.

The above represents a somewhat idealised vision of the role of the media in society, a role which is often tempered by various constraints, not least among them financial limitations. However, where the media, overall, are diverse, free, independent, professional, sustainable and responsive to the needs of the people, they will be able to serve these roles more fully than where these characteristics are lacking or weakly represented.

This Report, commissioned by the Europe Foundation as part of its Watchdog Journalism for Change Initiative, assesses the overall enabling environment for the media to be able to support democracy and good governance in Georgia. In terms of thematic focus, and in particular the areas of the wider media environment it hones in on, it relies heavily on UNESCO's Media Development Indicators (MDIs).[3] The MDIs represent a comprehensive methodology for assessing the environment for media development in any country. Developed over a period of time and in consultation with leading media observers from around the world, comprehensive MDI assessments have now been conducted in at least 24 different countries, with partial assessments having been conducted in other countries.

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[3] Available at: https://en.unesco.org/programme/ipdc/initiatives/mdis.

A full MDI assessment takes considerable resources and goes well beyond assessing just the enabling environment for the media vis-à-vis its role in supporting democracy and good governance. As such, a subset of MDI indicators, mostly drawn from Category 3 of the MDI framework, titled Media as a Platform for Democratic Discourse, but also drawing from other categories (see below under Methodology), have been relied upon. A wide range of data collection tools – including a literature review, public opinion and senior journalist surveys, focus group discussions, key informant interviews and direct media monitoring exercises – were used to inform this Report, as described below under Methodology.

Since this Report focuses on a key role of the media in society, it is important to start out with a clear understanding of what media encompasses for current purposes. The term "media", as used herein, is understood fairly broadly to encompass entities which focus on the regular (ongoing or periodic) dissemination of centrally edited or collected news and current affairs content, which is available to the public as a whole, subject only to language capabilities, access to the Internet or payment for the service. It may be distinguished from "social media", which do not focus on this sort of service and which cannot be said to disseminate centrally edited or collected content. However, it embraces media regardless of the means of dissemination, thus including online media as well as legacy media such as newspapers, and television and radio stations.

This Report starts by outlining the methodology used to prepare it, including the various data collection tools relied upon. The first substantive part of the Report, titled Media Serves the Information Needs of Society, assesses the extent to which the media both serves and reflects society. It is broken down into sections on the diversity of content available through the media, diversity in terms of journalists and minority media outlets, and then sections on ownership of commercial media, the situation of community media and the status of public service broadcasting. As with all substantive parts of the Report, this part ends with a set of formal recommendations.

The second substantive part focuses on Trust in the Media and comprises three sections focusing, respectively, on public trust and confidence in the media, the monitoring of the media by civil society organisations and informal attempts, especially by officials, to influence media content. The third part looks at Regulation of Media Professionalism, with sections focusing on existing regulatory systems and then how effective they are. The fourth part focuses on Safety of Journalists, looking directly at safety issues, the extent to which journalists self-censor due to threats and the provision by media outlets of appropriate health and safety protection for their workers. The final part focuses on the Legal and Policy Environment for the media, focusing first on the independence of official regulators and then on other key legal and policy issues such as the right of journalists to protect their confidential sources of information, accreditation systems and the allocation of advertising to media outlets.

The data collection period for this Report – namely June to October 2021 – covered the very high-profile events surrounding the March for Dignity which had been planned for 5

July 2021 within the framework of the Pride Week events planned by Tbilisi Pride, an organisation promoting LGBTQ+ rights. These events, which garnered extensive international media coverage and dominated local media coverage at the time, included numerous physical attacks on journalists and other media workers, and the death of one cameraman following his having been beaten. As such, they have a very direct bearing on many of the issues covered by this Report, including safety, to be sure, but also issues such as trust and professionalism. The Report processes the data without any adjustment to take into account these events while also recognising that, over time, the impact of these events on the perceptions of the subjects of the data collection – which includes the general public, journalists, civil society representatives and leading media observers in society – may change.

The focus group discussions and key informant interviews conducted for this Report each started out with a general question asking participants what they felt were the main barriers to the media being able to fulfil its role as a platform for democratic discourse in Georgia. A wide range of issues was reflected in the responses to this question. Financial challenges – always an issue for the media but which have become far more significant recently as advertising revenues have migrated over to social media platforms and other online services and then with the impact of the COVID-19 pandemic – were mentioned by several people. These challenges undermine media independence and undercut key democratic areas of media work, most obviously investigative journalism, which is relatively expensive to produce compared to other types of media content, but also just generally professionalism in the media, which also comes at a financial cost.

An interesting theme running through many of the barriers presented was wider democratic challenges in Georgia. One aspect of this, mentioned by several people, was harsh criticism of the media, often amounting to political attacks, by politicians and others, undermining trust and respect for the role of the media in society. Yet another was the highly partisan nature of Georgian society, which is reflected in media output (as discussed in various sections of this Report) and which, indeed, leads to people wanting information from the media which reflects their biases rather than objective information, further exacerbating partisanship in the media. As a gloss on this, several issues relating to political partisanship in media relations – such as politicians refusing to appear on media which do not support their parties, public bodies refusing to allocate advertising to opposition media and other forms of harassment or bullying of the media – were noted. Another was the growth in hate speech, false news, and trolls and likes on social media, alongside low levels of media and information literacy. It was suggested that media literacy was so low that many people do not even understand the concept of independent media or the proper role of a public service broadcaster.

Some other barriers mentioned included the following:
- Georgia not having a proper law on access to information held by public authorities, just the General Administrative Code of Georgia, alongside obstruction from public authorities in providing information even according to the terms of that law.

- Excessive politicisation of the news crowding out news coverage of important but less political issues, especially social issues.
- A general lack of expertise and professionalism among journalists, an especial challenge for smaller, regional and online media outlets but present throughout the system, undermining the quality of media output. This is exacerbated by the low expectations of media consumers, who are increasingly influenced in this regard by social media output.
- Interference in media content by owners, who are often highly politicised, to the detriment of quality journalism.
- The rapid introduction of limits on advertising by the Georgian National Communications Commission (now the Communications Commission) to bring the country into line with European standards but which could have been introduced more gradually, especially given the current financial challenges facing the media.
- Official actors and sometimes also the public not taking regional and online media sufficiently seriously, creating various headwinds for them (with an example being given of these media not having been included in the priority COVID-19 vaccination programmes which had been put in place for other media).

Many of these issues are dealt with in more detail in this Report, but some of them go beyond its scope. They are mentioned here to highlight what interviewees and discussants felt were the key barriers faced by the media in fulfilling its role in promoting democracy and good governance in Georgia.

1. Methodology

This Report was drafted by an international expert on media freedom and development based in Canada, namely Toby Mendel, Executive Director, Centre for Law and Democracy.[4] Mendel has worked in numerous countries in all regions of the world, including Georgia, on media law, policy and development issues. Mendel did all of his research and drafting remotely (i.e. without visiting Georgia). Primary data collection via a number of different tools was done by Caucasus Research Resource Center (CRRC),[5] a respected research organisation based in Georgia. Feedback on a draft version of the report was provided by a National Advisory Panel of selected leading local experts.[6]

As noted above, a selection of the full set of MDI indicators was used for this Report. Specifically, it relies on the following indicators:
- 1.3   Editorial independence is guaranteed in law and respected in practice
- 1.6   Independence of the regulatory system is guaranteed by law and respected in practice
- 2.1   State takes positive measures to promote pluralist media
- 2.2   State ensures compliance with measures to promote pluralist media

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[4] See http://www.law-democracy.org.
[5] See http://www.crrccenters.org/n.
[6] A list of the members of the Panel is provided in the Annex.

- 2.5 State and CSOs actively promote development of community media
- 2.10 State does not discriminate through advertising policy
- 3.1 The media – public, private and community-based – serve the needs of all groups in society
- 3.2 Media organisations reflect social diversity through their employment practices
- 3.3 The goals of public service broadcasting are legally defined and guaranteed
- 3.5 Independent and transparent system of governance
- 3.7 Print and broadcast media have effective mechanisms of self-regulation
- 3.8 Media displays culture of self-regulation
- 3.9 Effective broadcasting code setting out requirements for fairness and impartiality
- 3.10 Effective enforcement of broadcasting code
- 3.11 The public displays high levels of trust and confidence in the media
- 3.12 Media organisations are responsive to public perceptions of their work
- 3.13 Journalists, associated media personnel and media organisations can practice their profession in safety
- 3.14 Media practice is not harmed by a climate of insecurity
- 4.8 CSOs monitor the media systematically

Seven key research tools were used to collect information to inform this Report, namely: 1) a desk-based literature review; 2) focus group discussions; 3) key informant interviews; 4) a public opinion survey; 5) a survey of senior journalists; 6) media content analysis via monitoring; and 7) feedback from selected experts. Each of these is described in more detail below. The primary data collection activities took place between June and October 2021.

Literature Review

The literature review was restricted to English language texts which are available online. However, over the years, a rich selection of such texts has been developed by both international organisations and non-governmental organisations working in Georgia and by local organisations, experts and academics. Texts were collected online and via referral by members of the National Advisory Panel. A full list of these texts is provided in the Bibliography at the end of the Report and many are cited in footnotes throughout the text of the Report.

Focus Group Discussions

Six focus group discussions, each one involving between six and eight individuals, were conducted involving, respectively: three sets of journalists (local media journalists, young journalists and more experienced journalists); civil society activists focusing on media issues; and two sets of public representatives (students and younger people, and average media consumers). CRRC and Europe Foundation led on identifying the members of each focus group. A list of between 12 and 14 set questions were developed for each of

the three sectors (i.e. journalists, civil society and the public). The discussions were conducted in Georgian and a summary of the debate was provided to the author in English.

Key Informant Interviews

Key informant interviews were conducted with eleven senior media observers and four media managers. These revolved around 26 set questions and, like the focus group discussions, were conducted in Georgian with a summary of the discussion being provided to the author in English.

Public Opinion Survey

Nine questions tailored to the subject matter of this Report were added to the quarterly omnibus survey that CRRC conducts. This covered 1,228 respondents using a phone interview approach based on a random-digit dial (RDD) sampling method. Data are nationally representative of government-controlled territories (i.e. excluding the conflict-affected territories of Abkhazia and South Ossetia/Tskhinvali region). Interviews were conducted in Georgian, Armenian, Azerbaijani and Russian. Results of this survey were weighted and population counts based on the 2014 National Census of Georgia were used to calculate weighting adjustments. The average margin of error does not exceed between 3 and 5%, depending on the estimated proportions. The results, including broken down into key demographics (namely age, gender and location – capital, urban and rural), were provided to the author.

Survey of Senior Journalists

An online survey of 20 senior journalists was also conducted. From among the 20, one-half or ten were males and one-half were females. In terms of longevity of working in the media, seven had ten- or less years' experience, six had between 11- and 20-years' experience, and seven had 21-years or more experience. CRRC, together with the representatives of the Europe Foundation and advice from the National Advisory Panel, identified potential respondents. Respondents were contacted over the phone and were sent a link to the online survey form which took them, on average, 16 minutes to complete. The survey contained 33 questions relating to a wide range of topics covered by the Report.

Media Monitoring

Two direct media content monitoring exercises were conducted between 15 June and 15 July 2021 focusing, respectively, on television news coverage and popular Georgian language news websites. Each monitoring exercise focused on reporting on three major news topics, namely: 1) the construction of a hydropower dam in Namokhvani in Western Georgia (HPP dam); 2) rollout of COVID-19 vaccinations; and 3) coverage of vulnerable groups, specifically persons with disabilities, ethnic and religious minorities, LGBTQ+ representatives, socially vulnerable people and residents of high mountainous

areas. Stories on these items were culled from the overall news coverage and then analysed.

For both exercises, the analysis focused on a number of different factors. These included how much coverage each topic got, whether the coverage disclosed evidence of self-censorship, whether the coverage respected principles of media professionalism, and whether the stories: were clear and accessible, were balanced and impartial, and looked at the topics from different angles, including local, national and international perspectives. Some of the sub-topics covered here were whether the language used was clear, whether there were factual errors in reporting and what types of sources were used.

For the television monitoring, five channels were selected, namely three national broadcasters – Channel 1 of the Georgian Public Broadcaster (GPB), Imedi and Mtavari Channel – and two regional/community media outlets – TV25 from Adjara and Marneuli TV, a community broadcaster based in Marneuli, a town with a significant Azerbaijani ethnic minority population. These were selected based on their relative popularity, diversity in terms of type of broadcaster (public, commercial and community), variety f known political orientation, and area of coverage (national and local). A total of 223 stories relating to the three selected topics were identified on the target channels during the monitoring period.

For the online monitoring, the four most popular news websites, according to the national online traffic assessment system, top.ge, were selected, namely Ambebi.ge, Interpressnews.ge, On.ge and Report.ge. More than 10,000 news stories published between 15 June and 15 July 2021 by these websites were identified. From among these, to render the exercise practical, 2,000 stories were randomly harvested using a stratified random sampling procedure. 592 stories relating to the three selected topics were identified from among the sample of 2,000 stories.

In both cases, coverage of vulnerable groups got by far the most attention and, within this, there was a very dominant focus on LGBTQ+ representatives. The obvious explanation for this was the very high-profile events surrounding the March for Dignity which had been planned by Tbilisi Pride for 5 July 2021. Violent counter protests, which started before the March for Dignity and which targeted both Pride demonstrators and journalists, led to Tbilisi Pride cancelling the March and a flurry of accusations about who was responsible for what transpired. These events attracted significant international attention and naturally dominated local news coverage over this period.

Expert Feedback

Finally, in terms of feedback from selected experts, the members of the National Advisory Panel reviewed and provided comments on the draft Report, which were then integrated into it.

2. Media Serves the Information Needs of Society

This part of the Report focuses on a number of issues regarding the extent to which the media provides Georgians, including those belonging to different ethnic and language groups, with the information they need. Quite a lot of the focus is on different types of diversity in the media. This is assessed directly in the first section, which looks at the diversity of the content that is disseminated through the media and the extent to which it is accessible to different groups in society, with a particular focus on women and marginalised groups.

The remaining sections focus on indirect means to assess media diversity, which is a sort of surrogate means of assessing the extent to which media serves the information needs of society. The second section looks at the extent to which the media and journalists themselves reflect Georgian society, specifically in terms of gender and minorities. The third section looks at the question of concentration of ownership of the commercial media, another very important indicia of diversity.[7] The fourth and fifth sections look at the extent to which two key types of media, in addition to commercial media, are present and able to operate effectively as additional vectors for the dissemination of public interest information and ideas, namely community media and public service broadcasters.

It is fairly obvious that satisfying the information needs of all citizens is one of the most important ways that the media contribute to democracy and good governance in a country. As noted in the Introduction, this is an essential prerequisite to informed voting and effective participation in public decision-making, not to mention the exposure of corruption and other forms of wrongdoing, as well as wider accountability issues.

2.1   Content Diversity

Assessing the diversity of the content that is provided through the media is not a simple task. For one thing there are, in most countries and certainly in Georgia, a very large number of sources of information, even if only media sources, as defined for purposes of this Report, are counted. Second, coverage varies over time as issues wax and wane in public importance and interest. But the nature of research means that any form of assessment is necessarily time bound. As noted above, although we conducted two direct media content monitoring exercises over a one-month period, news content at that time was heavily skewed by the very high-profile events surrounding the planned 5 July 2021 March for Dignity. Third, an almost impossibly large number of different topics, perspectives and focus areas are of interest to different groups and, ultimately, individuals in society. It is not possible to assess all of these.

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[7] See, for example, Toby Mendel, Ángel Garcia Castillejo and Gustavo Gómez, *Concentration of Ownership and Freedom of Expression: Global Standards and Implications for the Americas* (2017, Paris, UNESCO), https://unesdoc.unesco.org/ark:/48223/pf0000248091.

In one way or another, all of the different data collection tools used for this Report were used to inform this section. First, a number of questions on the surveys of both the general public and senior journalists focused on content diversity. Second, it was an important theme of both of the media monitoring exercises. Third, it was covered directly in questions to key informants, as well as to all three of the categories of focus group discussants, namely journalists, civil society and the public. Finally, it was, like all of the issues covered in this Report, assessed via the literature review.

General Coverage of Issues of Interest

One issue here is whether the media generally covers issues of interest to the public, with the results of the public opinion poll shown below:

Don't Know	Not at all	Somewhat Not	Neutral	Somewhat	Fully
11	8	21	18	32	10

These results trend slightly more positive in terms of covering as the age of the respondents increased, were significantly more positive among females than males (46% somewhat or fully versus 36%) and were less positive in the capital than urban or rural areas (respectively 36%, 47% and 43%).

