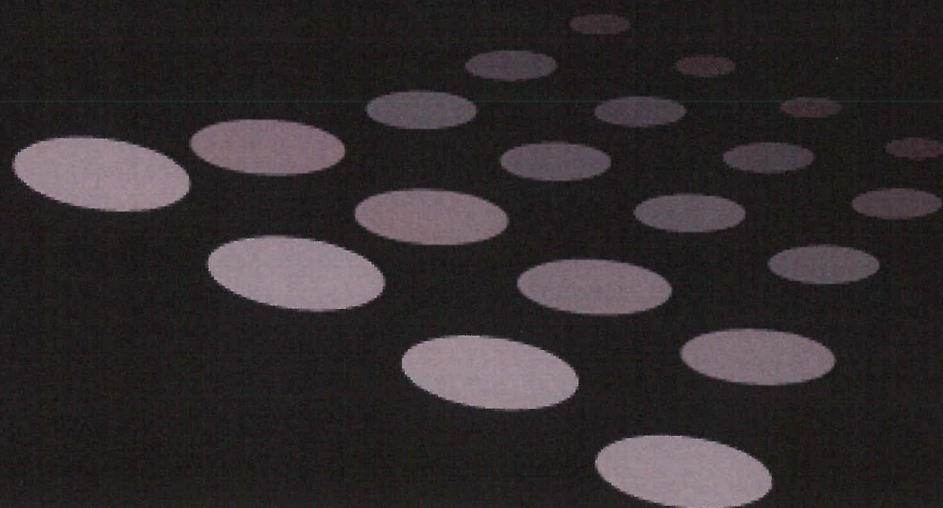




ILGA-Europe

**Annual Review of the Human Rights Situation of
Lesbian, Gay, Bisexual, Trans and Intersex People
in Europe**

2017



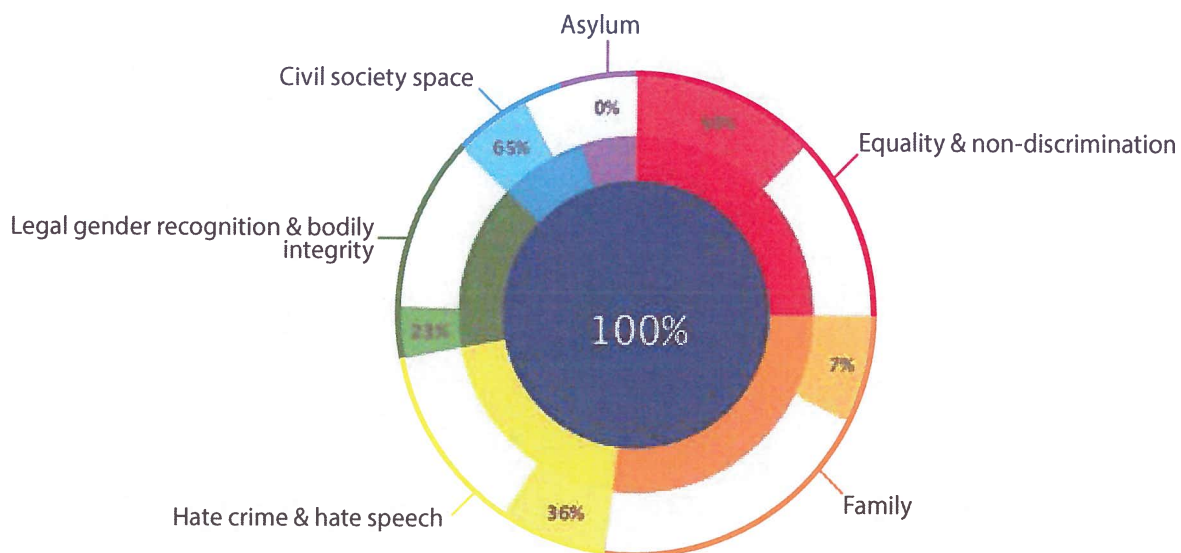
Georgia



It was another frantically busy year for LGBTI organisations and activists in Georgia. NGOs continued to receive reports of discrimination, record cases and support victims throughout 2016. Many of these cases involved hate speech directed at LGBTI people, or bias-motivated violence – all occurring in spite of relatively recent anti-discrimination legislation. Surveys of public opinion also revealed distinctly negative feelings towards LGBTI people, re-emphasising the gap between laws on paper and the atmosphere in which people live. This persistence of hate crime and hate speech by public figures was criticised by ECRI's monitoring report, and documented by several NGOs. Attacks on trans women made up a large percentage of the cases recorded. However, transphobia was rarely considered as a motivating factor by authorities, once again, despite the fact that such legislation exists. The Supreme Court increased the prison sentence for a man who murdered a trans woman in 2015 – in a very significant and importance case for the trans community. LGBTI activists experienced difficulties in holding public events. Even for significant annual moments (such as IDAHOT), activists had to organise activities in an informal, ad-hoc manner. At one point during the year, it seemed as if constitutional restrictions on marriage were possible, but a potential referendum on the issue was blocked by President Margvelashvili.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Georgia** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Introducing hate crime policies that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.
- ➡ Removing obstacles to the effective exercise of freedom of assembly.
- ➡ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).

Access to goods and services

- On 7 September, a trans woman ordered a taxi from the Maxim company. When the car arrived, the driver refused the job and began shouting homophobic and transphobic insults at the woman and her friends; some neighbours overheard but did not intervene. The incident was reported to the Public Defender's Office and a decision was still pending at the end of 2016.

Asylum

- Feminist NGO Women's Initiatives Supporting Group (WISG) assisted a trans woman, who arrived in Tbilisi from Azerbaijan in the summer, with her asylum application. She could not return to Baku because of death threats. By the end of the year, she had received a positive decision.

Bias-motivated speech

- Lawyers from NGO WISG reported threatening social media comments to the police and Public Defender's Office on 23 May. Two days earlier, WISG saw a Facebook user asking where the "main office of LGBT people in Tbilisi" was, before other users commented saying "Let's buy some brooms as presents" and "Oh, no let's take oil instead of paint – teach them what are the purposes of the human body parts...". The police decided there were no elements of crime involved and the investigation was stopped.
