

Amendments to the Broadcasting Law – Another Tool to Pressure the Media

Davit Kutidze¹

In parallel with the civil protests that erupted on November 28, 2024, after Georgian Dream suspended negotiations for accession to the European Union, the one-party parliament passed a series of repressive laws. This process is ongoing, with Georgian Dream introducing new restrictive legislative measures almost every week of the parliamentary session. These laws primarily target freedom of expression, assembly, and peaceful protest.² Additionally, financially and content-wise restrictive regulations have been imposed on the media, particularly TV and radio broadcasters. There are also increasing calls for the regulation of online media.

According to the legislative initiative³ registered in the Georgian Dream-dominated Parliament on February 19, broadcasters are prohibited from “receiving direct or indirect funding (cash or other material benefits of property value) from a foreign power, except for commercial advertising, teleshopping, sponsorship, and product (goods/services) placement in a program.” Additionally, a foreign power is prohibited from purchasing a broadcaster’s services (except for commercial advertising and product placement) or from directly or indirectly financing or co-financing the production and/or broadcasting of a program. The draft legislation defines a “foreign power” as: a) an entity that is part of a foreign state’s system of government; b) an individual who is not a citizen of Georgia; c) a legal entity not established under Georgian law; d) an organizational formation (including a foundation, association, corporation, union or any other type of organization) or any other association of persons established under the laws of a foreign state and/or international law.

The explanatory note to the draft law states that the primary reason for this amendment is "the need to restrict broadcasters from receiving funding from foreign powers at the legislative level, which will help reduce foreign influence on public opinion through the broadcasters."

¹ Research Institute Gnomon Wise; e-mail: d.kutidze@ug.edu.ge

² Transparency International Georgia (6 February 2025). Repressive Rules Aim to Abolish Freedoms of Assembly and Expression. Accessible at: <https://transparency.ge/en/post/repressive-rules-aim-abolish-freedoms-assembly-and-expression>

³ Parliament of Georgia (19 February 2025). On Amending the Draft Law of Georgia on Broadcasting. Accessible at: <https://www.parliament.ge/legislation/30326>

If the law is adopted, broadcasters (television and radio) will no longer be able to receive foreign funding, including grants. Given their already limited revenues and the small advertising market, such funding could have been an important means of sustaining their operations.

The draft law also prohibits private broadcasters from receiving funding in exchange for placing social advertising, instead requiring them to allocate at least 90 seconds of free social advertising every three hours. Notably, the explanatory note to the bill does not provide any formal justification for this restriction. This makes the Georgian Dream's objective even more clear: to block all alternative sources of funding for private broadcasters—except for commercial advertising—and ultimately direct commercial advertising revenues exclusively to loyal broadcasters, either through business agreements or more coercive means. This ban is particularly challenging for regional broadcasters. As Natia Kuprashvili, director of the Alliance of Regional Broadcasters, points out, revenue from social advertising is a crucial source of income for these outlets.⁴

The Georgian Dream is also introducing amendments to the Law on Broadcasting that impose new content regulations on the media. Previously, certain issues were subject to media self-regulation, but under the proposed changes, they will now be fully controlled by the Communications Commission.⁵ The Communications Commission has repeatedly been accused of applying selective enforcement, interfering with media outlets critical of the government, and imposing disproportionately high fines on them.⁶ Its chairman, Kakha Bekauri, has been sanctioned by Ukraine and Lithuania and is also listed in the latest European Parliament resolution among individuals recommended for sanctions due to their support for the country's repressive state apparatus.⁷ Given this context, there is strong concern that the new regulations will be used specifically to target media outlets critical of the Georgian Dream.

As mentioned earlier, the Law on Broadcasting is being expanded, granting the Communications Commission regulatory authority over television and radio broadcasting standards. These include ensuring factual accuracy and the right to reply, as well as upholding fairness, impartiality, and the protection of privacy. The Commission will also regulate the use of covert methods for obtaining and transmitting

⁴ Kunchulia, L. (2 March 2025). What awaits broadcasters? All about the new restrictions and prohibitions in the Georgian Dream's bills. Radio Liberty. Accessible at: <https://bit.ly/42bAoGF>

⁵ Parliament of Georgia (19 February 2025). On Amending the Draft Law of Georgia on Broadcasting. Accessible at: <https://www.parliament.ge/legislation/30325>

⁶ See research papers by Gnomon Wise: <https://gnomonwise.org/en/publications/analytics/159>; <https://gnomonwise.org/en/publications/policy-papers/150>

⁷ European Parliament Resolution on the further deterioration of the political situation in Georgia, Paragraph 8. (12.02.2025). Via link: https://www.europarl.europa.eu/doceo/document/RC-10-2025-0106_EN.html

information, the coverage of armed conflicts, accidents, and other emergency situations, as well as certain aspects of child protection. Additionally, the proposed amendment introduces the possibility for an interested party to sue a broadcaster for defamation.