Interestingly, a similar question put to senior journalists elicited 30% "yes" responses and 70% "partially" responses with no "no" responses. These results were identical across the gender of respondents, although "yes" responses were far higher for journalists with 11-20 years of experience than those with either more or less experience. Individual responses of senior journalists as to what issues where being neglected generated a wide range of responses but there was a strong focus on social issues such as education, health care, the rural areas and poverty, along with a few human rights/democracy issues, fewer focusing on the economy and one calling generally for more positive news.

The monitoring exercises only focused on three issues and events of the day heavily skewed these towards coverage of vulnerable groups, so it is hard to draw any firm conclusions from that. Coverage of the three issues was roughly consistent across television channels, with all having 13-19% of their total coverage on vulnerable groups, 4-6% coverage on COVID-19 vaccinations, and 1% or less on the HPP dam. The one exception was Marneuli TV, which had far less coverage of each of these issues, presumably due to its primary focus on local issues. There was significantly more variation in terms of the rate of coverage of each of these issues among the four news websites, however. From among word-length in stories on just the three focus issues, for example, these websites ranged from 5-32% in terms of COVID-19 vaccinations and 72-96% in terms of vulnerable groups.

The media monitoring also looked at whether stories had local, national and/or international perspectives. For television, stories often started with a local issue and then covered national issues as well. However, international perspectives were only present in 25 of the total number of 223 stories, or about 10%. This was similar for the online stories, where 40 out of a total of 592, or 7%, had an international element. However,

these stories were aimed more at the national level with only 10 stories focusing on the local level.

The focus group discussions among the public – both students and average media consumers – also focused on coverage of issues of concern. Students tended to feel that the traditional media, especially, was too concentrated on a short-term perspective or current affairs and what sells, to the detriment of more difficult issues, while there was more diversity online. The general public also generally felt that the media were too focused on current affairs and breaking news, and that there was not enough coverage of issues like history, education, culture and science. The view was also expressed that the coverage was too Tbilisi-focused to the detriment of local stories, although this was not consistent with the results of the television media monitoring.

This question was also put to all key informant interviewees who presented a range of different perspectives, often aligning with the previous findings. Some of the points that were reflected in several interviews were:

- Social issues like healthcare and education, economic issues, including those of significant public interest like poverty, local news, international issues, and even political issues which were not part of the daily political thrust, like self-government or migration, were neglected.
- Most media, especially television, were highly politicised and focused more on issues with a political slant than what was of interest to the public as a whole.
- To some extent this was driven by cost, with local news and international news being more costly, along with investigative journalism. For example, the idea was presented that a journalist could write several articles from Tbilisi in the time it would take to visit a regional location and write one locally-focused article. Also, the speed of news coverage meant that by the time a journalist travelled to a region, they were already too late to cover the story.
- Current political issues and controversies, whether political or social – such as gruesome crimes – got excessive coverage.
- Online news outlets were generally better in terms of diversity, while smaller media outlets tended to be better connected to their audiences.
- At the same time, the number of media outlets had increased significantly in recent years and this made an important contribution to content diversity. Reports suggest that there are over 100 television and 45 radio stations in the country, including both national and local/regional stations.[8]
- In addition, it was widely recognised that media representing a broad range of political viewpoints, including significant both pro-government and pro-opposition outlets, were present in Georgia today. As such, content from across the political spectrum was broadly available.
- The Georgian Public Broadcaster (GPB), which benefits from both a significant public subsidy and access to advertising, was singled out by many interviewees as

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[8] See, for example, Internews, *Georgia: An Information Ecosystem Assessment (Parts 1-3)*, February 2021, Part I, pp. 6-7, https://internews.org/resource/georgia-information-ecosystem-assessment/.

having more diverse programming and trying to provide programming in a number of less "current affairs"/"political" areas.

A couple of other interesting points were put forward by a few interviewees. One was that in many cases the media are not close to their audiences and hence do not have a good sense of what it is they are actually interested in. Another was that this is not just a one-way process and that the media can drive public interest by covering an issue. Better media do that, as well as just respond to what their audiences seem to want. However, others suggested that many media simply follow the agenda set by the government and political parties and the dominant breaking news and do not raise issues on their own.

Content of Interest to All Groups in Society

A closely related issue is the availability of content which responds to the interests of all groups in society, with the results of a question on this on the public opinion survey shown below.

Don't Know	Fully Disagree	Disagree	Neutral	Agree	Fully Agree
16	4	13	24	37	7

This shows a slightly higher level of positive responses than the more general question about content of interest. Here, the results were fairly consistent across age groups, although they trended slightly more towards the positive in terms of diversity for all as the age of the respondents increased, but were significantly more positive among females than males (48% somewhat or fully versus 39%) and were largely consistent across locations.

This issue was also put to key informant interviewees but not to any of the focus group discussants. A number of interesting points were raised by interviewees. A key issue here was information of interest to local audiences and the regions which, as suggested above, is more limited. Some interviewees suggested that local content was mostly focused on high-profile negative occurrences, such as underage marriages and serious crimes. A number of interviewees also mentioned that coverage of minority issues was often tainted by stereotypes or even discriminatory attitudes.

Several interviewees suggested that the volume of local news increased during election periods, when politicians were trying to get local votes, which supports the idea, presented above, of the media being driven more by a political agenda than the information needs and interests of the public. At the same time, several interviewees suggested that larger television stations did have local correspondents in the main regional centres. The issue of the quality of content on local media was also raised by some interviewees, with them suggesting that this was generally lower.

These results need to be assessed in light of the wider challenges that the media face in Georgia, in common with many other countries. Foremost among these, particularly for legacy media, as noted in the Introduction, are financial constraints that have become significantly more challenging with the impact of loss of audience and hence advertising

revenue to social media platforms and other large international online companies. There are also simply constraints, based on operating realities such as time on broadcasting or space in the print media, as well as staff time, which make it impossible for media to meet the information needs of everyone.

At the same time, the evidence is strong that, overall, the national media in Georgia are too heavily focused on party political and current affairs issues to the detriment of other issues which are of concern and interest to the wider public. This is particularly true of national television stations, which are the most popular media, although there is a trend, especially among younger Georgians, towards getting news from online media sources.[9] And it seems clear that while there may be several reasons for this, a key one is the high degree of politicisation and partisanship on the part of national television stations. It may be noted that while funding does make it challenging to cover certain types of issues, that is not true of many of the issues which were highlighted as being neglected by the media, including many social, economic and non-partisan political issues.

While there are no short-term solutions to the financial challenges facing the media in Georgia, as elsewhere, a solution here is clearly for the media to make more of an effort both to understand what their audiences want from them and to try to meet those needs. This is not to suggest that the current focus on partisan politics and high-profile events should be dropped but, rather, that it should be mitigated in favour of more diverse information offerings for audiences.

Another key content diversity issue probed by the data collection tools for this Report was the extent to which public interest content is available in the different languages spoken in Georgia, with the results from the question on the public opinion survey on this shown below.

Don't Know	Fully Disagree	Disagree	Neutral	Agree	Fully Agree
24	3	21	14	32	6

The results here were roughly similar to those for issues of interest, taking into account that nearly one-quarter of respondents returned a "do not know" response here. Again, the results trended slightly more positive in terms of being available as the age of the respondents increased, but were roughly equal among females and males (37% somewhat or fully versus 38%) and were higher in urban areas than in the capital or rural areas (respectively 41%, 36% and 36%).

This issue was put to all three categories of focus group discussants, namely journalists, members of the public and civil society, as well key informant interviewees. Overall, there was broad consensus that not enough content in minority languages was being produced. According to some discussants/interviewees, this was even a problem in relation to core COVID-19 health information. From among national broadcasters, only GPB and one or two new news agencies provided news content in minority languages, although some local and community media based in relevant communities also provide

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[9] Internews, *Georgia: An Information Ecosystem Assessment (Parts 1-3)*, note 8, Part I, p. 6.

minority language content. On GPB television, minority language content appears to be mainly short news items which are translated from the main news segment and which largely focus on national or international issues, and similar content is found on their website in five or six languages. A music programme that integrates different languages was mentioned by one interviewee as a positive in this regard. GPB apparently had plans in 2019 to develop a minority languages television channel but this has not yet come about. Several discussants/interviewees also mentioned English-language content being present in different media. While this is different from minority-language content, it can also enhance the diversity and even reach of media content.

The high costs of producing minority language content, whether for translation or correspondents who speak these languages, was often mentioned as a barrier here. Apparently international donors used to support the production of some media content in minority languages but this funding has now dried up. Several discussants/interviewees suggested that this was not the responsibility of commercial media and some even claimed that the solution was for minority groups to learn to speak Georgian and that increasing media content in their languages would only obstruct that broader goal. It may be observed that both of these perspectives are at best unfortunate. A proper understanding of the role of the media, including the commercial media, in society is to contribute to diversity and the broader goal of serving the information needs of all. While that does not necessarily mean that commercial media specifically need to provide content in minority languages, it does mean that this is not simply "not their problem". In some countries, commercial media are under an obligation to do this, whether via a law of general application or their specific licences. At a minimum awareness raising around this perspective should be provided to commercial media and, in due course, consideration should be given to making it binding, whether via the law or a code of conduct. As for learning Georgian, it is beyond the scope of this Report to assess that. However, the right to freedom of expression includes, in a general way at least, a right to a media environment which supports the possibility of obtaining news and other information in your own language.

At a practical level, as noted in the following paragraph, not providing this within the Georgian media offerings may simply lead to minorities seeking news and current affairs information from other countries. As some interviewees pointed out, this can lead to minorities trusting the media from other countries people from minority groups relying mainly on kin-State media to get news in their own languages, with countries like Armenia, Azerbaijan, Russia and Turkey being mentioned. Obviously social media is also easily accessible in the minority languages spoken in Georgia. While there is nothing wrong with minorities accessing foreign media, it is also obviously important at several levels for these groups to have access to content in their own languages which is produced in the country of their citizenship, i.e. Georgia.

This is a challenging issue in any country with small minority populations due to the relatively high cost of and minimal opportunities for commercial gain from this sort of content. In simple audience terms, producing and disseminating content in minority languages can be as costly as producing dominant language content and yet the

advertising pull of this content is low, based on the small population that will view it. There is also a risk that dominant language audiences will tune out while minority language content is being delivered, and perhaps not come back later. Public funding of one sort or another is thus almost a necessity for this sort of content, and should therefore be provided. Consideration should also be given to replacing lost donor funding for minority language content with funding from the Georgian public purse. The idea of a dedicated minority language channel via GPB also seems like a good one.

Media Accessibility

The issue of media accessibility was only addressed through key informant interviews. Almost no one commented on the idea of accessibility being a greater challenge for women, perhaps suggesting that this is not specifically a problem in Georgia. The two areas of focus here were persons with disabilities and the poor. As regards the former, it was noted that broadcasters are under a general legal obligation to increase accessibility over time but that in practice little is being done. Making some television content available accompanied by sign language was only mentioned in relation to GPB.

In terms of the poor, some interviewees claimed that almost everyone had access to television and a smartphone, although some did recognise that access to the Internet was not yet universal in Georgia. Sources suggest, however, that in fact only 90% of Georgian households own a television set.[10] According to reliable online sources, as of 30 June 2021, 81% of Georgians had some access to the Internet,[11] although the quality of this varied. This broadly aligns with local sources.[12]

Overall, the data suggests that Georgia is doing well, taking into account its overall socio-economic situation, on accessibility although ongoing efforts need to be made to increase access for the disabled and the poor and, in particular, to increase Internet access.

2.2   Diversity Among Journalists and Minority Media

The issue of diversity among journalists, in particular in terms of gender equality and minority representation, was covered in two questions on the survey of senior journalists and a combined question (i.e. on both gender and minorities) to key informants and all three categories of focus group discussants.

Gender Equality

In terms of whether the media has "fair (equitable) representation of female journalists", 35% of the respondents to the senior journalists' survey said "yes", 55% said "partially"

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[10] Internews, *Georgia: An Information Ecosystem Assessment (Parts 1-3)*, note 8, Part I, p. 6.

[11] See https://www.internetworldstats.com/stats3.htm.

[12] For example, Internews, *Georgia: An Information Ecosystem Assessment (Parts 1-3)*, note 8, Part I, p. 7, published in February 2021, claims that 75% of Georgians use the Internet and about two-thirds use it to access information on public affairs.

and 10% said "no". Interestingly, while the "no" responses were divided equally among male and female respondents, female respondents were significantly more weighted in favour of a "yes" response (50%) than males (20%) and then correspondingly lower on the "partially" response, with 40% and 70% respectively. Furthermore, "yes" responses increased strongly for more senior journalists, who might also be assumed to be older people, going from 14% to 33% to 57% as longevity in the media increased from 1-10 years to 11-20 years and 21 years or more.

It is not clear how to interpret these results but the responses of female journalists would tend to be based more on lived experience than those of males, who would instead be observing this phenomenon. It is also possible that the very distinctive longevity curve here is due to higher expectations in the area of equality among younger journalists, and perhaps also to some extent a reflection of older journalists having witnessed improvements in gender equality over time, although improving is not the same as having actually reached equality.

These views were largely replicated in the focus group discussions and key informant interviews, which allowed for a more in-depth treatment of the issue, with the prevailing view being along the lines of "partially". It was common ground that, overall, more women than men are employed in the media sector. Indeed, it was frequently described as a female-dominated profession. One interviewee, however, pointed out that salaries in the media sector are relatively low and, if so, the prevalence of women in this sector may actually suggest some form of systemic discrimination. At the same time, some discussants/interviewees specifically rejected the idea that women were discriminated against in the media, albeit it is possible that they were thinking of direct as opposed to systemic forms of discrimination.

In addition, views were divided on whether women were adequately represented at the managerial level, with some discussants/interviewees claiming they were, and pointing to the fact that GPB and some other stations had or had had female directors, and others claiming this was not the case. Several people claimed that women were significantly underrepresented in the tech side of the media business.

Some discussants/interviewees referred to wider social issues impacting this, such as the continued patriarchal influence in Georgian society but also the fact that women outnumber men at university. It is an interesting question, albeit outside the scope of this Report, as to how the media sector compares with other economic sectors in Georgia in terms of gender equality.

Given the mixed responses on gender equality, including the 50% of female journalists who responded "yes" to equality in this area, it is difficult to come to firm conclusions or make clear recommendations on this issue. Overall, it seems quite likely that female journalists still face barriers to reaching senior levels in the profession. If women are disproportionately represented among working journalists, this should also logically carry through to managerial levels, whereas responses suggested that this was not the case (rather, that only some women had managed to make it to the top). If so, more still needs

to be done to combat the at least systemic forms of discrimination against women that lead to this result.

Minority Representation in the Media

In terms of minority representation in the media, the results of the senior journalists' survey were dramatically less positive, with 70% saying "no" to a question on whether minorities were fairly/equitably represented and the other 30% saying "partially" (i.e. and no one responding "yes"). The results were exactly the same when broken down according to the gender of respondents. However, the prevalence of "no" responses here, in direct contrast to the question on gender equality, roughly increased with the longevity of the person working as a journalist, going from 57% to 83% to 71% as longevity increased from 1-10 to 11-20 to 21 years or more.

This again lined up fairly closely with responses by discussants/interviewees, a large majority of whom said that while progress had been made over time, and there were a number of minority journalists in the sector, minorities were still significantly underrepresented. A number of different theories as to why this might be were put forward, including that some members of minorities may not speak the Georgian language well enough to work in it as a journalist, the impact of discrimination, and also constraints coming from families and the community, especially for female minority representatives, based on the idea that this was not an appropriate profession for a female.

There was a range of views on the issue of discrimination. One interviewee mentioned a case of a minority female journalist who, over time, started using her ethnic Georgian husband's last name to avoid being stereotyped as a minority representative. At the same time, other discussants/interviewees strongly denied the presence of discrimination against minorities in the media. Some people also claimed that they practised positive discrimination at their media outlets, while others pointed to the value of having minority journalists on staff, as they knew their communities better and could thus improve reporting on those communities.

Given the very high-profile discussions about LGBTQ+ issues in Georgia around the time the data for this report was being collected, it is perhaps not surprising that some discussants/interviewees also mentioned that these groups were present in the media. However, a reference by one person to some such representatives not yet being open about their orientation, not to mention the social reaction to the July 2021 planned Tbilisi Pride events, suggests that these groups still face significant discrimination in Georgia overall and presumably also specifically in the media sector.

Responses on the issue of whether minority groups in Georgia have sufficient media of their own were more limited. A number of discussants/interviewees pointed to the existence of explicitly minority media at the local level in different parts of the country. Some mentioned that there was international donor support for this, while others suggested that there had been progress on this over the years. It was also noted that the situation was better in the online sector, although it was not entirely clear whether this

was referring to media entities as such, albeit operating online, minority presence generally in the social media sphere, or kin-State online media in minority Georgian languages.