- Days before the parliamentary elections on 8 October, posters featuring a candidate in the Saburtalo district were shared on social media. Alexandre Bregadze's (Georgian Idea; nationalist) poster featured messages including "No to same-sex marriage" and "Together for a traditional Georgia". It also called marriage equality a "sin" and displayed a rainbow flag with a line drawn through it. On 4 October, NGO WISG complained to the Central Election Commission about the poster's discriminatory content. The complaint was still pending at the end of 2016.
- TV station Imedi broadcast a report on the lives of trans people in Georgia on 23 October. The report was featured as part of popular programme *Imesid Dro* and

included insensitive language, poorly researched information and close-up shots of the participant's bodies, make-up and clothes. NGO WISG and the Human Rights Education and Monitoring Centre (EMC) complained, stating that the stereotypes promoted by the report violated ethics rules. The Georgian Charter of Journalistic Ethics had not responded to the joint complaint by the end of the year.

Bias-motivated violence

- Throughout 2016, NGO WISG documented over 30 alleged hate crimes and hate incidents. In 47% of these cases, the victims were trans women. For example, on 13 June, two trans women had petrol poured over them and believed the attacker intended to set them on fire; they escaped. A trans woman was attacked on 7 July by an unknown man in the Tbilisi Sea region. The victim called an ambulance and the police, and later identified her attacker on CCTV footage. Police searches were unsuccessful and the case was ongoing at the end of the year. On 5 October, a trans woman and her friends had stones thrown at them by five men in a car. On 27 November, five trans women had glass bottles and stones thrown at them by two unknown men in Tbilisi. A series of attacks on trans women listed by WISG were both ongoing at the end of the year and had not had a transphobic motive considered by the investigating authorities – this applied to attacks that occurred on 23 June, 25 November and 26 November. The victim of the 26 November incident said her attacker told her he would "do worse with you that I did yesterday with your friend".
- On 23 April, a man was attacked at a Tbilisi bus stop by two unknown men. The victim believed the two men assumed he was gay and that was the reason for the attack. He called the police and the men were both arrested. Lawyers from NGO WISG were assisting in the case but the investigation was not considering a homophobic motive at the end of 2016.
- Two violent incidents were reported in Tbilisi around IDAHOT; both took place on 21 May. An LGBTI activist and their friends were threatened (verbally and with a gun), the man was fined GEL 100 (EUR 35) by Tbilisi City Court.

