



Georgia



The LGBTI community remains subjected to great social opposition and resistance. One shocking example was the call for the criminalisation of homosexuality and ending 'homosexual propaganda' by the director of a human rights NGO. LGBTI human rights defenders received threats of physical violence. The first Pride Parade was organised and was violently disrupted by religious counter-demonstrators. On a positive note, following recommendations of the European Commission against Racism and Intolerance, the *Criminal Law* was amended to include homophobic or transphobic motivation as aggravating factors in sentencing perpetrators of crimes.

Bias motivated speech

- In March, Nana Kakabadze, the Director of Former Political Prisoners for Human Rights, a human rights NGO, stated in an interview that she supported the restoration of Article 121 of the *Criminal Code* of the Soviet Union which provided punishment for homosexuality. “It’s also a crime,” she said, “when you are engaging in [homosexual] propaganda and giving a gay an opportunity to speak out about unhealthy sexual orientation.”
- In May, ahead of the organisation of a celebration Pride march around the *International Day against Homophobia and Transphobia* (IDAHO), a number of threats, including threats of physical violence, were reported by Identoba, one of the organising NGOs. In particular, Identoba had to abandon its office in Tbilisi following threats from neighbours. New anti-gay Facebook groups also emerged, including one in which members debated the best way to kill gay people.
- In August, a pre-election advertisement was made public on social networks by political party Free Georgia. The advertisement included various nationalistic and homophobic statements, such as “We will nationalise forests and pastures captured by foreigners; Return lands to the Georgian peasant; change English inscriptions and Turkish flags with Georgian ones; stop building Azizie’s complex (mosque) in Batumi; impose a ban on the propaganda of homosexuality and religious sects.” The advertisement also included pictures of the demonstration organised by LGBTI activists in May. As a result, six human rights NGOs, including WISG and Identoba, called on the Chairperson of the Central Election Commission to take legal action against those responsible for the advertisement. The Commission subsequently sent the case to the Tbilisi City Court, which imposed a fine on the party for having used xenophobic appeals, in breach of the election code of Georgia.
- In June, the online information website www.argumenti.ge reported the setting-up of a Facebook group called ‘The Brigade Fighting against Pederasts’. On the group’s webpage, a video produced by a Russian skinhead group was published, showing members of sexual minorities being beaten up, and

openly inciting the murder of gays and lesbians, who were also called “mistakes of nature”. The group also allowed discussion on how LGBT people should be tortured and killed. Identoba referred this webpage to the Chief Prosecutor of Georgia. Other similar webpages inciting hatred and violence were also discovered.

Bias motivated violence

- In March, an amendment to Article 53 of the *Criminal Code* was adopted to tackle intolerance on the grounds of sexual orientation and gender identity. Homophobic or transphobic motivation is now considered an aggravating factor in sentencing perpetrators of crimes. This legislative change was adopted as a response to the recommendations from the European Commission against Racism and Intolerance. However, the government did not take measures to ensure effective implementation of these provisions, such as training the relevant police officers or actions to build confidence between law enforcement forces and the LGBT community, in order to allow victims to feel confident enough to report incidents.
- ILGA-Europe collected information on seven hate crimes perpetrated during the year. These crimes included various types of attacks, including rape, and various types of physical violence threats, including death threats. Some of the attacks targeted the organisers and participants of the IDAHO demonstration that took place in May. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR’s annual hate crime report, to be published in November 2013.

Data Collection

- In November, the NGO Women’s Initiatives Supporting Group published a report on the Situation of LGBT persons in Georgia. The report provides an overview of existing legislation in the area of discrimination, as well as a description of the stigmatisation processes LGBT people fall victim to in the country. Active stigmatisation by politicians, in the media, within families or within the health system is specifically documented for each part of the LGBT community. The report also includes the results of research based on 150 interviews with Georgian LGBT

people, which indicates that 78% of LGBT people think that society's attitude towards them is intolerant. In addition, the research revealed that 32% of the respondents had experienced physical violence at least once, and that 90% had experienced psychological violence. Three out of four victims of physical violence said they chose not to report the incidents to the police.

Equality and non-discrimination

- In April, the NGO Women's Initiatives Supporting Group published an extended version of a shadow report prepared for the CEDAW Committee, depicting the situation of LBT women in the country. This report specifically documents human rights violations of LBT women and makes use of interviews and focus groups organised within the community. It also provides the CEDAW Committee and the government of Georgia with legislative and policy recommendations.
- In November, the NGO Women's Initiatives Supporting Group published an extended version of monitoring results concerning the implementation of the *Council of Europe's Committee of Ministers Recommendation CM/Rec(2010)5* in Georgia. The report assesses the progress made by the Georgian authorities in implementing the Recommendation, and highlights the areas where further action is needed. The report also includes concrete recommendations towards improving the situation of LGBT persons in Georgia.