It seems fairly clear that minorities are underrepresented in the media sector. While there are no doubt some wider social and cultural issues at play here, it seems fairly clear that systemic discrimination also plays a role. Given the wider importance for Georgia of ensuring equality and harmonious relations among all of its citizens and residents, taking effective steps to address these issues is quite imperative. More research is needed to make specific recommendations in this area, although there is likely a role for both public policy and individual media outlets. For example, if language skills are a barrier for minority journalists, media outlets should consider investing in language training for them. Overcoming systemic discrimination often requires systemic positive measures of this sort.

2.3   Ownership of Commercial Media

The various data collection methodologies applied here – which included a question in the senior journalists' survey and questions to key informants and focus group discussants – assessed whether there were rules on concentration of media ownership, whether there were rules on transparency of media ownership, how effectively those rules were applied (including asking media whether they were transparent) and whether citizens were aware of who owned the media they consumed.

There was an interesting divide here between the responses of the key informants, who tended to be more on the expert side, and those of public representatives, whether students/young people or ordinary media consumers. The former mostly claimed that everyone knew who owned which media while the latter were far more tentative in their comments on this. The public representatives were generally aware that the media was partisan and knew of their partisan leanings (i.e. whether they supported the government or the opposition, which is presumably clear from their news content). They were also aware of the sources of funding – stated as advertisements and donations – and that the ownership and orientation of Rustavi 2 had changed. But not necessarily formal ownership facts beyond that.

When asked, none of the respondents to the various data collection methodologies were aware of any rules prohibiting undue concentration of ownership. However, in fact Article 60 of the Broadcasting Law does set rather stringent rules on this for broadcasters, prohibiting anyone from owning more than one "general over-the-air television channel and one general over-the-air radio channel per service area" and then also prohibiting a multiplex operator from transmitting "more than five television broadcasters owned by one person or by a person interdependent with that person".

Most interviewees suggested that ownership was very diverse in Georgia, and this would appear to be supported by the large number of broadcasters which are operating, although

some suggested that owners were not diverse in another sense since all were either pro-government or pro-opposition.

Several key informant interviewees suggested that broadcasters, at least, were required to report both ownership and income to the regulator, the Georgian National Communications Commission (GNCC, now called the Communications Commission or Commission). There were different views as to whether this information is publicly accessible, although the prevailing view was that it is and, indeed, the Commission posts significant information about this on its website.[13] Some interviewees claimed that although direct ownership was public, it was possible for the real owner to hide behind the apparent (legal) owner.

In fact, Article 37 of the Broadcasting Law requires broadcasters to submit a "declaration of compliance" which, among other things, identifies not only the applicant but also the beneficial owners of an applicant for a licence or authorisation to undertake broadcasting activities. Article 61 provides for the annual updating and publication by broadcasters of the declaration of compliance, as well as information about any ownership they have of any other broadcasting or print media outlet or news agency, or indeed any other enterprise. According to Articles 45(11)(c) and 73(2) of the Broadcasting Law, any violation of the law can lead to a written warning or fine and, following that, suspension of the authorisation or licence.[14]

Some interviewees also indicated that GPB is very transparent about its spending. Much of its income comes from government, which is transparent in various ways, but GPB also reports its advertising income.[15] It was also noted that, at least during elections, advertising spend by political parties and candidates, including on the media, was required to be transparent by the election rules.

Most interviewees appeared to be focusing on broadcasting and, even within that, on television. Regarding online media, while interviewees were often not aware of the rules, in fact there is no obligation for these media to disclose ownership and the same is true for the print media. However, some interviewees representing online outlets claimed that they were in fact very transparent.

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[13] See, for example, "TV Advertising Revenues Grow by 74%, Radio Advertising Revenues by 90%", 13 August 2021, listing advertising revenues of the main stations. Available in English at: https://comcom.ge/en/yvela-siaxle/tv-advertising-revenues-grow-by-74-radio-advertising-revenues-by-90.page.

[14] For an historic view of ownership rules see Access Info Europe, Country Study: Georgia, *https://www.access-info.org/2014-02-18/country-case-study-georgia/).*

[15] For example, in its 2020 annual report it reported advertising income of GEL 214,711. See the chart on page 55, slide 28, https://cdn.1tv.ge/app/uploads/2021/05/1624542931-%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98-2020.pdf. See also Gogosashvili, Mariam, *How much does the Georgian public broadcaster cost* (2018), https://gyla.ge/files/banners/How%20much%20does%20the%20Public%20Broadcaster%20cost.pdf, which contains very detailed information on both the State allocations and advertising revenues of GPB.

From among the senior journalists who were surveyed, 75% claimed that the media outlet where they worked published information about its ownership and sources of revenue, 15% said it did "partially" and only 5% (one respondent) said it did not (with 5% indicating they did not know). These results were broadly consistent among men and women and while there was some variance between those working for the media for different lengths of time it was not very significant given the relatively small sample size. This is broadly consistent with the results from the key informant interviews.

International law calls on States to ensure diversity in media ownership. Formally, this is only required as needed, so if ownership appears to be naturally diverse regulatory measures may not be needed. However, over time, most media markets display a natural tendency to trend towards ever-greater concentration of ownership, in part due to the structural commercial advantages this brings (for example through syndicating content across different media outlets in a group, thereby saving significant costs on content production).[16] Furthermore, it is vastly more challenging to operationalise anti-concentration rules once significant media concentrations start to emerge, since this inevitably at least looks like an attack on media independence and in many cases it is indeed politically motivated. As such, Georgia should ensure that it applies its anti-concentration measures effectively now so as to prevent this from becoming a problem later on. It might also consider extending the rules to cover cross-media ownership (i.e. media ownership in both the print and broadcast sectors).

There is also increasing recognition under international law of the need for transparency not only of media ownership but also of media revenues.[17] Georgia should maintain and even strengthen its transparency regime for media, extending it to print and online media outlets as well as broadcasters.

2.4   Community Media

In 2015, Georgia abolished the system of licensing for television broadcasters as it moved to a digital system of distribution via digital multiplexes, while maintaining licences for radio stations and multiplex operators. As such, instead of licensing there is a simple and very low-cost registration procedure which is normally completed in ten days and costs only GEL 110 (approximately USD 35). Although this is done via the Commission, the latter does not have the discretion to refuse an application if the documents are in order (i.e. it is a proper registration system).

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[16] See Toby Mendel, Ángel Garcia Castillejo and Gustavo Gómez, *Concentration of Ownership and Freedom of Expression: Global Standards and Implications for the Americas*, note 7, p. 14.

[17] See, for example, the Joint Declaration on Media Independence and Diversity in the Digital Age by the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, 2 May 2018, para. 6(d), https://www.law-democracy.org/live/wp-content/uploads/2021/10/Joint-Declaration.2021.pdf.

Radio is still distributed via analogue technology over the airwaves (in addition to the possibility of distributing online). However, according to most interviewees, it is also easy and low-cost to get both a licence and a frequency, although one or two people suggested there could be political interference in this by the Commission. This makes sense given the relatively small number of radio stations in the country, at around 45, which would suggest that there should still be plenty of space on the FM band for new radio stations.

No one mentioned a special, expedited procedure to get authorisation for community broadcasters, whether television or radio. However, while this is better practice internationally, it may not be necessary in Georgia, given that licensing and authorisation procedures for radio and television already seem to be very streamlined and low-cost.

Several interviewees referred to the high costs of getting especially a television station running. Various aspects of this were mentioned, such as equipment and human resources, but transmission costs were not among them. Despite this, these costs, especially via a third-party digital multiplex operator for television, would likely be quite costly for community television stations.

2.5   Public Service Broadcasting

Before presenting the results of the data collection exercise, it might be useful to provide some context on GPB. A first point to note is that despite its large revenue streams which, in 2017, reportedly exceed the revenues of any other broadcaster,[18] it has achieved only a very low audience share of around 5%.[19] While public broadcasting cannot be assessed only on a cost-benefit calculation, this level of audience share is clearly low given the level of financial allocation.[20] The data shows that GPB is generally agreed to be less partisan than the highly partisan national commercial television stations. At the same time, as a public broadcaster, it is under a greater obligation in this regard. There are also serious questions about the independence of GPB from the government, despite a generally strong legislative framework for this. The fact that a former director of GPB recently became Vice Chairman of the Georgian Dream party right after he resigned is strongly suggestive of problems in this regard (see also some of the comments below).

In addition to GPB, which is the national public broadcaster, Georgia also has a regional public broadcaster, namely Adjara. In April 2019, the Director of Adjara TV, Natia Kapanadze, was removed and eventually replaced by Giorgi Kokhreidze, who is widely

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[18] See Gogosashvili, Mariam, *How much does the Georgian public broadcaster cost*, note 15, p. 6.
[19] See, for example, *ibid.* for figures on audience share in 2017. See also Bekerman, M., *The failure of a success story: reforming Georgia's public service broadcaster*, 2015, p. 5, https://usir.salford.ac.uk/id/eprint/36807/1/GMJ8_Bekerman_final.pdf.
[20] One author commented, in relation to GPB: "Its audience share was low and its impact limited compared to commercial rivals". See Bekerman, M., *ibid.*, p. 3.

seen as being more favourable towards the current government.[21] These high-profile events may have influenced overall attitudes towards public broadcasting in Georgia, including vis-à-vis GPB, even though it is a separate institution. In some cases, responses were specifically directed at GPB (and sometimes also Adjara), but most of the time this was left open. Unless Adjara was mentioned, for purposes of this Report, comments are assumed to refer to GPB.

A number of different data collection methods were used to assess whether the public broadcaster, GPB, was independent, including in terms of editorial independence, produced diverse, impartial content, and had a clear mandate to serve the public which it respected in practice. These included two questions on the public opinion survey, the media content monitoring exercises, all three types of focus group discussions and four separate questions to key informant interviewees.

Ultimately, the goal of public service broadcasting is to produce diverse, quality content that serves the information needs and interests of the public. The two questions on this in the public opinion survey focused on whether the news output of GPB was, respectively, impartial and accurate, with the answers shown below.

	Don't Know	Fully Disagree	Disagree	Neutral	Agree	Fully Agree
GPB is Impartial	22	7	18	29	19	4
GPB is Accurate	21	6	18	32	20	2

In terms of both questions, it is significant that an overall majority of respondents either did not know (22% and 21%) or neither agreed nor disagreed (29% and 32%). From among the remaining participants, the results were fairly balanced around agreeing and disagreeing showing that the public were evenly split on this issue. It is also significant that only small percentages either agreed or disagreed fully. The main figures for impartiality hardly varied when broken down by age, gender and location. The figures on this for the GBP were better than for the commercial media for which, while 24% agreed somewhat or fully (versus 23% for GPB), 33% disagreed somewhat or fully (versus only 25% for GPB). This was also true in relation to impartiality, where 21% agreed somewhat for the commercial media (versus 22% for GPB) but 31% disagreed somewhat or fully (versus just 24% for GPB). For impartiality, as well, results did not vary much when broken down by age and location, although women polled 25% in terms of agreeing somewhat or fully as compared to just 20% for men.

The television media monitoring exercise included GPB's Channel 1 among the five television stations it covered. Focusing on three topics – COVID-19 vaccinations, the Namokhvani hydropower dam and vulnerable groups – it assessed, among other things, bias and impartiality in coverage. Three metrics were used by the monitors to assess bias

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[21] See, for example, Transparency International Georgia, "Timeline of Georgian Dream's Efforts to Seize Adjara TV", 23 June, 2020, https://transparency.ge/en/blog/timeline-georgian-dreams-efforts-seize-adjara-tv. This suspicion is reinforced by the fact that a lawsuit over this case submitted by Kapanadze was postponed for a long time and the decision of the first level court was still pending at the time of writing.

and impartiality, namely: the diversity of sources relied upon; whether issues were looked at from different angles; and the language used.

From among the three national channels monitored – Mtavari and Imedi, in addition to Channel 1 – GPB came out significantly better in terms of bias, with only three such stories from among the 55 it produced that fell within the scope of the monitoring exercise, or 5%, as compared to 44 out of 57 for Mtavari, or 77%, and 15 out of 58 for Imedi, or 26%. The two local stations – TV25 and Marneuli – both also polled worse than Channel 1, with 16% and 11% of biased stories, respectively. In addition, according to the monitoring exercise, the degree of bias in the Channel 1 stories was less intense than for Mtavari and Imedi.

The monitoring provides a number of examples of stories which were biased. One, from Mtavari, aired on 24 June and covering COVID 19 vaccinations, was highly critical of the government and the National Center for Disease Control (NCDC). Although the story featured experts and opposition party representatives, no comment was sought from the NCDC, the Ministry of Healthcare or any other State institution. Another story on COVID 19 vaccinations, in this case from GPB, did feature balanced sources but attempted to place the blame for vaccine shortages exclusively on vaccine providers rather than the Georgian government or healthcare institutions.

The media monitoring exercise also looked at the co-relation between bias and self-censorship. Self-censorship was deemed to be present when stories were covered with a selective emphasis or when notorious elements of a story were omitted, although this characterisation also appeared to depend on the impressions of the monitors. Both of these features clearly have a strong general overlap with bias. As an example of self-censorship, the monitors mentioned a programme by Imedi on the events of 5 July which mentioned that far-right groups has attacked the office of the Shame Movement, an anti-government initiative, but failed to mention the significant fact that these groups had also severely beat up a Lekso Lashkarava, a cameraman who later passed away due to the injuries he sustained (see below).

According to the monitoring exercise, two of the three biased stories on Channel 1 also exhibited self-censorship and this was the case with 12 of the 15 biased stories on Imedi, but apparently none of the 44 from Mtavari. It is not immediately clear why bias and self-censorship were so closely associated for Channel 1 and Imedi but not for Mtavari.

Discussants in the various focus groups and key informant interviewees expressed a wide range of views about public broadcasting in Georgia. In terms of diversity of content, a lot of discussants/interviewees recognised that GPB was more diverse in terms of non-news content than commercial broadcasters, for example in terms of educational, historical and health programming, or what one person described as "cognitive programming", as well as entertainment.

According to Article 16(g) of the Broadcasting Law, GPB is supposed to "allot at least 25% of over-the-air broadcasting to programmes produced by legal entities under private

law", and this was also noted by at least one key informant. According to GPB's 2020 Annual Report, outsourced programmes increased from 3% of total time in 2018 to 14.7% in 2019 and 33.3% in 2020.[22] According to GPB's strategy document: "The legislative amendments in 2018 made it possible to fulfil the obligation under the Law of Georgia on Broadcasting. Following the amendments, products prepared by independent studios should fill at least 25% of the programming schedules." However, the strategy also notes that only GEL 7 million is planned to be spent on outsourced programmes in 2022, representing approximately 8% of the total budget.[23] Thus the proportion of programming now significantly exceeds the 25% target, albeit with a relatively modest budgetary outlay.

When it came to the issue of news and current affairs programming, the weight of opinion was that GPB was not impartial but that it was less biased than many of the commercial television stations. A number of discussants/interviewees referred to the idea that while GPB maintained a formal sense of balance, for example by giving all parties an opportunity to voice their views, at a more subtle level it was biased, for example through not covering difficult issues for the government and not being sufficiently critical. Some participants suggested that there had been some improvement on these issues in recent years, although a contrary view was also expressed. The relatively low number of investigative pieces by GPB, given their funding and the fact that this is part of their formal mandate, was mentioned repeatedly by discussants/interviewees. A number of cases where independent, critical journalists had been removed from their positions at GPB were also mentioned. Some people suggested that journalists working for GPB practised self-censorship.[24]

A constant refrain here was that the legislative framework for GPB was excellent, and fully in line with European and international standards, but that implementation of the law consistently fell short. Although no one mentioned this specifically, this would presumably cover the mandate of GPB as well as other issues, such as its formal independence. Its budget is approved by parliament, which does represent better practice in this area. A lot of comments were made about the huge budget allocation to GPB, with many insinuating that its operations were not very efficient taking into account the large resources allocated to it. The fact that it was, from March 2018, permitted to increase the time it was allowed to carry commercial advertising has been a matter of some debate in Georgia, given that it already has more resources than any other broadcaster.[25] Although it is not uncommon around the world for public broadcasters to have access to advertising revenues,[26] the timing of this, not long after the rapid introduction of measures to limit

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[22] Available in Georgian at: https://cdn.1tv.ge/app/uploads/2021/05/1624542931-ანგარიში-2020.pdf. See slide 33.