In the second incident, two young men were stabbed in the city's Avlabari district.

- A 32-year-old trans woman was beaten and stabbed in the neck in a violent attack that took place in Tbilisi's Ortachala region on 14 October. A suspect was arrested on 17 October and later confessed to the attack. The Public Defender issued a statement, calling on the Prosecutor's Office to carry out a thorough investigation, focusing on the alleged hate motive. On 22 November, the victim Zizi Shekeladze died from her injuries. A court hearing was scheduled for 8 December and a motive of transphobic hate crime was not registered before the end of the year.
- On 31 December, the Supreme Court sentenced Levan Kochlashvili to ten years in prison for the murder of trans woman Sabi Beriani in 2015. The City Court and Appeals Court had previously handed down four-year prison terms but significantly the Supreme Court increased the sentence.

Data collection

- According to Public Defender's Office figures obtained by NGO WISG in March, 35 people applied to the Ombudsman's Office for assistance. The reported rights violations related to events related to sexual orientation or gender identity that occurred between 1 January 2015 and 15 March 2016. During the same period, one person complained to the Data Protection Inspector about violations based on LGBTI identity.
- *'From Prejudice To Equality: Societal Attitudes, Knowledge and Information Regarding The LGBT Community and Their Rights'*, a detailed social study compiled by NGO WISG, was published in June. The report detailed several key findings, including the fact that negative feelings towards LGBTI people are prominent in Georgia, biphobia is more common among survey respondents than homophobia as bisexuality is viewed as "unstable", and the more rigid the respondent's perception of gender roles, the more likely they were to also hold anti-LGBTI opinions.
- Also in June, NGO EMC published their report on the *'Legal Situation of LGBTI Persons in Georgia'*, which outlined

recommendations targeted at the government, parliament, specific ministries and prosecutors designed to protect LGBTI people from discrimination.

- NGO Georgian Democracy Initiative (GDI) recommended prohibiting hate speech in the Ethics Charter of the Parliament of Georgia and introducing internal measures for political parties to deal with hate speech by their representatives in a report on hate speech by public authorities, published in April.
- The Media Development Foundation's 2016 Hate Speech report, released in November, revealed that out of the 868 discriminatory comments recorded overall between 1 January and 15 October, 52% were homophobic (the highest share of the grounds measured). The report found the Democratic Movement – United Georgia and the People's Assembly to be the most homophobic political parties, followed by the ruling Georgian Dream.

Equality and non-discrimination

- As part of its five-year monitoring cycle, the European Commission against Racism and Intolerance (ECRI) published a report on Georgia on 1 March. ECRI noted that, even with the introduction of anti-discrimination legislation in recent years, hate speech and violence against minority groups is still ever present. LGBT people were directly mentioned by CoE Secretary General Thorbjorn Jagland at the report's launch, saying that bias motives must be considered by law enforcement authorities from the beginning of investigations. Among the report's priority recommendations was the establishment of a specialised police unit to respond to racist, homo/transphobic hate crimes.
- A final report under the UN's Universal Periodic Review process was adopted for Georgia in 2016 (see **United Nations**).

Family

- Giorgi Tatishvili petitioned the Constitutional Court on 27 January, asking the court to legalise marriages between same-sex couples. Following his application, several LGBTI NGOs expressed concern in February that

such a move could provoke a backlash against LGBTI people in the country, and that the petition was submitted without consultation with the local LGBTI community. The Patriarchy of the Orthodox Church announced that while they viewed his suggestion as “unacceptable”, they condemned any potential violence against Tatishvili.

