

**Submission to the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
Victor Madrigal-Borloz ahead of country visit to Georgia**

30 August 2018

NGOs Equality Movement, WISG and ILGA-Europe welcome the upcoming visit of the UN Independent Expert on SOGI to Georgia and take this opportunity to raise key issues faced by the LGBTI community in the country.

Georgia is ahead not only of its neighbours in its legal protections of the human rights of LGBTI people. Georgia has been striving towards closer ties with Europe, and this determination has led to improvements in the human right situation overall, and also in particular the human rights of LGBTI people, which is highly commendable.

However, despite the existence of anti-discrimination legislation including on the grounds of sexual orientation and gender identity, as well as [a number of other protections](#) which specifically mention sexual orientation and gender identity, discrimination and violence against LGBTI people persists and implementation of existing legislation is lacking. Surveys of public opinion¹ also show prevailing negative attitudes, highlighting the gap between legislation and reality on the ground.²

Despite the existence of relevant legislation, as well as recommendation made to Georgia by different international bodies, including within the United Nations,³ **lack of implementation makes increasing transphobic and homophobic violence, prevalent hate speech, lack of access to true freedom of assembly for LGBTI groups, and barriers to legal gender recognition** topics of particular concern.

¹ For example, according to a national survey among respondents of 14 to 29 y.o. conducted by the *Friedrich Ebert Stiftung*, 44 % of the respondents showed distrust toward LGBT persons and would not be happy if a homosexual person or couple moved into their neighborhood. See: <http://library.fes.de/pdf-files/bueros/georgien/13150.pdf>.

² According to the official statistics in 2017 the motive of hate was studied in 86 criminal cases. The ground of sexual orientation was examined in 12 criminal cases and the ground of gender identity in 37 criminal cases. On the other hand, cases documented only by WISG on the ground on SOGIESC in 2017 hit 105, including threat/blackmailing (5), violence (6), beating/bodily injury (7), domestic violence (7), harassment by the police (7), damaging property/stealing (6).

³ E.g. Human Rights Committee: Concluding Observations, Georgia, 19 August 2014, CCPR/C/GEO/CO/4, paras. 8-9; CEDAW: Concluding Observations, Georgia, 24 July 2014, CEDAW/C/GEO/CO/4-5, paras. 34(e)-35(e).

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1. Political will

The Committee on Gender Equality of the Parliament of Georgia on 17 April 2018 approved the plan of action for 2018-2020, the aims of which are:

- Formation of the main directions of gender policy;
- Improvement, creation of legislative basis for gender equality;
- Improvement of the state mechanism for gender equality;
- Institutional support for the Parliamentary Committee on Gender Equality;
- Increasing citizens' awareness of gender equality issues;
- Monitoring of the implementation of the state policy on gender equality.

At the meeting of the Gender Equality Committee on April 17, representatives of Equality Movement challenged the absence of LGBT issues in this plan. Thereafter the chairperson, Tamar Chugoshvili, met with the organisation and promised to take into account the needs of the LGBT community in the new concept on gender equality, which, in accordance with point 1.1. of the Action Plan for 2018-2020, is supposed to develop and adopt by the end of 2018.

In its strategic plan for 2018, the Committee of the Parliament of Georgia for the Protection of Human Rights and Civil Integration had committed to conduct activities to increase the awareness of citizens in connection to the International Day Against Homophobia and Transphobia on May 17. This commitment was not met. When asked by journalists why this obligation was not fulfilled, the committee chairperson Sofo Kiladze answered that the Committee did not consider it necessary to conduct these activities. Sopho Kiladze's statement provoked a wave of protest among the LGBT community, and 29 non-governmental organisations demanded her resignation, which she did not do.

2. Lack of genuine access to freedom of assembly for LGBTI groups

Although freedom of assembly is protected under Georgian legislation, LGBTI activists consistently face a variety of obstacles in their exercise of this right. In 2013, the Orthodox Church of Georgia named May 17th (IDAHOT, the International Day Against Homophobia, Biphobia and Transphobia, a very important date for LGBTI movement across the globe) the "Family Sanctity Day" aimed at celebrating and protecting "traditional family values." Since 2013, this has been used by authorities as a reason to block LGBTI groups from holding events in the main public squares.

LGBT activists negotiate the safety of a peaceful demonstration in the centre of Tbilisi on the IDAHOT with the Ministry of Internal Affairs of Georgia every year since 2013. Each time, the authorities give insistent recommendations not to hold meetings in the central part of the city, such as the Rustaveli Avenue and nearby territories, claiming that it would be difficult or even absolutely impossible for them to provide security for the peaceful demonstrators. Representatives of the Ministry offer their own conditions of holding the demonstration, under which they would guarantee safety. These conditions mainly include the venue, time of the demonstration, as well as methods of ensuring safety (for example, transportation of participants to the meeting by bus). In fact, these declared security measures are used as an instrument for limiting the community's rights to a peaceful assembly. In practice, counter-demonstrators violating the right of peaceful assembly of LGBT persons by physical violence, remain unpunished. Thus, those organizations that intentionally take the public space away from the

LGBT community are encouraged. First of all, the Orthodox Church, whose head announced May 17th as the day of protection of family values.