[23] Available in Georgian at: https://1tv.ge/strategy/en/.

[24] See, for example, Civil.ge, "Georgian Public Broadcaster Accused of Pro-Russian Censorship", 25 March 2022.

[25] See, for example, See Gogosashvili, Mariam, *How much does the Georgian public broadcaster cost*, note 15, p. 1.

[26] See Toby Mendel, *Public Service Broadcasting: A Comparative Legal Survey, 2nd Edition* (2011, Paris, UNESCO), http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/public-service-broadcasting-a-comparative-legal-survey/.

advertising by commercial televisions to the European Union limits of 20% of time in each hour, or 12 minutes, in April 2015, may have been unfortunate. The way those limits were introduced was widely criticised by some local observers although it was also defended by the Commission.[27]

There was a lot of criticism of the governing board of GPB. Part of that was to the effect that the members all represented different political factions, with the governing party having the largest share, and that there were no independent members. Although it can be hard to transition to an independent, professional board with a public broadcaster, as opposed to having a board that is politically balanced among the different parties, which is an entirely different thing, this should certainly be the longer-term aim. In addition to the politicised nature of the board, there were several comments along the lines of members being passive or not interested and, as a result, subject to being "managed" by the government. There was also a lot of specific criticism of individual members, with certain individuals coming in for particularly harsh and repeated criticism. On the other hand, several discussants/interviewees noted that the process of electing board members was transparent and open, allowed for public input and, formally at least, in line with better practice.

There is no specific formula for moving from a system of political appointments to one of more professional appointments. Article 24(2) of the Broadcasting Law provides for the following in relation to nominations of the nine members of the Board of Trustees: two by the Public Defender, three by the majority party in parliament, three by at least one fourth of the members of Parliament not belonging to the parliamentary majority, and one by the Supreme Council of the Autonomous Republic of Ajara. One option could be to broaden the power of nomination, for example to include the bar society, civil society representatives, academics or other important sectors of society. Trustees shall be elected by a majority vote of the total members of the Parliament. This could be amended to be a two-third majority vote of members present and voting. Alternately, a political agreement could potentially be reached among the political parties that their nominations would be independent professionals rather than individuals somehow representing political tendencies.

Overall, it would seem that GPB is doing better than at least some public broadcasters in East and Central Europe, particularly inasmuch as it has a strong legislative framework. At the same time, there is clearly room for further improvement. The strongly partisan political environment in Georgia probably means that progress in terms of transitioning the board from a representative partisan body into an independent, professional body will be difficult, but that does need to be the longer-term goal. Active citizen and civil society monitoring and reporting on GPB can help in terms of further improving its content, both in the area of diversity, where it already appears to be doing relatively well, and in terms of impartiality where, despite doing better than commercial broadcasters, further

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[27] See Mikashavidze, Maia, *Systemic capacity building of the media regulatory authorities in Georgia: A hierarchy of needs*, 2018, pp. 3-4, https://www.researchgate.net/publication/322952537_Systemic_capacity_building_of_the_media_regulatory_authorities_in_Georgia_A_hierarchy_of_needs_Policy_brief

improvement is clearly needed taking into account the stronger obligations in this regard on public broadcasters.

Recommendations

- ➢ Although this is not an easy issue to address, discussions should continue about possible measures to reduce the highly partisan nature of the national commercial television stations and to increase their understanding of and willingness to serve the needs of their audiences.
- ➢ GPB should take immediate steps to promote greater both diversity and balance in its programming, including by not avoiding news topics which are controversial for the government and by engaging in appropriate levels of criticism. At the same time, the government should take steps to ensure that GPB's governing board is appointed as an independent, professional body rather than as a balance of competing political representatives. Civil society groups and researchers should continue to focus attention on the issues of diversity and balance at GPB.
- ➢ Efforts should be made to increase the level of reporting that is relevant to minorities, including both minority language content and content covering issues of concern to minorities, through both commercial median and GPB. Public funding should be allocated to support this.
- ➢ More research is needed to understand properly the representation of both women and minorities in the media at both working and more senior levels. The results of this research suggest more needs to be done in this area, which should involve both public policy measures and measures by individual media outlets, for example through the provision of language training for minority journalists.
- ➢ The Commission should apply the rules on concentration and transparency of ownership and funding for broadcasters strictly, in accordance with the legal rules. A public consultation should be held to discuss whether the rules on concentration of ownership should be extended to cover cross-ownership between the broadcast and print media sectors and whether the rules on transparency should be extended to cover the print and online media sectors.

3. Trust in the Media

Trust in the media is an essential precondition for it to be able to fulfil its potential to play a positive role in supporting good governance in Georgia, as in any country. Without this trust, the ability of the media to hold the government to account before citizens, an important means of promoting good governance, is seriously undermined. In serious cases, a lack of trust can lead to individuals stopping to engage with or consume media products at all, a process that is already far too advanced in many countries due to the advent of digital communications and, in particular, social media platforms which, while important means of communication, cannot replace the important social role of proper media content.

Historically, in many countries, the media were among the most trusted institutions in society. However, in many countries this has declined significantly in recent years.[28] Contributing to this decline is the growth in popularity of social media and the migration of attention from the media to social media. This is particularly pronounced among younger people, with many of them not consuming any media products at all or only accessing media via social media. This, and other factors, has also contributed to a vicious cycle whereby revenues available to the media have declined precipitously in many countries, undermining the ability of the media to produce quality content, in turn leading to further loss of trust and audience. The growth of dis- and misinformation has also contributed to a decline in trust in the media, alongside direct attacks on the media by many especially populist politicians.

This part of the Report assesses the situation of trust in the media in Georgia, looking at the issue from a number of different perspectives. It starts with an assessment of trust and confidence in the media, both directly and through surrogates such as whether journalists are perceived to be corrupt, and also includes sections looking at the extent of civil society monitoring of the media and informal attempts to influence media content, which are very likely to undermine trust.

3.1   Trust and Confidence in the Media

The level of public trust in the media, or any other social institution, is challenging to assess directly because it is an inherently subjective notion which can be affected by a wide range of different issues. For example, a public opinion survey asking a simple question about trust might return very different results before and just after a high-profile incident involving a single journalist. For this reason, in addition to a direct question about trust, this section of the Report also relies on a number of surrogate measurements of this issue. These include perceptions about the issue of impartiality and accuracy in media reporting, opportunities for direct public engagement in the media, as well as the extent to which these are taken advantage of, and the degree to which journalists are seen to be integral and not corrupt.

As with other key issues covered by this Report, this section relies on a range of different data collection tools. These include three questions in the public opinion survey, another three questions on the survey of senior journalists, two separate questions to each of the three different categories of focus group discussants, and two questions to key informant interviewees, as well as the literature survey.

When asked on the public opinion survey simply whether they trust or distrust Georgian journalists, the results, shown below, are heartening with a significant percentage of the

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[28] See, for example, Elizabeth Jensen, "Looking To The Future: Restoring Public Trust In The Media", NPR Public Editor, 15 May 2017, https://www.npr.org/sections/publiceditor/2017/05/15/528158488/looking-to-the-future-restoring-public-trust-in-the-media.

public (40%) somewhat or fully trusting journalists and only 18% somewhat or fully distrusting them although, significantly, about one-third neither trusted nor distrusted them.

Don't Know	Fully Distrust	Distrust	Neutral	Trust	Fully Trust
6	7	11	34	35	5

Positive responses here trended upwards with the age of the respondents, rising from 34% to 40% to 46% for the age groups 18-34, 35-54 and 55 and over. The same was true for respondents from the capital, urban areas and rural areas, with positive responses rising from 34% to 39% to 45%, respectively, as respondents become more rural. There was also a significant gender gap here, with 45% of females trusting journalists somewhat or fully as compared to only 35% of males.

These relatively high levels of trust did not translate into a sense that the news in the commercial media was either impartial or accurate, with negative responses on the public opinion survey significantly outweighing positive responses in both cases, as shown in the table below.

	Don't Know	Fully Disagree	Disagree	Neutral	Agree	Fully Agree
News is Impartial	16	10	22	28	20	4
News is Accurate	17	9	22	31	18	3

Neither of these questions demonstrated significant variation when disaggregated along age, gender or location lines.

Among key informant interviewees and focus group discussants the broad consensus was that the commercial media was not at all balanced. There was some difference among interviewees/discussants as to whether this should be a legal or professional standard at all, with some supporting that idea and others suggesting that as long as there was a diversity of media in terms of political orientation, bias was not a problem. The problem with this, however, is that if the media are one-sided, citizens may get trapped into only hearing one side of the story and this can contribute significantly to polarisation within society, already a serious and growing problem in Georgia, which is exacerbated by social media promotion of filter bubbles or information silos.

The overwhelming view was that journalists are not corrupt in the formal sense. On the other hand, several interviewees/discussants talked about the influence that partisan companies and market forces had on most of the commercial media. While this was not corruption, *per se*, it did undermine media reporting in the public interest and led to more biased, one-sided coverage, potentially on specific issues (such as if a major advertiser or political party did not want an issue to be covered).

The issue of political partisanship of most commercial televisions came up repeatedly here, although some interviewees/discussants suggested that this is not so much of a

problem for radio and online media outlets. Some interviewees/discussants suggested that most journalists followed the editorial line of their media outlets, thereby reinforcing this problem. The point was also made that the public was influenced in their attitude towards the media by the rhetoric of the government and opposition parties, and also by their (i.e. members of the public) own partisan outlook. In other words, trust in the media was generally undermined by partisanship. Some interviewees/discussants talked about how journalists and media outlets would promote sensationalist news and even misrepresentations or false news to increase ratings and hence advertising revenues. Others suggested that most journalists were pretty honest.

Another issue which is somehow a surrogate for trust is that of public engagement with the media, whether on professional issues and redress or content. In response to a question as to whether media outlets offer adequate opportunities for audiences to engage around professional issues, such as by providing in-house systems for public complaints, by offering the rights of reply and correction, or by offering formal channels for providing feedback, 75% of senior journalists surveyed said partially, with 10% each saying yes and no. Very similar responses were provided to a question about offering adequate opportunities for audiences to contribute to content, with 15% saying yes, 70% saying partially and 15% saying no. Interestingly, when asked whether the public take advantage of these opportunities, only 5% said yes, 60% said partially and 35% said no. For the most part, responses to these questions did not vary when disaggregated for gender, although 50% of women as compared to only 20% of men responded "no" on the question about the public taking advantage of these opportunities.

Responses from the key informant interviews and focus group discussions on opportunities for engagement on both professional issues and content provided some deepening of these responses. Understandably, the point was made repeatedly that engagement was much easier online. Online engagement is, however, available to both online media and print/broadcast media, and the responses seemed to suggest that while online media almost all took effective advantage of these opportunities, only some of the legacy media did so.

Views about how active the public were in engaging with the media varied considerably among interviewees/discussants, with a plurality suggesting that the public was rather passive but some taking a directly contrary point of view. Some interviewees/discussants suggested that members of the public were shy to engage with the media, especially where this would involve identifying themselves, with this phenomenon being claimed to be more pronounced in smaller communities, which is understandable. Otherwise, a large number of opportunities for the public to engage with content were mentioned, such as citizens as sources of news, whether this was done online or via telephone calls, talk shows, audience engagement programmes, readers' pages in newspapers, and various online vehicles for engagement. Some interviewees/discussants also mentioned that they actively reach out to the public to discover their views, and then reflect them in their media content, for example via public opinion research, polling and so on. Interviewees/discussants often also noted that local media outlets had much closer ties

with their audiences while national media tended to rely heavily on social media for this sort of outreach.

Although these generally poor results in terms of trust and confidence in the media are a serious problem in Georgia, albeit similar problems exist in many countries, we are not making any specific recommendations here to address these issues. Rather, they need to be addressed in ways which are covered in other parts of this Report, such as through increasing professionalism.

3.2   Monitoring by Civil Society Organisations

Only limited sources were used to collect information on this issue, primarily via key informant interviews. And, within that, there was quite a range of different perspectives. For example, a couple of interviewees suggested that CSOs were biased in their assessment and criticism of the media, although most people expressed a sense of trust in CSOs and their commitment to human rights and democracy. Similarly, some interviewees suggested that quite a lot of monitoring and evaluation is taking place while others suggested that more was needed.

Overall, a sense came through that quite a bit of research was being done, including fairly extensive election media monitoring, although there was clear confusion from some interviewees on the latter point about CSOs versus official actors like the European Union and the OSCE. This is also supported by the relative wealth of reports and other material about the media in Georgia produced by CSOs, as reflected in the literature review (and Bibliography). Indeed, this Report is itself a contribution to that body of literature.

At the same time, there was a clear trend suggesting that more active advocacy (one person used the term "more aggressive advocacy") by CSOs was needed beyond just research and recommendations. It was a bit difficult to assess whether this was based on an objective assessment of the work of CSOs or more represented a desire to see CSOs having greater impact on the media, based on a perceived need to change media performance. Furthermore, some interviewees pointed to concrete advances through CSO media work, such as the law on transparency of media funding, which apparently resulted from CSO advocacy.

Given the relatively small size of Georgia in terms of population, it seems fair to say that it benefits from a reasonably robust and active civil society sector focusing on media issues. At the same time, it might be useful for these civil society actors to consult with interested stakeholders to ascertain what the latter feel is needed in terms of media monitoring by CSOs, including as to the ways the results should be presented and what sorts of follow-up actions might be needed.

3.3 Informal Attempts to Influence Media Content

Attempts by officials or other powerful actors to influence the content that is disseminated by the media, to the extent that they succeed, are almost certain to undermine trust in the media and certain to undermine media freedom and independence. When asked on a survey to rate, on a scale of 1-5, with 5 being "a lot", to what extent "government officials, regulatory bodies or commercial actors try to influence media content in informal ways", no senior journalist respondent gave a rating of 1 or 2, with 26% giving a "3", 37% a "4" and 37% a "5", suggesting a very high level of informal interference in the media. These results did not vary much according to gender, although females gave slightly higher (i.e. more negative) ratings. The same is true of length of time working as a journalist, although those with less experience (1 to 10 and 11-20 years) tended to give higher ratings.

Numerous interviewees/discussants also indicated that attempts to influence the media were common, with some saying this took place "all of the time". Several gave concrete examples, including some which occurred at the media outlets where they work. For businesses, commercial pressure seemed to be the most common approach, while a number of approaches – including commercial (threats not to advertise), phone calls and threats of legal procedures – were all mentioned in relation to officials.

There is a delicate line between the desire of everyone to influence media content to their own benefit, as one interviewee put it, and crossing the line into abuse of official power to pressure the media. Every politician tries to spin information, present their view of events and otherwise encourage positive (from their point of view) media reporting. However, there are limits to what is appropriate here. Politicians and officials should never use any power of the State which they happen to wield to try to influence media output, for example through the selective allocation of State advertising spend. Beyond this, in their 2021 Joint Declaration on Politicians and Public Officials and Freedom of Expression, the special international mandates on freedom of expression at the UN, OSCE, OAS and African Commission on Human and Peoples' Rights made a number of recommendations to political parties, politicians and senior public officials about how they should relate to the media. These included, among others, for political parties to adopt codes of conduct setting out minimum standards for their officials and candidates, including in the area of disinformation to limit freedom of expression, to treat all participants at press conference with respect and give them an equal opportunity to pose questions, and not to make false statements which "attack the integrity of journalists, media workers or human rights defenders".[29] As several interviewees/discussants noted in their comments on the main challenges facing the media, attacks by politicians and senior officials, especially on opposition media but including all media, have become a serious problem in Georgia.

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[29] Adopted 20 October 2021, para. 3, https://www.law-democracy.org/live/wp-content/uploads/2021/10/Joint-Declaration.2021.pdf.

To some extent, these problems are bound up with the high degree of partisanship that afflicts the democratic space generally, and the media as part of that, in Georgia. There is no simple solution to this. But it is a start just to recognise that partisan treatment of the media by politicians, and excessively strong criticism of it, especially where this is grounded in inaccuracies, is itself not legitimate. Public debate about this as a problem in Georgia could then lead to greater public recognition of it as a social and human rights issue, and potentially create pressure for some changes to address it.

Recommendations

To a large extent the issues covered in this section are addressed through recommendations made in other parts of this Report. However, the following brief recommendations are also made here:

> ➢ Civil society groups focusing on the media should consult with other interested stakeholders about their approach towards media issues, in particular to see if they need to increase the level of their advocacy work as compared to the relatively extensive research and reporting that is already being done.
> ➢ As noted above, a broad public debate should be held to look for solutions to the hyper-partisan nature of Georgian society in general, extending to the media in particular, including with a view to reducing informal pressures by external actors which aim to influence media reporting.