Freedom of assembly

- In May, LGBTI activists organised a Pride Parade in Tbilisi to celebrate IDAHO. This event was the first Pride Parade ever organised in the country, and government representatives pledged to protect such events in the future. However, the march was violently disrupted by Orthodox Christian counter-demonstrators, leading to an intervention by the police. Some LGBTI activists and counter-demonstrators were detained. The following day, several dozen LGBTI activists and their supporters gathered outside the Parliament to protest against the violence that had taken place. This rally, despite hostile reactions from passers-by, took place without major incident.

Freedom of expression

- In May, the leader of the Christian-Democratic Movement presented a proposal for constitutional reform to Parliament. This proposal, which the party justified as for the protection of society's moral interests, would prohibit "propaganda of homosexuality and indecency", and its promoters explicitly targeted events such as the IDAHO celebration. The Office of the Public Defender, some Members of Parliament, as well as Human Rights and LGBTI NGOs criticised the proposal as discriminatory and breaching freedom of assembly and expression.

Health

- In June, the Centre for Information and Counselling on Reproductive Health, Tanadgoma, conducted different studies among men who have sex with men (MSM), including a study on HIV infection and related stigma and discrimination MSM, and transgender people, in Georgia, as well as a research report on "needs assessment for MSM-friendly healthcare services in Georgia". The reports indicated that 37% of the respondents thought that medical personnel didn't have enough knowledge to carry out counselling with MSM patients. They also showed that only 9.9% of MSM patients correctly assessed the risks of HIV infection, and revealed that qualitative research should be undertaken to assess transgender persons' needs in terms of HIV prevention, treatment and care.
- In May, three NGOs signed an agreement on the establishment of the South Caucasus Network of MSM/TG Organisations, which will work on HIV/AIDS prevention among MSM and trans communities in the region. The Georgian member of this network is the Centre for Information and Counselling on Reproductive Health – Tanadgoma. NGOs from Azerbaijan and Armenia also joined this partnership, which will allow them to develop counselling activities, capacity building of specialists and advocacy in the area of healthcare policies.

Police and law enforcement

- In October, the LGBTI NGOs Identoba and WISG were invited to join a group of 50 civil society representatives in charge of monitoring Georgian prisons. This initiative

came from the former Ministry of Corrections and Legal Assistance. The monitoring group was allowed to visit all penal establishments without limitation on time or frequency over a period of four months. Identoba stated that its participation was an opportunity to provide adequate responses and action where violations of the rights of LGBTI people are discovered in Georgian prisons. In November, the working group members were invited by the new Ministry to continue working on establishing an alternative mechanism of monitoring.

Public opinion

- In June, the Caucasus Resource Research Centre (CRRC), conducted a nationwide poll in Georgia for the US based non-profit think tank National Democratic Institute (NDI). The NDI and CRRC conducted 6229 face-to-face interviews over the most recent and fourth phase of this study. The survey conducted by NDI involved a question about support to the Christian-Democratic Movement's proposition for a constitutional amendment banning same-sex marriage in Georgia; 89% of those interviewed supported the amendment, while only 6% refused to support it and 4% did not know what to answer.
- In July, a study, published by the Institute for Policy Studies, on the moral values of the different generations revealed that: "although low percentages appear for all groups on the questions of [whether homosexual persons have] the right to live as they like, more youths share that view": the proportion of respondents giving a positive answer reached 14.4% in the first age group (18-24), 8.1% in the second age group (40-50) and 7.2% in the third age group (60-70). The survey also showed that in answering the question on the desirability of having representatives of certain groups as neighbours, homosexual persons were named as the least desirable, followed by drug addicts and persons with mental problems. Intolerance towards all the listed groups, except persons with mental problems, increases with age".

Sexual and reproductive rights

- In June, new amendments were proposed to the *Law of Georgia on Health Care* (N07-3/639; 08.06.12), which

would restrict access to surrogacy techniques to childless infertile couples living in a validly celebrated marriage. Until now, other couples, including unmarried couples, could also access surrogacy, and this service is used, among others, by foreign same-sex couples.

Member organisations of ILGA-Europe

Identoba
www.identoba.org

Inclusive Foundation
www.inclusive-foundation.org

LGBT Georgia
www.lgbt.ge

Women's Initiatives Supporting Group
www.women.ge