In the report to the Parliament for 2017,⁴ the Ombudsman of Georgia writes: "On May 17, 2017, near the government's office, an action was held dedicated to the international day of fighting against homophobia and transphobia. Unfortunately, despite prior consultations with the Ministry of Internal Affairs and the administration, the time and location of the activity were restricted and the LGBT community did not have the opportunity to freely choose them."

Examples:

1. On May 13, 2018 a peaceful demonstration was held in front of the Parliament, to protest the illegal police raids of a gay-friendly club and detention of several patrons on May 12. Counter-demonstrators with openly fascist symbolism attacked the peaceful demonstrators. The police did not respond to the attacks or act against the violent demonstrators. Instead they evacuated the peaceful demonstrators.⁵
2. In 2018, NGOs had to cancel their plans for an IDAHOT event due to the volume of threats received. Instead a very small event was held in a remote location. While police were present in significant numbers, the policing of the event was questionable. On the one hand LGBTI people wishing to participate were not let in, which a man who went on to physically assault a participant walked in freely. An investigation into this incident has been initiated but is yet to yield any results.

On 6 July 2018, N.G. was recognized a victim under the criminal case initiated in accordance with article 156(2)(a) of the Criminal Code of Georgia ("Persecution of a person in connection with his religion, freedom of speech and conscience, political, civil, professional, religious and scientific activities"). This crime is punishable by a fine, house arrest of one to two years, or imprisonment for up to three years with deprivation of the right to hold office or engage in activities for up to three years, or without it. A document on the recognition of N.G. a victim described that N.G. was a homosexual man who, on 17 May 2018, publicly expressed his ideas on the difficulties raised by homophobia. For this, he was attacked by S.K. because of the expression of freedom of speech on grounds of inadmissibility on the basis of sexual orientation. Article 53.1 of the Georgian Criminal Code recognizes the crime's motive an aggravating circumstance for any crime. This article can only be applied by a court when imposing a punishment. The investigating authorities are only obliged to emphasize the motive for the crime so that the court can identify the appropriate punishment.

⁴ <http://www.ombudsman.ge/uploads/other/5/5337.pdf>.

⁵ NGOs GYLA and EMC published a report on the events of 12 May 2013. In this report, it was stated that police were aggressive towards persons gathered in the club Basiani, and that law enforcement officials did not allow these people to conduct a peaceful assembly. The report is available on the GYLA's website:

https://gyla.ge/files/news/12_%E1%83%9B%E1%83%90%E1%83%98%E1%83%A1%E1%83%98_1532342310.pdf.

A representative of Human Rights Watch, Giorgi Gogia, stated in his interview to Netgazeti.ge commenting on what happened on 12 May: "What we have seen on TV, it was a badly produced show, because the video demonstrated that police was acting violently and violated the right to peaceful assembly." <http://netgazeti.ge/news/276513/>.

According to the journalists of ON.ge, representatives of law enforcement bodies attacked people who were in gay friendly bars and clubs that night, used physical violence against them, put them into police cars without any reasons and explanations and carried them to unknown location. Videos confirming these statements are available here: Что случилось в клубе Басиани и кафе Галери в ночь 12 Мая, статья Димитри Санаица [What happened in the Basiani club and Galery cafe in the night of 12 May, by Dimitri Sanaiya], <http://go.on.ge/osr>.

3. Homophobic and transphobic violence and ineffective implementation of existing legislation

The Criminal Code of Georgia (CCG) lists sexual orientation and gender identity as aggravating circumstances in Article 53, "more severe types of sentences." However, it does not provide a definition of hate crime, and hate crimes against LGBTI people are not recognised as such and are usually classified as lesser crimes such as hooliganism⁶.

Examples:

1. On August 25 of 2017 activists Levan Berianidze and Tornike Kusiani were the victims of a violent hate-based crime as a result of which both received significant physical injuries. The police was called, yet upon arrival the officers they not only did not identify or arrest the perpetrators of the incident, but arrested, beat and fined the activists, thus themselves perpetrating another hate crime. The case of police abuse remains unsolved (classified under articles 126 of the CCG – use of force, and article 333 of the CCG – abuse of office, not as a hate crime). In respect of the first hate crime, the court fined both activists, and the perpetrators have walked free with complete impunity.⁷
2. On August 27, 2017, police station No. 6 of Tbilisi commenced an investigation into domestic violence against A. N. on grounds of sexual orientation under Article 126.1 of the CCG. Despite the fact that the medical examination showed signs of beating the young woman of 18 years old in the form of bruises and abrasions on her hands and feet, the victim was not recognised, and the case was not brought to trial.
3. In the summer of 2017, a hateful campaign was been carried out by ultranationalist groups against LGBTI human rights activists - Koba Bitsadze and Beka Gabadadze. This culminated in a TV show in October after which the 'night of long knives' was announced by a member of an

⁶ Other examples of violations of the human rights of LGBTI people as well as recommendations made to the government in this regard can be read in NGO Equality Movement's *National report on the violation of human rights of gay men, other MSM and trans people, in particular right to health in Georgia*

Available in English here: http://www.equality.ge/wp-content/uploads/2018/06/Georgia_Report_Violations_10.05.pdf.