4. Regulation of Media Professionalism

In most countries, different types of media are subject to different forms of regulation. Thus, for the most part, broadcasters must obtain a licence to operate, although this is starting to change, sometimes print media are required to register and different approaches are taken towards online media. This part of the Report looks at one aspect of media regulation, namely to promote professionalism, and specifically systems that allow individuals to lodge complaints about unprofessional media behaviour and sometimes also allow regulators to take *suo moto* action to address professional lapses.

Globally, these systems can be divided roughly into three types, namely self-regulatory systems, co-regulatory systems and statutory regulatory systems. The hallmark of self-regulation is that the system is established by the media, a media sector or an individual media outlet, on a voluntary basis without any official intervention or framework, such as the backing of legislation. Co-regulation, in contrast, does have some sort of legal backing, so that it is mandatory, but still has significant media involvement in the running of the system. Statutory regulation is a system which is set up by legislation and, while it may have some media engagement, is not dominated by media actors. As we shall see, all three types of professional regulation exist in Georgia.

The existence of appropriate and effective professional regulatory systems for the media is important for a number of reasons. As relevant to the topic of this Report, these include

the fact that public trust is undermined by unprofessional media behaviour, and the fact that unprofessional behaviour directly undermines the contribution of the media to democracy and good governance, for example by contributing to disinformation and misinformation in society, by failing to treat individuals with the respect they are due from the media and by contributing to an unlevel political playing field during and in-between elections.

This part of the Report starts by looking at the regulatory systems that exist in Georgia, followed by an assessment of the perceptions of different actors as to what exists and how it works, and then an assessment of how successful these systems are in terms of promoting professional media behaviour.

4.1   Regulatory Systems

This section of the Report, unlike other sections, starts out by describing the actual regulatory systems that are in place in Georgia and then moves on to look at the perceptions of Georgians from different walks of life vis-à-vis those systems. This approach is taken because the existence or otherwise of these systems is a fact, while the perceptions of Georgians towards them shows how they are seen to operate in society.

The Three Types of Regulation in Georgia

As noted above, all three types of professional regulation exist in Georgia. In terms of self-regulation, the Georgian Charter of Journalistic Ethics (Georgian Charter) was founded in December 2009 by a group of Georgian journalists who wanted to promote professional standards in the media. It describes itself as "the only independent self regulatory body in Georgia".[30] While it is relatively easy to attach such labels to oneself, the Georgian Charter is a member of the Alliance of Independent Press Councils of Europe (AIPCE) which is a network of independent content regulators for the media. AIPCE describes the Georgian Charter on its website as: "[An] independent, non-commercial association of journalists whose mission is to raise public accountability of the media through the creation of professional and ethical standards and self-regulatory mechanisms".[31] The Georgian Charter is overseen by its Council, which comprises nine individuals, elected by the annual general meeting of the Charter for three-year terms in groups of three each per year. According to AIPCE, the Georgian Charter currently has 365 journalist members.

The Georgian Charter oversees the Charter of Journalistic Ethics (Journalistic Charter),[32] a set of 11 principles which should govern the work of journalists, including through reviewing and deciding on complaints based on the Journalistic Charter. Although rather brief and general, running to just two pages, the Principles cover the main internationally recognised professional standards for the media, such as respect for the truth, an

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[30] See https://www.qartia.ge/en.
[31] See https://www.presscouncils.eu/members-georgia.
[32] Available in English at: https://www.qartia.ge/en/charter/article/38674-principles-of-charter.

obligation to correct errors, a requirement to protect confidential sources of information, showing respect for children's rights and privacy, and not encouraging discrimination. The Georgian Charter also promotes media freedom and issues statements where media freedom is threatened.[33]

In terms of statutory systems, the main body is the Georgian National Communications Commission (GNCC),[34] originally created by the 1999 Law on Telecommunications and Post, but now established via the 2004 Law of Georgia on Broadcasting (Broadcasting Law), which it oversees.[35] The Commission, now renamed the Communications Commission, is formally an independent body, with Article 6(1) of the Broadcasting Law stating, in part: "The Commission, members of the Commission and employees of the staff of the Commission are independent in exercising their powers and abide only by the law." However, concerns were expressed by different individuals about the independence of the Commission in practice (this issue is addressed in more detail below, under 6.1 Independence of Regulators).

According to Article 14(2) of the Broadcasting Law: "If a broadcaster violates the provisions of the legislation of Georgia, except for the provisions under Articles 52, 54, 56 and 59 of this Law, and licence provisions, a person concerned may apply to the Commission or to a court." The rest of that article sets out various conditions for how the Commission shall address such complaints.

Articles 52, 54, 56 and 59 address a range of professional issues such as accuracy, fairness and impartiality, promotion of war, discrimination and pornography, and prime time broadcasting of news. Article 59[1] provides that responses to these violations, as well as violations of the code of conduct, shall be dealt with "only within the self-regulation mechanism defined by Article 14(1) of this Law" (see below), specifically ruling out appeals to "a court, the Commission or to any other administrative authority".[36] While these exclusions remove many professional issues from the ambit of the Commission, it does entertain complaints from consumers and legal entities, some of which do relate to professional issues. For example, in a decision of 26 August 2021, the Commission held seven major broadcasters to be in breach of the rules on reporting of opinion polls during elections, specifically by failing to indicate "the date of the poll, methods used, exact formulation of the questions put in the poll and possible margins of error."[37]

According to Article 50 of the Broadcasting Law: "The Commission shall adopt a Code of Conduct through public administrative procedures on the basis of consultations with licence holders and public representatives." The Code of Conduct for Broadcasters

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[33] See https://www.qartia.ge/en/statements.
[34] See https://comcom.ge/en/.
[35] Available in English at: https://matsne.gov.ge/en/document/download/32866/39/en/pdf.
[36] See Article 59[1](2).
[37] See "Communications Commission issues seven broadcasters with records of administrative offences for violating the Election Code of Georgia", 26 August 2021, https://comcom.ge/en/yvela-siaxle/communications-commission-issues-seven-broadcasters-with-records-of-administrative-offences-for-violating-the-election-code-of-georgia.page.

(Broadcasting Code) was adopted by the Commission in March 2009.[38] It is far more detailed than the Journalistic Charter, running to some 30 pages, and covering a wide range of professional standards.

Article 14(1) of the Broadcasting Law then provides: "A broadcaster shall, on the basis of the code of conduct, establish an effective mechanism for self-regulation that will make it possible to review and provide timely and justified responses to complaints". The Broadcasting Code provides for corrections for inaccurate information (Article 6) and also sets out fairly detailed rules on the nature of these "self-regulation" complaints systems in the rest of its Chapter II, for example providing for complaints normally to be resolved within 21 days, for an appeal from the initial decision to an appeal body whose members are "independent, impartial and qualified", and for hearings to be transparent and fair.

Although the Broadcasting Law, and many of the respondents to the various data collection systems used for this Report, describe this as a "self-regulatory" system, we consider it to be "co-regulatory" in nature because it is legally mandatory for broadcasters to set up such systems. Indeed, it is perhaps important to note major differences between accepted international terminology, as described above, and the way these terms have been used in the Georgian context. Thus, not only is the system above considered to be "co-regulatory" and not "self-regulatory" according to international terminology, because it is legally mandatory, the Commission has promoted a system with it at the centre as "co-regulatory", whereas according to international terminology that would be a statutory system because the Commission is a statutory body and such a system would not envisage a dominant role for media players.

Awareness and Use of Regulatory Systems

Interestingly, despite the relatively broad range of complaints systems which are available to Georgians, the results of the public opinion survey showed that the overwhelming majority of citizens are not aware of any "formal system, not including the courts, for lodging complaints about the way the media has behaved", as shown in the table below.

Don't Know	Not Aware of any System	Aware of a System
5	84	11

Perhaps not surprisingly, the number of people who were "not aware" increased consistently with the age of the respondents and as respondents moved, respectively, from Tbilisi to other urban areas to rural areas. The "not aware" percentage was also higher for women than for men.

This result is partially consistent with a question on the survey of senior journalists asking whether the complaints code of conduct had been disseminated actively among the public. Only 8% said "yes", 54% said "partially" and 23% said "no". Interestingly, there

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[38] Resolution No 2, 12 March 2009, https://www.comcom.ge/uploads/other/1/1034.pdf.

was a strong gender divide here, with women consistently expressing less positive responses, with none saying "yes", only 33% saying "partially" and fully 50% saying "no". More experienced journalists were also far more likely to have less positive responses here with all of those saying it had not been disseminated coming from the group with 21 years' experience or more (representing 60% of that group), while those with 0-10 years' or 11-20 years' experience polled 83% and 100%, respectively, on saying that it had been "partially" disseminated.

The public opinion survey result here is also broadly consistent with responses to key informant interviews and focus group discussions, with interviewees/discussants tending to indicate that their media outlets had received few or no complaints and more generally suggesting that public awareness of complaints systems was low. There was also a suggestion from a few interviewees/discussants that most complaints come from people who are featured in a story, which could be taken to suggest that complainants are mostly more powerful or influential people, since ordinary citizens are less likely to feature in media reports in the first place. It is reasonable to assume that more powerful/influential people would be more likely to be aware of media complaints systems than ordinary citizens. A review of decisions by the Georgian Charter for 2018 and 2019[39] discloses that there were relatively few complaints, taking into account the population of Georgia, namely 62 in 2018 and only 17 in 2019.[40]

The results of the public opinion survey point to a clear and significant need to raise public awareness about all of the different complaints systems, but particularly the self-regulatory and co-regulatory ones, given that these are more likely to cover the issues which more directly affect ordinary citizens. These systems cannot deliver what they are expected to unless the public is aware of and uses them. Several interviewees/discussants acknowledged that the media does little to raise awareness about these systems. This is certainly not better practice, which is for media outlets to carry regular free messages on their various dissemination systems about the possibility of making a professional complaint and how to do that. Media reporting on how complaints systems are being used (i.e. on complaints and their outcomes) is another way to raise public awareness, along with possible incorporation into the education system, as part of a course on citizenship or civic awareness.

However, awareness of the system is not only limited among the general public. When asked whether there was a "sector-based system for making complaints regarding professionalism which applies to the media outlet where you work", 65% of senior journalists said "yes", while 30% said "no" and 5% did not know. These results were consistent across males and females. However, there was significant variation in terms of longevity of working in the media, with those with up to ten years' experience most likely to answer "yes", at 86% as compared to only 33% for those with 11-20 years' experience and 71% for those with more than 21 years' experience (as compared to "no" responses, respectively, of 14%, 50% and 29%).

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[39] See https://www.qartia.ge/en/complaints.
[40] We are not aware of the reason(s) for the rather dramatic reduction in the number of complaints between 2018 and 2019.

The rest of the questions relating to regulation were completed only by the 65%, or 13 respondents who answered "yes" to this question. From among these, 62% described it as a self-regulatory system, probably thinking about the Georgian Charter, 31% said it was co-regulatory and 8% said it was regulated by law. There was significant gender variance here, with 71% males and 50% females calling it self-regulatory, 29% and 33%, respectively, calling it co-regulatory, and no males and 17% females saying it was legal in nature. Again, the results varied considerably with length of time working in the media, with all of those saying it was legal in nature coming from the group with 21 years or more experience and 75% of those saying it was co-regulatory also coming from this group. In contrast, 100% of those with 11-20 years' experience thought it was self-regulatory, along with 83% of those with experience of 10 years or less.

A somehow related question asked whether senior journalists considered the complaints system to be independent of the government. 62% answered "yes", 23% "partially" and 15% "no". Males had far more positive responses here, polling 71% "yes", 29% "partially" and 0% "no" as compared to 50%, 17% and 33% respectively for females. And responses were also more positive for journalists with less experience, with 83% answering "yes", 17% "partially" and 0% "no" from among those with 1-10 years' experience, 50%, 50% and 0% from among those with 11-20 years' experience, and 40%, 40% and 20% from among those with more than 21 years' experience, so that the latter accounted for all of the "no" responses.

There is perhaps some scope for interpretation as to what "sector-based" meant in the first question here, and some respondents may not have considered the Georgian Charter system, which applies across all media, to fall within that description. That might even apply to some journalists who are members of the Georgian Charter. However, the results here seem to suggest that more awareness raising is needed on this issue even among more senior journalists. For example, almost all journalists, and especially those with more experience, should understand that the Georgian Charter system is self-regulatory. And the more specific responses provided by interviewees/discussants also reflected some confusion as to the exact nature of the system (alongside some responses which were quite specific and accurate).

Codes of Conduct

Four questions on the senior journalists' survey related to codes of conduct, asking, respectively, whether the complaints system relied on such a code, whether the code was developed in a consultative manner, and whether the code had been disseminated actively to journalists and then to the general public (with the results from last question being presented above). 85% of respondents indicated the system was based on a code, while all of the remaining 15% did not know (i.e. no one answered that it was not). These results held fairly consistently across gender and experience. 54% thought that the code had been developed in a consultative manner with all stakeholders, with 8% saying "partially", 15% saying "no" and 23% not knowing. The sample size here was too small

to draw any clear conclusions about breakdown according to experience.[41] Interestingly, only 46% of senior journalist respondents thought that the code had been disseminated actively to journalists (less than the number who thought it had been developed in a consultative manner), although 31% answered "partially" and only 7% "no". Males polled more positively here, with 71% answering "yes", 14% partially and 0% "no", as compared to 17%, 50% and 17%, respectively, for females.

These results were generally supported by responses from interviewees/discussants. Some indicated that they had a copy of the code of conduct, although it was not clear from the context whether this was the Broadcasting Code or Journalistic Charter. A few interviewees/discussants said that they had not been consulted on the development of these codes, although it was not clear whether they had been working as journalists when the codes were developed. A few journalists indicated that they had decided not to join the Georgian Charter system, with a small number claiming it was biased (albeit there was strong overall support for the idea that it was independent).

Thus, a large majority of those journalists who knew that there was a complaints system understood that it was based on a code of conduct. It is hard to know whether the responses on consultation reflected a lack of awareness about this on the part of respondents or dissatisfaction with the actual process of consultation. More assessment would be needed to ascertain this. One way or another, the responses on dissemination seem to suggest a failure somewhere in the system based on the high combined rate of "partially", "no" and "don't know" responses. For example, every journalist working in the broadcast media should be given a copy of the Broadcasting Code as part of their induction package (or when it was adopted, for those already employed at that time). If this had happened, it is inevitable that almost all broadcast journalists would know about it. Similarly, the Journalistic Charter should be provided to every journalist who joins the Georgian Charter as part of their membership package, while outreach efforts regarding this system should be made to all journalists.

Several journalists working for broadcasters who participated in interviews or focus group discussions indicated that their media outlets did have internal systems for complaints, as required under the Broadcasting Law. This was also confirmed by CSO representatives. Some respondents even referred to the idea of a two-tier system, with appeals options, as required by the Broadcasting Law, although it is not clear how many media outlets have actually established systems for appeals or whether they really are independent, as required by law. A number of journalists also referred to complaints which had been lodged against them or their media outlets through the Georgian Charter system.

Overall, the formal approach taken in Georgia aligns with international standards. It has a self-regulatory system for those journalists who sign onto it, and a co-regulatory approach for broadcasting which involves the official adoption of a code of conduct for broadcasters by the regulator and then application of that code by individual broadcasters.

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[41] Effectively 11 respondents broken down into three categories of experience and four possible responses.

At the same time, a few observations are in order. First, there clearly needs to be significantly more public outreach to ensure that the general public is aware of the various options for lodging complaints and how to do this. It is clear that the public are insufficiently aware of the system and that, overall, few complaints are lodged. Second, there also needs to be some sort of renewal of these systems among journalists/the media. It is unclear whether or not the Broadcasting Code or Journalistic Charter have been updated since they were first adopted in 1999. If not, that is not only clearly needed, given the passage of time and major changes in the information space, but could also serve as a means of rejuvenating the system within the media sector and among the wider public.

Third, while the co-regulatory approach adopted for broadcasters is designed to prevent undue interference in the sector, especially by government or political parties, which is very positive, at the same time there are questions about how effective it is (see below). This is almost inevitable given that complaints are essentially dealt with internally by the very broadcasters who are being accused of breaching the Broadcasting Code. It is also likely a very inefficient way to go about this (i.e. having each broadcaster set up its own system). In most co-regulatory systems, like most self-regulatory systems, there is a central body to deal with complaints which, while dominated by media personnel, is also independent of any particular media outlet. Obviously care needs to be taken when transitioning any system which respects media freedom, especially in a partisan media environment such as exists in Georgia. But consideration should at least be given to the idea of replacing the system of each broadcaster dealing with complaints with some sort of central system for this, albeit run by broadcasters in a way that protects it against political interference. This could perhaps start with a public debate among interested stakeholders about this issue.