Among the many vague provisions that grant the Communications Commission broad authority to intervene in broadcasters' content, the regulations aimed at "ensuring fairness and impartiality" stand out. According to the draft law, "a broadcaster is not permitted to cover political or other controversial issues or current public policy matters in news and socio-political programs based on personal attitudes or opinions. A broadcaster is also prohibited from expressing support for or opposition to any political party, public or religious association, or other interest group in such programs." Furthermore, the law will require journalists hosting opinion-based programs to avoid distorting facts or misinterpreting dissenting views. Due to their vagueness and lack of clear definitions, these provisions could allow the Communications Commission to penalize broadcasters for alleged factual or opinion distortions—potentially leading to fines or even the suspension of broadcasting licenses. Additionally, the draft law introduces regulations on secret recordings under the pretext of protecting privacy. In some cases, secret recordings are a crucial tool for investigative journalism. However, under the new law, the Communications Commission will have the authority to determine whether a secret recording was justified in serving the public interest.

The transfer of content-related matters from media self-regulation to regulation by the Communications Commission not only poses a significant risk of censorship but also increases the likelihood of self-censorship, as journalists will be aware that any statement they make could be challenged by the Commission or in court.

Notably, after the second reading of the draft law, a provision was added to the already numerous restrictive norms on content regulation, specifying that the new regulations will apply not only to broadcasting media but also to their websites and social media pages.

The initiators of these changes—representatives of the one-party parliament—claim they are adopting the British model of media regulation. However, a study by the Social Justice Centre reveals that these changes differ significantly from British standards and introduce several vague provisions, such as the "misinterpretation of a dissenting opinion," a redefined concept of "proper impartiality," and a different interpretation of "maintaining balance" compared to the British version.⁸ Even if the amendments

⁸ Social Justice Centre (12 March 2025). „Proposed amendments to the „Law on Broadcasting“ undermine freedoms of media and expression“. Accessible at: <https://bit.ly/3FEmkNm>

proposed by the Georgian Dream were identical to British regulations, the broader context in which these norms operate must be considered. Unlike in Britain, broadcasters and journalists in Georgia have no real means of defending their rights and freedom of speech through the courts, as the judicial system fully serves the interests of the ruling regime. Moreover, even within the British legal system, the British model of broadcaster regulation has faced criticism from media professionals and academics, who argue that the existing legislation grants regulators excessive power to interfere with freedom of speech and expression.⁹ Given all of this, the attempt to align Georgia's amendments to the Law on Broadcasting with the British model—without considering the political and legal context—is nothing more than an effort to legitimize repression under a democratic facade.

In addition to the amendments to the Law on Broadcasting, it was announced on March 17, 2025, that the Georgian Dream's parliament will consider a legislative proposal by lawyer and former Tbilisi State University professor Avtandil Kakhniashvili. The proposal seeks to prohibit photography and video recording during the consideration of criminal cases in Georgian courts, effectively extending the ban to the media as well. In a letter to the Chairman of Parliament, Shalva Papuashvili, Kakhniashvili argues that unrestricted transparency in criminal cases enables defendants to use courtrooms for political purposes.¹⁰ However, it is evident that if adopted, this proposal will further strengthen the state's repressive apparatus, which is "hindered from justifying mass repression by the public display of trials and the exposure of its injustice and arbitrariness."¹¹

The amendments to the Law on Broadcasting pose a serious threat to Georgia's media environment, media independence, and freedom of speech. The ban on foreign funding, the expansion of the Communications Commission's powers, and increased state intervention in content regulation create conditions for greater media control. Additionally, the prohibition on receiving revenue from social advertising is likely to have a

Full version of the British act on broadcasting is accessible here: OfCom. (2023). *The Ofcom Broadcasting Code (with the Cross-promotion Code and the On Demand Programme Service Rules)*. Accessible at: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/broadcast-code/>

⁹ Kutidze, D. Gurgenchashvili, I. (2020). Restriction of Freedom of Expression in the Name of Fighting Hate Speech?! Research Institute Gnomon Wise. Accessible at: <https://gnomonwise.org/ge/publications/researches/25>

¹⁰ *Civil.ge*. (17 March 2025). The legislative proposal includes restrictions on media access to court hearings. Accessible at: <https://civil.ge/archives/669697>

¹¹ Zedelashvili, D. (19 March 2025). Why the regime no longer needs to cover court hearings? Research Institute Gnomon Wise. Accessible at: <https://gnomonwise.org/ge/publications/analytics/253>; p. 4.

severe impact on broadcasters, particularly regional media outlets. Furthermore, granting such broad authority to the Communications Commission not only raises concerns about censorship but also heightens the risk of self-censorship. These amendments, introduced in the context of political control over the judiciary and virtually all public institutions, are designed to restrict media freedom and suppress critical journalism.

Ultimately, these media-related regulations fit into the broader pattern of authoritarianism in Georgia, once again highlighting the current regime's ambition—to consolidate power under the pretext of protecting the country's sovereignty from "foreign powers" or the so-called "deep state."