

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Strengthening Media freedom, Internet governance and  
Personal data protection in Georgia (SMIP-GE)**

**Summary:**

**Law and practice in Georgia with regard to the protection and safety of journalists**

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May 2023

This technical paper is prepared within the framework of the Council of Europe project in Georgia “Strengthening Media freedom, Internet governance and Personal data protection in Georgia (SMIP-GE)”.

This review identifies areas of **strong concern in terms of the legal and policy framework of Georgia with regard to the protection and safety of journalists, as well as issues of practice.** It highlights a sharp deterioration in the situation since 2019 along with a legal and regulatory framework that – although it contains several positive elements – does not sufficiently protect journalists.

Over the last few years, the media freedom situation has deteriorated. The number of alerts concerning Georgia on the Council of Europe Platform on Safety of Journalists has risen sharply, from zero alerts in 2017-2019 to sixteen in 2020-2022, and Georgia has slid to 89<sup>th</sup> on the annual media freedom rankings compiled by Reporters without Borders (down 29 places on its position of the previous year; in Europe, only Russia, Belarus, Ukraine, Turkey, Azerbaijan, Bulgaria, Greece, and Albania).

**The overarching recommendation of this review is the establishment of a multi-stakeholder committee,** chaired by an independent and respected person or entity but with high-level political authority, **with a mandate to research and devise a National Plan of Action on Safety of Journalists, which the government will commit to implement.** It is recommended that, as a sign of commitment, **high level elected politicians, at the national level as well as locally, speak out against anti-media violence and hatred and themselves refrain from anti-media rhetoric.**

This review has focused on four distinct issues in particular: the investigation and prosecution of violence against journalists; the capacity of law enforcement agencies (institutional capacity as well as training needs); the safety of journalists during demonstrations; and capacity and knowledge of safety issues among journalists and media personnel.

Improvement in the investigation and prosecution of violence against journalists is sorely needed. **While instances of violence and threats of violence against journalists have increased in recent years, there have been serious shortcomings in the investigation and prosecution of these offences;** and in those cases where convictions have been achieved, too often lenient sentences have been imposed. **To improve the investigation and prosecution of cases of violence against journalists, it is recommended to reform Article 154 of the Penal Code to encompass all incidents of violence or threats against individuals or legal persons linked to their journalistic activity.** Furthermore, it is advisable to undertake a **systematic internal inquiry into the quality of performance in the investigation of offences against journalists, with the involvement of media representatives and other stakeholders,** followed by the specific and detailed guidance to all law enforcement agencies on the investigation of violence against journalists. Also, it is proposed to **collect all-encompassing statistics, including disaggregated data by a number of criteria,** on all incidents of violence or threats against individuals or legal persons linked to their journalistic activity so as to provide a full picture of the problem and enable an evaluation of the effectiveness of law enforcement responses; it is recommended that specific and detailed guidance is issued to all law enforcement agencies on the investigation of violence against journalists; and sentences imposed for offences against individuals or legal persons linked to their journalistic activity become stronger so as to reflect the gravity of the offence against democracy.

The capacity of law enforcement authorities needs to be bolstered. It is recommended that **specific units are established within the police and the General Prosecutor's Office for the investigation and prosecution of violence against journalists and a dedicated training plan is developed.** The review of the resources within various law enforcement agencies is



advisable for the protection and safety of journalists, and where there are shortfalls, these should be made up. It is recommended that journalists themselves receive training about what to expect in the criminal investigation of crimes in which they are victims, and what is expected of them in terms of providing information. It is proposed that the mandate of the human rights department within the Ministry of Internal Affairs is updated to include a focus on the safety of journalists.

**To improve the safety of journalists during demonstrations, it is recommended to amend the Law on Assemblies and Demonstrations to remove the requirement for journalists to wear identifying signs; and law enforcement and journalists representing a cross-section of the media community should set up a working group to agree guidelines on the media coverage of demonstrations and other major events, based on international best practice. It is proposed that meetings take place between journalists and law enforcement ahead of demonstrations and other major events such as elections, protests, or big sports events, to discuss any safety concerns and to jointly agree a safety protocol.**

**The safety practices of media organisations fall short of international good practices and need to be improved by designing and implementing safety protocols and providing safety equipment as well as training to all media personnel as well as any freelancers whose work they publish.** Journalists themselves should also be encouraged to invest in their own safety, by attending relevant courses and gaining the knowledge to ensure their own safety especially as regards digital risks.

Failing a demonstrable improvement in the investigation and prosecution rate of violence against journalists within a year of publication of this review, establishment of a public commission of inquiry is recommended in order to investigate the causes of violence against journalists and the inadequate law enforcement response.