4.2   Effectiveness of Regulatory Systems

To some extent the question of how effective a regulatory system is will always be subjective, at least in the absence of scientific, in-depth, longitudinal surveys about professionalism, which are not available in this case. At the same time, a number of important observations about this issue arose from the data collection exercises conducted for this Report.

Balance and Impartiality

One important issue is whether broadcasters in Georgia are required to be balanced and impartial in relation to their reporting on matters of political or social controversy, including party politics. When asked about this, 100% of the respondents on the senior journalists' survey answered "yes", which by definition means there was no variance on responses here by gender or geographic location. But when asked whether broadcasters are reasonably balanced and impartial, no respondent answered "yes", with 60% saying "no" and 40% saying "partially". There was some differentiation on the issue of a

requirement of balance among interviewees/discussants, with some suggesting this only applied to the public broadcasters and others suggesting it applied to all broadcasters.

Interestingly, when one studies the actual provisions in the Journalistic Charter and Broadcasting Code, the answer to the question of whether balance and impartiality is required is more subtle than the responses above suggest. The Journalistic Charter requires journalists, among other things, to respect the truth and not to conceal important facts, to be fair when collecting information, to distinguish between editorial content and advertising or sponsored content, and not to take bribes. But only the requirement not to conceal important facts could really be said to be part of impartiality (as opposed to avoiding misinformation), and even that is a weak requirement in this area. At the same time, there was some suggestion that the first clause of the Charter, on respecting the truth and the right of the public to receive accurate information, has been interpreted to impose an obligation of balance on the media.

In contrast, the Broadcasting Code refers to both "balance" and "impartiality" several times and, indeed, devotes all of Chapter IV to the latter, although it does not include a definition of either. Article 12 provides, generally: "News and factual information shall be reported impartially and with due accuracy." Perhaps the most significant provision is Article 16(3), on reporting the news, which provides:

> Broadcasters should ensure a balanced coverage of matters of political or other controversy across the series of programmes. Where the balance is planned to be achieved over the programme series, this should be made clear to audience on the very first day the programme.

Several other provisions in the Broadcasting Code support the idea of a requirement of political balance.

This dichotomy, namely of a requirement of balance for broadcasters and yet no such requirement for media overall, including print and online media, is in line with international standards. The stricter rules for broadcasters are based on the fact that they have, traditionally at least, relied on a public resource, the airwaves, for distribution, as well as the fact that they exert a more powerful impact on public opinion. This is reflected in Indicator 3.9 of UNESCO's Media Development Indicators,[42] which calls for an "Effective Broadcasting Code Setting out Requirements for Fairness and Impartiality".

In addition to general requirements of balance and impartiality for broadcasters, several references were made to specific rules for election periods, such as to a requirement to allocate equal free time to different parties[43] and special rules on balance. The latter are also reflected in Chapter VI: Current affairs-political programmes and election coverage, of the Broadcasting Code, which includes a requirement to give representatives of different parties a chance to comment on current affairs events (in Article 24(1)). At the same time, some journalists claimed that politicians from certain parties would not speak

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[42] See note 3.

[43] According to Article 23(2) of the Broadcasting Code, this applies only to "private general broadcasting licensees" (understood generally as national stations).

to their media (presumably based on the general bias of that media against their party) and that paid ads would normally only be allocated to media which supported the party in question.

The issue of bias in broadcasting, and especially television, has already been addressed in earlier parts of this Report, namely section 2.5 Public Service Broadcasting and section 3.1 Trust and Confidence in the Media. It was noted in the former that the results of the television media monitoring exercise showed that GPB's Channel 1 was the least biased among the five television stations which that monitoring exercise covered and that, overall, respondents to the various data collection exercises felt that GPB was less biased than at least the leading national television stations.

Overall, with very few exceptions, the consensus of the whole data collection exercise was that national television stations, in particular, were all very politically partisan (i.e. not balanced and impartial). As one public discussant noted, it should not be necessary to watch the news on several media outlets just to get the full picture. In addition to general political bias (i.e. in favour of one or another political party), examples of types of bias included relations with Russia, LGBTQ+ issues, which were very high profile during the period of data collection, and around COVID-19 issues (statistics, strategies and so on).

The results of the television media monitoring exercise provided direct examples of bias for the two national commercial broadcasters it covered – namely Imedi and Mtavari – in each of the three thematic areas it covered, namely COVID-19 vaccinations, coverage of vulnerable groups and the construction of a hydropower dam in Namokhvani. At the same time, this exercise only revealed one instance of a story which failed to respect the Journalistic Charter from among the 223 stories covered, namely one which exposed the identity of children. As noted, a review of the text of the Journalistic Charter shows that it does not actually require journalists to be balanced although it may be interpreted as requiring this.

The online media monitoring exercise suggested far less bias here than among television stations, with only 10% of all stories being biased, as compared to nearly one-third for television. This result for online media was broadly consistent with the information from other data collection sources, which also suggested that radio was less biased than television. The main problematical areas in the online sector were a lack of diversity of sources, with often only one being relied upon, negatively focused and clickbait titles, and sensational cover images. The media monitoring exercise found no breaches of the Journalistic Charter from among the 592 online stories covered.

It is thus clear that at least many national television broadcasters in Georgia are not respecting the requirements of balance and impartiality that are found in the Broadcasting Code. This is perhaps an area where having an in-house system of handling complaints is particularly ineffective, since issues of bias normally pervade the whole structure of a media outlet and thus cannot easily be dealt with through an in-house complaints system (as opposed, for example, to a more independent complaints' system). It is very difficult to root out bias in the media once it has become entrenched, as is the case in Georgia.

This Report does not, therefore, have a simple solution to this issue. However, the problem does need to be officially recognised and perhaps some sort of national debate about moving forward on this issue would be useful. Creating a central oversight system for professional complaints about broadcasting, as suggested above, could be part of the solution here.

Effectiveness of Regulatory Systems

A number of views were expressed on the wider issue of the effectiveness of professional regulation. Some interviewees/discussants suggested that it was simply not effective while others claimed that it was. It was noted that there is wide interpretive scope when it comes to the norms in the codes of conduct, and this would perhaps apply particularly to the Broadcasting Code, where interpretation happens in-house by those broadcasters which have been accused of breaching the Code. One person referred to some social issues where regulation had been effective, such as in the areas of violence against women and protection of children. It is important not to forget about these sorts of areas, and not to focus only on the larger and more difficult area of political bias.

Polling among senior journalists on whether complaints' systems were reasonably effective in promoting professional standards in the media returned just 15% "yes" responses, 62% "partially" and 23% "no". While this could be seen as a weak result, promoting media professionalism is complex and requires a number of initiatives beyond just complaints (such as training, adequate pay and social protection, and a sufficient degree of safety). As such, a high rate of "partially" responses with approximate balance between "yes" and "no" responses around this is reasonable. Interestingly, females gave far more negative responses here, with all of the "no" responses coming from females. It is not clear why this was the case or whether it relates to wider gender equality challenges in Georgia, including as reflected in media reporting.

A few interviewees/discussants provided information about the outcome of complaints. One suggested that two-thirds of internal appeals were decided against broadcasters, even though they were decided by the broadcaster which was the subject of the complaint. A review of decisions by the Georgian Charter for 2018 and 2019 discloses that of the 62 complaints in 2018, one did not result in a decision and violations were found in 52 of the others (one partially), or 85% of the total. The 17 complaints in 2019 led to a finding of violations in 13 or 76%. Most violations in both years were based on Principle 1 of the Journalistic Charter, which refers to respect for the truth and the right of society to receive accurate information. This suggests that at least where individuals do lodge complaints, these are mostly upheld (i.e. a professional breach is found).

A number of other points were made which are relevant to different forms of regulation. Several commentators talked about the role of social media, especially for online media but also for other media. Although this is not, strictly speaking, a regulatory system, it does provide immediate and very public feedback and several interviewees/discussants suggested that it often led to adjustments in media behaviour. The role of public opinion polls as a means of influencing media behaviour was also referred to, as well as

monitoring by CSOs. One person suggested that the overall conservative values of society was a challenge for the media; although this was not specifically mentioned, it is possible that this was focused on LGBTQ+ issues, which were very high profile during the data collection period and where the social values of many Georgians were exposed as being out of line with human rights standards in this area (which call for full equality for everyone regardless of gender identification or sexual orientation).

Several interviewees/discussants expressed concern about censorship via professional regulation. Given that this area of regulation touches directly on content, it is always sensitive and is particularly sensitive in the area of balance and impartiality, where bias or lack of independence on the part of the regulator can easily lead to censorship. This is, then, certainly a legitimate area of concern which needs to be taken into account in any reworking or adjusting of the systems.

Recommendations

➢ A major effort should be made, in particular by the media but also by the government, to increase awareness on the part of the public about the various media regulatory and complaints systems that exist in Georgia and the right of members of the public to use these systems. This should involve both public service messages in the media about these systems as well as more reporting on cases and decisions under these systems as news. The government should also consider introducing this as a topic in the school educational system.

➢ An effort should also be made to increase the awareness of journalists about these systems, including by distributing a copy of the Broadcasting Code to all journalists working in broadcasting and a copy of the Journalistic Charter to all members.

➢ Consideration should be given to undertaking a consultative process leading to revision and updating of both the Broadcasting Code and the Journalistic Charter both as a direct need and as a way of raising awareness about the systems that apply these rules among both the general public and journalists.

➢ A consultation should be held on whether it is necessary to revise the co-regulatory (as per international terminology) system for broadcasting and, in particular, to move to a system with a central independent body, dominated by media representatives, deciding on complaints rather than this being done by each broadcaster. Clearly, based on these conditions, that central body should not be the Commission, which would not be a co-regulatory but a statutory regulatory system.

5. Safety of Journalists

If journalists are not safe from physical attacks, harassment or threats, they cannot report in the public interest and the ability of the media to fulfil its role of supporting democracy and good governance, will be undermined. Among other things, these sorts of attacks

lead to self-censorship on the part of journalists. This has been recognised under international law, which includes an obligation for States to take positive steps to ensure journalists' safety in different ways.[44] These include providing protection to journalists and media outlets where this is needed, and conducting effective investigations, normally leading to prosecutions, where crimes are committed against journalists. It is also important for media outlets to have in place appropriate health and safety policies and practices for their staff, especially journalists, including by providing health and safety insurance and adequate safety training.

Safety Issues

In Georgia, the events of 5 July 2021 and following led to one cameraman, Aleksandre (Lekso) Lashkarava, dying following his having been being beaten,[45] and a reported 53 media workers being injured.[46] There is no question that this had a huge impact on the attitude of journalists towards their own safety and this was repeatedly reflected explicitly in the statements made during key informant interviews and focus group discussions. Among other things, interviewees/discussants repeatedly referred to these events as a "turning point" in terms of safety, to the fact that whereas previously wearing clear "press" insignia, such as having this printed on their clothing, provided them with protection the reverse was now the case, and to the fact that whereas previously they would turn to the police for protection in threatening circumstances this was no longer the case since the police had failed to protect them during those events. There was also broad consensus that these attacks did not depend on the political orientation of the journalist/media outlet, and that they were mostly perpetrated by rightwing, homophobic groups.

It is not clear whether undertaking a similar research exercise as was done for this Report, whether before those events took place or after a longer period following those events, would generate different results. However, the results reflected below do show how journalists and others in Georgia view this issue today.

When senior journalists were asked to rate on a scale of 1 to 5 (with one being very little) to what extent journalists were able to conduct their work "free of threats, harassment or attacks", 30% gave a score of 2, 50% a score of 3 and 20% a score of 4 with no scores of 1 or 5 being provided. This reflects an almost even balance around a neutral score of 3. Notably, the results were identical when controlled for gender. However, overall

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[44] See, for example, the Joint Declaration on Crimes Against Freedom of Expression by the special international mandates on freedom of expression at the UN, OSCE, OAS and African Commission on Human and Peoples' Rights, 25 June 2012, http://www.law-democracy.org/live/wp-content/uploads/2012/08/mandates.decl_.2012.pdf.

[45] See Agence France-Presse in Tbilisi, "Georgian cameraman dies after attack by far-right, anti-LGBTQ mob", 11 July 2011, https://www.theguardian.com/media/2021/jul/11/georgian-cameraman-dies-after-attack-by-far-right-anti-lgbtq-mob.

[46] See OC Media, "Georgian authorities fail to produce autopsy 5 months after journalist's death", 12 December 2021, https://oc-media.org/georgian-authorities-fail-to-produce-autopsy-5-months-after-journalists-death/.

journalists with more experience gave lower scores, meaning they felt less free to conduct their work.

Interviewees/discussants were more clearly disposed to say that journalists faced threats which undermined their ability to work freely, with most saying that journalists did face serious threats and many citing individual cases. The case of Vakho Sanaia, who was beaten in front of his wife and child, which preceded the 5 July 2021 events, having taken place in February that year, was cited frequently. The three individuals who were responsible for that beating were arrested and detained the same day it occurred and were sentenced to six months' imprisonment in August, but released immediately for time served.[47] The clear consensus among interviewees/discussants on this case was that it gave the wrong impression, namely that attacks on journalists were not very serious. It may be noted that better practice is to impose more serious sanctions where attacks are done in retaliation for what a journalist or other individual has said (i.e. as an attack on freedom of expression) than for ordinary attacks.[48] Thus, even if six months' imprisonment is a fairly heavy sentence for an ordinary attack of that nature, that does not necessarily hold true for attacks on freedom of expression.

Several interviewees/discussants suggested that, well before the events of 5 July, leading politicians had engaged in hostile rhetoric towards the media that somehow supported and laid the groundwork for those events by creating a generally negative attitude towards journalists. One person also suggested that the public generally supported journalists and media freedom. Even if this is true, the existence of even a very small minority of extremists who are prepared to physically attack journalists can pose a serious safety threat. Political attacks on journalists and the media is a phenomenon which has also been observed in other countries and which can significantly undermine media freedom. This was addressed in the most recent Joint Declaration on Politicians and Public Officials and Freedom of Expression of the special international mandates on freedom of expression at the UN, OSCE, OAS and African Commission on Human and Peoples' Rights, which stated:

> Politicians and public officials should not intentionally make false statements attacking the integrity of journalists, media workers or human rights defenders.[49]

Self-Censorship

When senior journalists were asked to rate, again on a scale of 1 to 5, with 1 being very little, to what extent journalists engaged in self-censorship due to fear of threats, harassment or attacks, the responses were: 1 – 25%; 2 – 10%; 3 – 40%; 4 – 25%; and 5 – 0%. These scores are weighted below the mid-point of '3' but these results still represent a serious concern about media self-censorship. Perhaps interestingly, women journalists were more likely to give a lower score here (meaning they considered self-censorship to

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[47] See Agenda.ge, "Three found guilty of attacking TV journalist Vakho Sanaia, sentenced to six months time served", 25 Aug 2021, https://agenda.ge/en/news/2021/2424.
[48] See, for example, the Joint Declaration on Crimes Against Freedom of Expression, note 44, para. 2(b)(i).
[49] Note 29, para. 3(v).

be less prevalent), while scores varied almost randomly when broken down by the experience of respondents. In a follow-up question as to what types of reporting were being neglected due to self-censorship, a wide range of themes were mentioned but the large majority of these were about objective coverage of different issues, often explicitly linked to politics. This is hardly surprising given the strongly partisan nature of many media outlets, especially television, in Georgia.

Overall, responses by interviewees/discussants here were fairly positive in the sense of finding less of a risk of self-censorship. Several people suggested that journalists were too motivated or courageous to respond to threats with self-censorship, with several suggesting that the opposite would happen as threats would inspire journalists to stand up for the truth. The importance of training and professionalism were noted here, as well as the support of managers in fending off pressure, for example by not even mentioning to their journalists phone calls designed to pressure the media to report in one direction or another.

At the same time, there were some who acknowledged the presence of self-censorship. For example, one person claimed that journalists no longer covered protests or rallies to the same extent since 5 July 2021 out of fear for their safety, which is itself a form of self-censorship. The idea of social media being used to pressure journalists was also mentioned, along with the risk of being subjected to threats to reveal private information online. One person mentioned the idea of subconscious influences, to which we are all subject. A few also claimed that self-censorship was more common at GPB, where some journalists were fired, reportedly for not following editorial standards. Some even mentioned that pressure had been put on them via family members, with one even saying that his/her children had been subjected to pressure as a way of getting at him/her, which is very insidious.