- On 7 March, Prime Minister Giorgi Kvirikashvili (Georgian Dream-Democratic Georgia) announced that his coalition government would amend the constitution to restrict the definition of marriage. The coalition proposed substituting the existing gender neutral reference to “spouses” in Article 36 with “man and woman”. 80 MPs out of 150 backed the proposal and the draft bill was registered on 14 March. On 18 March, the assembly voted to establish a commission to organise public consultation on the bill. These public meetings took place throughout the country during March and April. On the day that the bill was due to be debated, there was no quorum in parliament.
- On March 28, in a separate process, the Central Electoral Commission registered an initiative from a group called ‘Are you in favour or against same-sex marriage to be allowed in Georgia?’. This group proposed a referendum, asking the question: “Do you agree to define civil marriage as a union between a man and a woman with the aim of creating a family?”. The initiative gathered the 200,000 public signatures as required by early August and the CEC granted its final approval. The referendum also required the approval of both the prime minister and the president. On 9 August, President Giorgi Margvelashvili blocked the referendum, saying that a definition of marriage already existed in civil law. Prime Minister Giorgi Kvirikashvili agreed to countersign the presidential refusal, but disagreed with the reasoning and said that a constitutional change would be considered by his party after October’s election.
- Pope Francis referred to ‘gender theory’ as a ‘great enemy’ of marriage in October when he was visiting Georgia. When questioned at the meeting, the pontiff said that “Today, there is a global war out to destroy marriage... not with weapons but with ideas ... we have to defend ourselves from ideological colonisation.”

Freedom of assembly

- A conference on LGBT issues due to be held on 22 February at Tbilisi State University was moved to an alternative location after protests were staged by groups opposing the so-called ‘promotion of LGBT identity’. The university issued a statement saying they could not guarantee the safety of participants following protests by the conservative Young National Alliance and the Erovnulebi organisations; the conference went ahead at an alternative site, away from the university campus.
- On 17 May, LGBTI activists marked IDAHOT with smaller, spontaneous events. 10 LGBTI activists were detained in Tbilisi as they attempted to write ‘All Love is Equal’ on Georgian Patriarch buildings and paint rainbow colours on city streets. Family Day rallies, in support of ‘traditional family values’ were held by conservative Orthodox groups on the same day, blocking LGBTI groups from holding larger events in the main public squares. Another group of LGBTI activists held a satirical protest outside the Ministry of Internal Affairs

Human rights defenders

- Two activists involved in LGBTI advocacy work were arrested by police officers in Tbilisi in separate incidents on 17 May. Both activists believed that their detentions were directly linked to IDAHOT and were intended to prevent them taking part in LGBTI events. The Administrative Court dropped both cases the following day due to insufficient evidence.
- An LGBTI activist who works for an LBT organisation received threatening messages from her brother during the summer. Her family members had been violent in the past and had they had recently discovered photos of her activism work on social media. The activist approached NGO WISG and the police; the investigation was ongoing at the end of the year.

Legal gender recognition

- In November, the Council of Europe, the Human Rights Secretariat of the Government of Georgia and Ministry of Justice organised peer exchange sessions on

legal gender recognition in cooperation with several national and European NGOs.

- During 2016, NGO WISG assisted two trans men in legal action against the Ministry of Justice. Both men submitted applications (in 2014 and 2015 respectively) asking that the ministry change existing practice and allow trans people to correct their gender marker in identity documents without having to undergo surgical procedures. The first instance courts and the appeal decisions were negative and both cases were submitted to the Supreme Court. One of the cases were rejected by the Supreme Court and at the end of the year, WISG was preparing an application to the European Court of Human Rights.

Police and law enforcement

- Figures from the justice ministry's Department of State Representation to the International Courts showed that 42 representatives of the Prosecutor's Office attended training sessions in 2016 on the standards of investigations into hate crimes. During the year, the COE Human Rights Education for Legal Professionals (HELP) platform provided a distance learning course on discrimination for 22 prosecutors and investigators. 62 trainees also completed a two-month-long training course on discrimination issues.
- Throughout 2016, NGO WISG received numerous requests for assistance from trans woman who were unlawfully detained by police. The NGO documented multiple cases of trans women who were arrested on hooliganism (or similar) charges after having initially made contact with the police themselves to report attacks or transphobic speech. Such cases are detailed in a WISG litigation report, *'Unidentified Violence'*, due for publication in early 2017.