The two media monitoring exercises, of television stations and online media, also addressed self-censorship. Only 14 of 223 television news stories (6%) and 6 of 592 (1%) online media stories were classified as self-censored. These are very low rates, although the only metrics used to assess this was that stories were covered with a selective emphasis or omitted reasonably notorious details, which is a narrow definition of self-censorship. Interestingly, all six of the online stories came from one outlet, Interpressnews.ge, all focused on either COVID-19 vaccinations or attacks on journalists on 5 July, and in each case self-censorship was deemed to be present due to a downplaying of the seriousness of these events. These events also dominated self-censorship in monitored television news.

Investigation of Crimes

In terms of whether sufficient efforts are made to investigate and prosecute crimes against journalists, when these are committed, not a single senior journalist respondent said "yes", 25% said "partially" and a large majority of 75% said "no". These results broadly held when assessed against gender and length of time working as a journalist. They were also broadly supported by the responses of interviewees/discussants, most of

whom expressed disappointment at the level of attention being devoted to investigating and prosecuting crimes against journalists. Several examples were given, including those of Vakho Sanaia and Aleksandre Lashkarava, whose death following beating still does not appear to have resulted in any charges having been laid (both mentioned above). A few interviewees/discussants specifically claimed that clergy seemed to be immune to prosecution even if they attack journalists. One person suggested that only 26 arrests had been made for attacks on 53 journalists based on the events of 5 July. The issue of cyberattacks and hacking of media websites and accounts was also mentioned as a serious criminal issue here, and again examples of failures to investigate these sorts of crimes were given.

As noted above, States are under a positive international law obligation to take measures both to protect journalists and other media workers who might be at risk and to investigate and prosecute those who attack journalists for the content of their media work. To the extent that allegations of a failure of the police to provide protection to journalists during the events of 5 July are true, this is a very serious failure on the part of Georgia which needs to be addressed. In any case, it is likely that a programme of awareness raising among police and other administration of justice officials about the importance of media freedom and their role in protecting it, for example using the UNESCO training manual in this area,[50] would be useful in Georgia.

To the extent that the police and other administration of justice actors are not taking sufficient action to investigate and prosecute crimes committed against journalists for their work, this is also a very serious failure which needs to be addressed. Further research is needed to put forward specific recommendations here but one approach that needs to be considered in any country where the level of attacks is significant, and where there are social/cultural reasons which make it more difficult to investigate these crimes, which seems to be the case in Georgia, is setting up a dedicated, specialised unit within the police to address these sorts of crimes.

Health and Safety Measures

The final issue addressed here, namely whether media outlets have adequate policies to protect their journalists' health and safety, was the subject of two questions on the senior journalists' survey. The first, whether the media outlet where the concerned journalist worked met this standard, garnered responses of 60% "yes", 35% "partially" and just 5% "no". These generally positive results did not vary with the gender of respondents but there was a marked decline in "yes" responses among journalists with 21 years or more of experience, with most of that group answering "partially" and all of the "no" responses coming from that group. This might reflect a greater need for broader health protection among this group or potentially other factors.

The second was whether these measures extended to all journalists, including those working on a temporary or freelance basis, with responses of 55% "yes" and 45% "no"

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[50] See Paul Clavaud and Toby Mendel, *Freedom of Expression and Public Order: Training Manual*, UNESCO, 2015, https://unesdoc.unesco.org/ark:/48223/pf0000231305.

being given. Interestingly, males were far more likely to give a "yes" response here (70%) and, once again, responses by journalists with 21 years or more of experience were much more negative, with 71% saying "no".

Responses to questions on this among interviewees/discussants were broadly consistent but identified more specific sub-trends here, namely that smaller media outlets were less likely to provide insurance than larger ones and that insurance was rarely provided by online media outlets. One person suggested that the Labour Safety Act requires employers to offer this sort of protection but we were unable to verify that. There was also some variance in terms of whether insurance extended to interns, with some saying it did, others saying it did not and some suggesting that this was not needed since interns were unlikely to be placed in dangerous work environments. A number of people mentioned specific instances where support was provided following attacks. One person also mentioned that their media outlet provided various forms of COVID-19 protection, such as testing and even securing vaccinations for their staff.

A number of comments on the provision of training and advice on safety to journalists were made. Reference was made to the provision of safety training being supported by international donors and several interviewees/discussants indicated that they had received such training. The idea of advice being provided by senior journalists to less experienced staff was also mentioned. Finally, some people mentioned that their media outlets had provided them with safety equipment, or even guards for protection, for example when they participated in the pro-media rallies which followed the events of 5 July.

It is obviously important for media outlets to provide appropriate insurance and safety training to their staff, especially if those staff are being asked to cover potentially dangerous events. There seems to be fairly broad consensus that the events of 5 July and following were unexpected, which obviously makes it difficult to have anticipated them. But this also highlights the importance of media outlets erring on the side of caution in terms of safety measures, including insurance but also training.

Recommendations

➤ Consideration should be given to the idea of setting up a special police unit to investigate attacks on journalists when they do occur. If this is done, its remit should extend to cases of serious threats and online harassment against journalists.
➤ Efforts should be made to increase the provision by media outlets, including smaller and online outlets, of health and safety protections to journalists.

6. Legal and Policy Environment

There are numerous aspects of the legal and policy environment in any country that impact media freedom and independence in general. It is beyond the scope of this Report to investigate fully the legal and policy environment for the media. However, a selection

of key legal and policy issues is covered here due to their particular importance in terms of creating an enabling environment for the media to support democracy and good governance.

The first section addresses the issue of the independence of media regulators, in particular the Commission, given the important roles it plays vis-à-vis broadcasters. The second section focuses on two privileges which are, under international law, accorded to journalists due to their particular role in providing information of public importance to citizens, namely their rights to protect their confidential sources of information and to have privileged access to limited or restricted space venues, often referred to as accreditation. That section also covers, briefly, the allocation of advertising to media outlets by official bodies.

6.1   Independence of Regulators

In several respects, the Commission exerts less control over broadcasters than its counterparts in many other countries. As noted above, television broadcasting is no longer subject to licensing procedures and a simple authorisation is now all that is needed to start a television station. And, also as noted above, the Commission does not, for the most part, engage in direct professional regulation of broadcasters, with this being left to a system of co-regulation. At the same time, the Commission does still licence multiplex operators and radio stations, both of which continue to use the public frequency spectrum, and it also continues to regulate important content issues which fall outside those which are specifically excluded from its remit. As such, its independent is still a matter of some importance to media freedom in Georgia.

There are fairly strong formal legal protections for the independence of the Commission. For example, Article 6(1) of the Broadcasting Law states:

> The Commission, members of the Commission and employees of the staff of the Commission are independent in exercising their powers and abide only by the law. Unlawful influence on and intervention in their activities are inadmissible, and a decision made as a result of such influence and intervention is deemed void.

A complex and sophisticated process of appointments for the five members of the Commission is set out in Article 9 of the Broadcasting Law. Anyone may nominate a candidate and candidates are supposed to be selected on a competitive basis considering their qualifications. The president, government and parliament are all involved in the selection process, thereby respecting the idea that no one party or set of actors should dominate in the appointment of members. There are also strong protections against the removal of a member, once appointed, which may be effected only by a three-fifths majority vote of the members of parliament on the basis of limited grounds, and which

decision may be appealed to the courts (Article 10 of the Broadcasting Law). Indeed, the independence of the Commission is even written into the Constitution of Georgia.[51]

At the same time, as many interviewees/discussants indicated, a practice has evolved in Georgia whereby members, instead of being independent representatives of the public, are essentially allocated to political parties based on the extent of their representation in parliament. This effectively means that any party with a majority of seats in parliament, as is currently the case for Georgian Dream, controls the Commission. While this is also the approach taken in the United States, where the Federal Communications Commission also has five members, no more than three of whom may be from one political party,[52] it is decidedly not the approach taken under international law. This is clearly reflected in the following statement in the 2018 Joint Declaration on Media Independence and Diversity in the Digital Age of the special international mandates on freedom of expression at the UN, OSCE, OAS and African Commission on Human and Peoples' Rights:

> 1(b)   States also have positive obligations to protect media freedom, including through the following measures:
> …
> > v. ensuring the independence of bodies which exercise regulatory powers over the media.[53]

It is most certainly not the European approach, where there is an entire Declaration of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector.[54]

Overall, the vast majority of interviewees/discussants stated quite clearly that the Commission was not independent in practice.[55] Several suggested that the chair is close to the government. Concern was also expressed about a media monitoring platform run by the Commission via its non-profit wing, Media Academy,[56] with several people claiming that it unfairly targets opposition media and others suggesting that it represented a hostile activity vis-à-vis the media.

On the other hand, many interviewees/discussants suggested not only that the Georgian Charter members were independent but also that the media overall trusted them. This is

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[51] 1995 Constitution of Georgia, as amended, Article 17(7), https://matsne.gov.ge/en/document/view/30346?publication=36.

[52] See https://www.fcc.gov/about-fcc/what-we-do.

[53] Adopted on 2 May 2018, https://www.law-democracy.org/live/wp-content/uploads/2018/12/mandates.decl_.2018.media-ind.pdf.

[54] Adopted 26 March 2008, https://mediainitiatives.am/wp-content/uploads/2017/01/Council-of-Europe-Declaration-on-the-Independence-and-Functions-for-the-Broadcasting-Sector-in-English-1.pdf.

[55] This was also supported by the literature. See, for example, Mikashavidze, Maia, *Systemic capacity building of the media regulatory authorities in Georgia: A hierarchy of needs*, 2018, note 27, p. 3; and Giorgi Jangiani, *Media Influence Matrix: Georgia* (CEU's Center for Media Data and Society (CMDS), Budapest, 2020), p. 5, https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/basicpage/1425/mimgeorgiafullreport2020.pdf.

[56] See, for example, OSF/Media Advocacy Coalition, *Media Environment in Georgia*, 2020, p. 5, https://osgf.ge/wp-content/uploads/2021/01/Media-environment_English.pdf

understandable given that it is a self-regulatory body, with members elected by the wider journalist membership of the Georgian Charter, while the Commission is a statutory body.

It is clear that measures need to be taken on an urgent basis to enhance the independence of the Commission in practice. While there may originally have been a sense that the approach taken was legitimate, as it followed practice in the United States, in fact this practice is not consistent with wider international standards and especially European standards. Furthermore, significant differences between the media and wider democratic environment in the United States and Georgia may mean that what works in the former is not necessarily effective or democratic in the latter. More research is needed to assess whether policy changes would be sufficient to address this or it would be necessary to amend the Broadcast Law. Although the latter does incorporate a number of better-practice guarantees, including the idea of a competition for these positions and the power of anyone to nominate candidates, it is clear that practice under it has failed to do this. As such, it is likely that amendments to the underlying legislation would be necessary. One option here could be to have candidates screened by an independent professional body, if one exists or could be established, with only two or three candidates moving from this stage to the more political appointments process. Alternately, as with the Board of GPB, perhaps a political agreement could be reached to move to a less politicised selection process. At a minimum, this should be the subject of wider consultation in Georgia with a view to transforming the Commission into a truly independent body, as provided for in the Constitution, with members representing the public as a whole rather than political factions.

It is not clear exactly how the media monitoring platform run by the Commission works. There is nothing wrong with a body of this sort conducting *suo moto* media monitoring, as long as this is done independently and is based on a scientific and professionally applied methodology. Given that the Commission itself is not independent, it seems unlikely that these conditions are met but more information is needed to ascertain this.

6.2   Other Legal and Policy Issues

As noted above, this section covers a selection of legal and policy issues which are deemed to be of key importance to the creation of an enabling environment for the media to support good governance. These are, specifically, the right of journalists to protect their sources, systems of accreditation for journalists and the allocation of advertising to media outlets, with a focus on allocation of advertising by public bodies.

Protection of Sources

Three questions on the survey of senior journalists addressed the issue of protection of sources. The first asked, simply, whether journalists have this right, to which 95% answered "yes" and 5% said they did not know. Given the dominance of "yes" responses, it cannot be said that there was any variation in responses by gender (although the one

"don't know" response was from a female) or age (the one "don't know" response was from someone with 11-20 years' experience). This was also matched by responses from interviewees/discussants, the vast majority of which clearly affirmed that there is a legal right to source protection.

This also lines up with the actual legal situation in Georgia, with Article 50 of the 2009 Criminal Procedure Code[57] exempting journalists, in relation to "information obtained in the course of his/her professional activities", from being interrogated as a witness or being required to provide documents needed for a case. Article 11 of the 2004 Law on Freedom of Speech and Expression[58] provides more specific rules on this, focusing specifically on secret professional sources and indicating that they are granted "absolute privilege", subject to a court decision based on proof of the necessity of disclosure of the identity of the source which, once obtained, may only be used for the purpose which underlies the court decision.

Several interviewees/discussants mentioned the case of TV Pirveli and tapes of rapper Bera Ivanishvili, the son of Georgian Dream founder Bidzina Ivanishvili, showing Bera calling on security forces to punish people for posting critical messages about him. Tbilisi City Court authorised the prosecutor to retrieve relevant evidence relating to the case, after TV Pirveli aired part of the tapes.[59] All of those who mentioned it said that it sent an unfortunate message regarding protection of sources, even though it is not entirely clear from the facts of the case that it actually involved confidential source disclosure.

The second question on sources in the survey of senior journalists asked whether journalists could be expected to come under pressure to break their promises to protect the confidentiality of their sources. The responses here were 55% "yes", 40% "partially" and only 5% "no". These results did not differ markedly across gender but journalists with 11-20 years' experience were less negative here, with 83% saying "partially" and only 17% saying "yes". This is again broadly consistent with comments by interviewees/discussants, some of whom mentioned specific cases where pressure had been applied, for example in the form of threats to confiscate property or to bring legal charges.

The third question asked whether respondents were aware of cases where confidential sources had been revealed in recent years. Here, 20% of respondents answered "yes", 75% said "no" and 5% said they did not know. Again, there was no gender differentiation here or significant variation based on experience. And again, this was reasonably consistent with the responses of interviewees/discussants, most of whom said that journalists would not reveal their sources but a few of whom said they had heard of such a case. One person suggested that this would depend on the experience of the journalist, while another indicated that sources would only provide sensitive information to journalists who they trusted in the first place.

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[57] Available in English at: https://matsne.gov.ge/ka/document/download/90034/64/en/pdf.
[58] Available in English at: https://matsne.gov.ge/en/document/download/33208/1/en/pdf.
[59] See Civil.ge, "Recordings Case: Court Permits Prosecutor to Retrieve Material Evidence from TV Pirveli", 11 March 2021, https://civil.ge/archives/404963.

Several interviewees/discussants mentioned the issue of surveillance or phone tapping as a practice they believed took place and which might place sources at risk. One person indicated that for sensitive cases they had switched over to Signal for communications, due to the strong security it provided, while a few mentioned that they had received digital security training.

International law on freedom of expression provides strong protection for journalists' confidential sources of information. It is unclear whether Article 50 of the Criminal Procedure Code admits of exceptions but Article 11 of the 2004 Law on Freedom of Speech and Expression allows for source disclosure where a court deems that the necessity of this has been proven. This is positive inasmuch as it requires a court decision based on necessity before a confidential source may be exposed but it could be improved by providing greater clarity as to the sorts of interests that might justify a decision of necessity, such as an accused person needing the information to defend him- or herself or the information being needed for a serious criminal prosecution and the information not being available in any other way.

The use of covert surveillance to monitor journalists' conversations could only be legitimate in extremely narrow circumstances, namely where this was absolutely necessary to conduct an effective criminal investigation into a serious criminal matter, and where prior authorisation for this has been given by a court. Georgian law generally requires prior court approval of any measures of surveillance.[60] It should never be used to breach the confidentiality of sources of information, unless this is specifically authorised by a court on the basis of necessity. In practice, these conditions are almost never met. There is little question that surveillance is widely abused in Georgia. A recent and respected report stated:

> The experience of the last years of the country has shown us that in addition to the absolute impunity of persons for torture and ill-treatment in the law enforcement system, the systemic challenge was covert surveillance and interceptions, pressuring citizens with personal life records.[61]

There is also strong evidence that surveillance is being used to monitor journalists' communications in circumstances that do not meet these conditions. For example, a 2019 report by the European Union for Georgia, the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) stated:

> Despite the right to privacy being enshrined in the Constitution, illegal surveillance was a systematic practice in Georgia in recent years, with video recordings being made of

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[60] See Ana Nasrashvili, Nata Akhaladze, Salome Chkhaidze and Ketevan Kukava, *Independent Investigative Mechanism in Georgia: Achievements and Existing Challenges* (2021, Open Society Georgia Foundation, Institute for Development of Freedom of Information and Social Justice Center), p. 114 and following, https://www.researchgate.net/publication/353332979_Independent_Investigative_Mechanism_in_Georgia_-_Achievements_and_Existing_Challenges.
[61] See note 60, p. 68.

politicians, journalists and activists for the purposes of blackmail.[62]

This is completely unacceptable and it should be stopped immediately. This is a complex matter which goes beyond the scope of this Report and into the wider question of police operations. However, the reports mentioned in the two preceding footnotes suggest various means to remedy this problem.

Systems of Accreditation

When asked whether the systems of accreditation for journalists were fair, 15% of senior journalists said "yes", 65% said "partially" and 20% said "no". Males were more negative on this issue, accounting for all of the "no" responses, as were journalists with less experience, none of whom answered "yes" to this question. It was not entirely clear from the data collected how extensive the practice of accreditation is in Georgia, with some interviewees/discussants suggesting it was only practised by parliament and the Central Election Commission of Georgia, during elections. Several people referred to recent changes in accreditation practices at parliament, although these mainly appear to be COVID-19 measures which, although no doubt frustrating, are in place in many countries around the world.

Otherwise, in relation to accreditation, many interviewees/discussants suggested it worked well enough, although the response from smaller and online media outlets was distinctly more negative, with them complaining that these systems favoured larger outlets. This is a bit of a conundrum as the main purpose of accreditation is to enable journalists to provide the public with relevant information from the location in question, which larger media can obviously do more effectively, overall, than smaller media. However, smaller regional media and online media may also reach parts of the population which are not covered by more mainstream media, such as minorities and young people. As such, some mix of media outlets should be accommodated in any accreditation scheme, even for limited space venues such as parliament. At a minimum, accreditation systems should be based on clear and appropriate criteria applied in a procedurally fair manner.

A number of related practices were mentioned by different interviewees/discussants. Some suggested that most meetings were closed to journalists, contrary to better democratic practice whereby meetings are open absent a legitimate decision to close them. It was also noted, specifically in a regional context, that while media representatives had been able to attend meetings before COVID-19, once the meetings went online they were no longer able to attend. Several people indicated that practices of simply not inviting opposition-oriented media representatives to meetings were common,

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[62] European Union for Georgia, United Nations Office of the High Commissioner for Human Rights (OHCHR) and United Nations Development Programme (UNDP), Implementation of the National Strategy for the Protection of Human Rights in Georgia, 2014-2020: Progress, Challenges and Recommendations as to Future Approaches, 2019, p, 31, http://myrights.gov.ge/uploads/files/docs/8530Georgia-ReportontheNHRS2014-2020FIN.pdf. See also Thomas Hammarberg, *Georgia in Transition*, 2013, p. 25, https://eeas.europa.eu/archives/delegations/georgia/documents/human_rights_2012/20130920_report_en.pdf.

with a number of concrete examples being provided. Others claimed that press releases were sometimes not distributed to all media. These are both clearly illegitimate taking into account the significant news importance of reporting on what government is saying. To the extent that these practices are happening, effective steps should be taken to bring them to an end.

Allocation of Public Advertising

Finally, in response to a question about whether systems for allocating advertising from public bodies to media outlets were reasonably fair, only 20% of senior journalists said "yes", 35% said "partially" and 55% said "no". These figures remained constant across gender but positive responses were higher among journalists with 21 years or more of experience. Quite a few interviewees/discussants were not that sure about this issue although a clear majority of those that expressed an opinion were of the view that advertisements were not allocated fairly. Examples were also given, for example of a regional media outlet which stopped receiving public advertisements after it published a news report which was critical of the government. It was also claimed that businesses were cautious about advertising in critical media out of fear that this would have political implications for them.

Several other comments were made about advertising and related issues. One person noted that, despite the bias, the allocation of advertising was at least transparent. The issue of businesses using their advertising spend to try to influence media outlets was raised by several people, with some giving quite blatant examples of this. A number of comments about online activity seemed to suggest that there is a perception among some both public and private actors that if you subscribe to online media or commission pieces by them, they should not criticise you.

It is clear under international law that the allocation of public advertising should be non-discriminatory and done on the basis of objective criteria such as cost effectiveness in reaching the target audience. As the 2018 Joint Declaration on Media Independence and Diversity in the Digital Age of the special international mandates on freedom of expression at the UN, OSCE, OAS and African Commission on Human and Peoples' Rights stated:

> States should put in place effective systems to ensure transparency, fairness and non-discrimination in access by the media to State resources, including public advertising.[63]

To the extent that this is not already the case in Georgia, steps should be taken to ensure that this standard is respected. One option here would be to route public advertising through an autonomous central body that allocated it fairly and on the basis of objective criteria such as the ratings of different media in different market segments. Businesses also have a responsibility to respect human rights and they should also take steps to stop any practices, including in the area of advertising, which are designed to limit freedom of expression.

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[63] See note 53.

Recommendations

- ➢ Urgent steps should be taken to enhance the independence of the Commission. This should at least include a public consultation about how to move away from the political appointments system to a more fully independent, professional approach, as is required under international law, including very clear European standards, and then measures to amend the current system based on that consultation, whether this involves only policy measures or also law reform. One possible law reform measure could be to have an independent professional hiring body prepare a short list of two or three candidates before these names are put to the more political final appointments process.
- ➢ Consideration should be given to amending the rules on protection of confidential sources to elaborate clearly the limited circumstances in which courts may rule to override this right.
- ➢ To the extent that journalists are being subjected to surveillance beyond the very limited circumstances in which that is legitimate, immediate steps should be taken to stop that practice.
- ➢ Systems of accreditation in Georgia should be reviewed and, as necessary, clear and appropriate criteria for accrediting journalists should be adopted.
- ➢ To the extent that journalists are not able to attend meetings which now take place online which they were able to attend before, when the meetings were offline, steps should be taken to remedy this.
- ➢ Consideration should be given to measures to improve the fair allocation of public advertising to media including through adopting clear and objective criteria for this and potentially by routing the allocation of such advertising through an autonomous central body.

Conclusion

A number of features are needed for a country to have a strong, functioning democratic system and to benefit from good governance. A diverse, free, independent, professional and sustainable media sector which is responsive to the needs of the people is among the more essential of such features. While many factors go into creating a wider enabling environment for the media, certain among these are of particular importance to enhancing the ability of the media to support democracy and good governance. These include various aspects of media diversity, so that the media is able to serve the information needs of the public, trust and confidence by the people in the media, so that they feel they can rely upon the information it provides to them, effective systems to promote media professionalism, and hence quality media content, the ability of journalists to pursue their professional activities safely and free from harassment, threats or instability, and a number of legal and policy measures, such as for the independence of media regulators, the protection of confidential sources and fair and transparent systems of accreditation.

This Report looks at all of these issues based on information obtained from a broad data collection exercise which amassed evidence in a variety of ways and from a wide range of different stakeholders, including the general public and different segments of the public, journalists with different levels of experience, civil society organisations focusing on media issues, and other key media observers, as well as a broad review of the existing literature.

Many of the conclusions drawn in this Report are already well known in Georgia, such as that many media outlets, especially national television stations, are highly politically partisan. Others, such as that following the approach of the United States in terms of appointments to media regulatory bodies does not represent better international practice, may be more cutting edge for a Georgian audience. Where this Report is especially unique, however, is in combining a wide range of reliable data collection approaches with deep knowledge of international human rights standards and better media practices to generate possible solutions or ways forward for Georgia.

Given the breadth of the issues covered by this Report, more investigation is needed in some areas before very concrete recommendations can be made. In a number of cases the main recommendation is that further processes should be conducted – such as a broad public debate about the issue, a follow-on consultation among key stakeholders or additional research into options – before deciding on the way forward. In other cases, this Report makes very specific recommendations about the way forward.

The conclusion of a major report like this is not an appropriate place to repeat all of the findings and recommendations found in the body of the text. However, some of the key findings and recommendations are reproduced here, to highlight them and to promote further action on them.

It is clear that Georgia suffers from a highly partisan public space and that the media both exist within and reflect that partisan environment. While some degree of partisanship is inevitable in, and is indeed a positive feature of a democracy, excessive partisanship undermines democracy in various ways, including where the main media outlets become so partisan – due to a variety of reasons, pressures and circumstances – that their ability to report in the broader public interest is undermined. The evidence gathered for this Report, as well as other studies and research, suggest that Georgia has reached this point and indeed reached it some time ago.

There are no easy fixes for this. But some solutions do present themselves, including the following:
- Georgian media outlets need to do more to mitigate the impact of partisanship on their content, starting by recognising this as a problem and then, for example, by allocating more resources to non-partisan public interest content production.
- Consideration should be given to providing more financial support to community media, especially community broadcasters.
- Efforts should be made to enhance the independence of GPB both at the oversight (board) level and internally, and to further diversify and depoliticise its content.

- Similarly, measures are needed to transform the Commission from a politically influenced body into an entity which focuses on serving the wider public interest, whether by amending the Broadcasting Law to this end or through policy and practice changes.
- Political parties and leading political figures should make a commitment to refrain from or at least reduce the current level of political interference in the media, whether this takes the form of unwarranted attacks on media which are aligned with other parties, the allocation of public advertising or other abuses of State power.
- Accreditation systems and related policies, including invitations to meetings and press conferences, and the distribution of press releases, should be revisited and amended to make sure they are fair and based on appropriate criteria.

The systems for regulating media professionalism in Georgia are basically sound and in line with international standards but a key problem is that the public, for whom these systems exist, is largely unaware of their existence, let alone how to use them, and awareness about these systems even among media workers, including senior journalists, seems to be low. Far more effort is needed in terms of outreach to both sets of actors. Regular announcements about complaints systems in the media, alongside news reporting on complaints and how they have been resolved, are an important way to address this. A broad review of the Broadcasting Code and Journalistic Charter, involving key stakeholders, could be an important way of rejuvenating these systems within both the media itself and the wider society. A targeted consultation on the idea of revising the co-regulatory system for applying the Broadcasting Code, potentially by instituting a central oversight system rather than having each media outlet deal with the complaints which are addressed to it, should be considered. At the same time, care needs to be taken, when considering changes here, not to create systems which would lead to increased partisan control over the media.

States have clear international law obligations both to provide protection to journalists who are at risk of attack, including in the context of covering protests and rallies, and to allocate adequate resources to the investigation and prosecution of crimes against journalists, and especially attacks on them, where these do occur. There are credible allegations that Georgia is failing to meet both of these allegations fully and, to the extent that this is the case, measures are needed to address it. Providing training to police on media relations could be one part of the solution. Putting in place a specialised, dedicated body or system to investigate and prosecute crimes against journalists, involving the police, prosecutors and potentially even judges, could be another element here. For their part, media outlets should ensure that they provide appropriate protection, through insurance but also safety training, to their journalists, especially those who may, for whatever reason, find themselves in situations of risk.

A number of other measures should be considered to create a more robust enabling environment so that the media in Georgia can promote democracy and good governance effectively. Some of these include:

- ▪ Media outlets doing more to ensure appropriate coverage of minority issues and equitable incorporation of staff from minority groups among their workers.
- ▪ Media outlets again doing more to ensure gender equality in the media at all levels, including senior management.
- ▪ Officials ensuring the robust application of ownership transparency rules.
- ▪ CSOs reflecting on the work they are doing in terms of monitoring the media and reporting and advocating on media issues, perhaps including by consulting with key stakeholders to assess whether new areas of research and advocacy, or new means of undertaking these activities, should be considered.
- ▪ Consideration should be given to amending the rules on protection of confidential sources so that they are clearer as to the circumstances in which it might be appropriate to override source confidentiality and, to the extent that unwarranted surveillance of journalists is taking place, including that which exposes confidential sources, effective systems should be put in place to prevent this.

It is inevitably the case that the conclusion to any piece of research on media freedom will focus on areas where change is needed and that is also the case with this Report. That should not be taken as an exclusively negative comment on the media environment in Georgia. In many respects, Georgia is doing well in this area, especially taking into account the challenging circumstances it faces. Overall, it is very strong in terms of media legislation, with its 2004 Law on Freedom of Speech and Expression standing out as an exceptional example not only to countries in the region but globally.

At the same time, there are inevitably important ways in which the environment for the media could be improved. This Report focuses on one sub-set of issues within that environment, namely those which enhance the ability of the media to fulfil its role in supporting democracy and good governance. Some of the recommendations contained herein should be reasonably easy to put into operation while others will require more effort and political will. Hopefully this Report can at least help promote more debate within Georgia about moving forward on some of these important issues.

Bibliography

1. Bekerman, M., *The failure of a success story: reforming Georgia's public service broadcaster*, 2015, https://usir.salford.ac.uk/id/eprint/36807/1/GMJ8_Bekerman_final.pdf
2. Digital in Georgia, various years, https://datareportal.com/digital-in-georgia?utm_source=Reports&utm_medium=PDF&utm_campaign=Digital_2021&utm_content=Country_Link_Slide
3. Freedom House, Freedom in the World: Georgia, various years, https://freedomhouse.org/country/georgia/freedom-world/2021
4. Freedom House, Freedom on the Net: Georgia, various years, https://freedomhouse.org/country/georgia/freedom-net/2020

5. Giorgi Jangiani, *Media Influence Matrix: Georgia* (CEU's Center for Media Data and Society (CMDS), Budapest, 2020), https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/basicpage/1425/mimgeorgiafullreport2020.pdf

6. Giorgi Jangiani, Me*dia Influence Matrix: Georgia: Government, Politics and Regulation* (CEU's Center for Media Data and Society (CMDS), Budapest, 2019), https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/basicpage/1435/mimreportgeorgiaregulation.pdf

7. Gogosashvili, Mariam, *How much does the Georgian public broadcaster cost* (2018), https://gyla.ge/files/banners/How%20much%20does%20the%20Public%20Broadcaster%20cost.pdf

8. Internews, *Georgia: An Information Ecosystem Assessment (Parts 1-3)*, February 2021, https://internews.org/resource/georgia-information-ecosystem-assessment/

9. IREX's Media Sustainability Index, https://www.irex.org/resource/media-sustainability-index-msi#europe-eurasia; Georgia 2021: https://www.irex.org/sites/default/files/pdf/vibe-georgia-2021.pdf

10. Institute for War and Peace Reporting, *Georgia's Polarised Media Landscape* (2020), https://iwpr.net/global-voices/georgias-polarised-media-landscape

11. Kintsurashvili, Tamar, and Gelava, Sophie, *Media Market Risk Ratings: Georgia*, Global Disinformation Index (2020), http://mdfgeorgia.ge/uploads/library/185/file/eng/eng.pdf

12. Mikashavidze, Maia, *Media Landscapes: Expert Analyses of the State of the Media: Georgia*, (European Journalism Center, 2018), https://medialandscapes.org/country/georgia

13. Mikashavidze, Maia, *Systemic capacity building of the media regulatory authorities in Georgia: A hierarchy of needs* (2018), https://www.researchgate.net/publication/322952537_Systemic_capacity_building_of_the_media_regulatory_authorities_in_Georgia_A_hierarchy_of_needs_Policy_brief

14. National Democratic Institute (NDI), *Public Attitudes in Georgia, Results of December 2020 telephone survey*, https://www.ndi.org/sites/default/files/NDI%20Georgia_December%202020%20Poll_ENG_FINAL.pdf

15. OSCE, Georgia, *Parliamentary Elections 31 October 2020: ODIHR Limited Election Observation Mission Final Report*, March 2021, https://www.osce.org/files/f/documents/1/4/480500.pdf

16. OSF/Media Advocacy Coalition, *Media Environment in Georgia*, 2020, https://osgf.ge/wp-content/uploads/2021/01/Media-environment_English.pdf

17. State of Media in Georgia: Public Opinion Poll Results, 11 June 2020 (on file with author)

18. Transparency International Georgia, *Crisis Uninterrupted: the story of the Georgian Public Broadcaster*, 2013, https://transparency.ge/en/blog/crisis-uninterrupted-story-georgian-public-broadcaster

19. Transparency International Georgia, *Georgian Media Environment in 2016-2020*, 2020, https://www.transparency.ge/en/post/georgian-media-environment-2016-2020
20. UNDP Georgia, Election media monitoring reports 2020, https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance /elections-media-monitoring.html

Annex: List of Members of the National Advisory Panel

Name	Organisation
Ms Khatia Jinjikadze	Open Society Georgia Foundation (OSGF)
Ms Maia Mikashavidze	InterNews
Mr. Sulkhan Saladze	Former Chair of Georgian Young Lawyers Association
Ms Nino Gelashvili	Radio Free Europe / Radio Liberty
Mr. Gela Mtivlishvili	Information Centers Network
Ms Anna Keshelashvili	Georgian Institute of Public Affairs
Ms Ketevan Vashakidze	Europe Foundation