⁷ A Criminal case № 170250817801 against police under article 333(3)(b) of the Criminal Code of Georgia ("Excess of official powers by a person occupying a public political office through the use of violence") entailing imprisonment for a term of 5 to 8 years, with deprivation of the right to hold a position or engage in activities for up to 3 years. In this case, neither L.B. nor T.K. were recognized victims, but the investigation is under way.

A Criminal case No. 171250817003 against an unknown persons who attacked L.B. and T.K. is being investigated under article 126(1) of the Criminal Code of Georgia ("Beating or violence of a different nature, which caused physical pain to the victim, but did not entail the results provided by article 120 of the Criminal Code of Georgia") entailing a fine, or public works for a period of 120 to 180 hours, or a house arrest for a period of 6 months to 1 year, with deprivation of the right to bear arms or without. In this case, L.B. and T.K. are recognized victims, but the charge has not been pronounced under the pretext that it is impossible to identify the attackers who disappeared from the scene (with the connivance of the policemen who were at the site of the incident).

The third case is an administrative one, and under this case L.B. and T.K. were punished by 300 GEL each for rendering resistance to the police.

As for the motive of the alleged crimes: According to the Georgian Criminal Code, Article 53.1 recognizes the motive of the crime as an aggravating circumstance for any crime. Article 53.1 of the Criminal Code can only be applied by a court when imposing a punishment. The investigating authorities are only obliged to emphasize the motive for the crime so that the court can identify the appropriate punishment.

ultranationalist group in regards to Koba Bitsadze's activity and LGBT persons. Both activists received threats to their physical integrity, and even threats of death. They were reported to the police; the first complaint did not yield any results, the second sparked an examination of the case on grounds of intimidation, but the hate speech element was not recognised and no protection was granted to activists who feared for their lives.

4. At the end of January 2018, Miranda Pagava, a trans woman, was assaulted by a man who had tried to convince her to get into his car. After she refused, he verbally attacked her using transphobic and homophobic slurs before physically assaulting her. Miranda later reported the attack to the police. The perpetrator has since been arrested and a criminal case has been initiated and is undergoing⁸.

These propagations of hate and incitement to violence continue a long sequence of unsanctioned public discourses in Georgia by public figures. After the well-reported violent attack on the IDAHOT march in 2013,⁹ neither those who incited hatred nor those who carried out the attacks were sanctioned. The situation remains unchanged even after the European Court of Human Rights' [ruling in this regard](#).

In the beginning of 2018, the Ministry of Interior created a new human rights unit whose tasks include, in particular, monitoring of investigation of domestic violence, violence against women and hate crimes.¹⁰ We welcome the newly created human rights unit. LGBTI human rights defenders are striving to work with this unit to address the abovementioned concerns.

3.1. Domestic violence

Despite the fact that domestic violence against family members based on SOGIESC is the most extensive it remains invisible crime against LGBT community: the government does not recognize the need to address this issue as a hate crime. Hate motive has not been documented in any domestic violence cases against LGBT individual. The government does not address the specific forms of violence against LGBT individuals (minors are at a major risk), such as different forms of coercive therapies,¹¹ psychological pressure and violence, attempts of forced marriages of lesbian individuals, which takes place within families against LGBT individuals. It is also worth to note that in most cases LGBT victims of domestic violence do not report to the police because of the fear of outing and secondary victimization, which is why they choose to leave their homes or are obliged to continue living in the cycle of violence.¹² A 2018 study showed that among the LGBT respondents, 84.4% (N=216) have experienced some form of abuse by family members.¹³ In terms of frequency of the forms of violence, over one third of the group are

⁸ <https://www.ilga-europe.org/resources/news/latest-news/transhatecrime-georgia>

⁹ The only cases brought to trial in which the charges were made under article 161 of the Criminal Code of Georgia ("Violation of the right of peaceful assembly") where representatives of LGBT community were recognised victims, was a case against four persons who participated in the attack on peaceful demonstrators on May 17. One of the attackers (a clergyman) was exculpated immediately for the lack of evidence. Three other attackers were found not guilty by court.

NGOs WISG and EMC assessed the judicial decision and the entire judicial process as a whole. According to their report, "the court verdict severely criticizes the investigation conducted by the prosecutor's office and points to problems in matters of authenticity and reliability of evidences. However, the court's assessment of the factual circumstances was not sufficiently justified, and the assessment of legal circumstances was based on the illegal interpretation of the provisions of the law. In its judgment, the court tried to use all possibilities, including unjustified arguments, to justify the accused, and unreasonably diminished and neglected the evidence of the prosecution. The analysis of this approach and the language of the sentence indicated the tendentiousness of the judge." Information on the report is available on the EMC's website:

<https://emc.org.ge/ka/products/2013-tslis-17-maisis-sakmestan-dakavshirebit-sasamartlos-ganachenis-analizi>.

¹⁰ <http://agenda.ge/en/news/2018/128>.

¹¹ *ibid.*, p.19.

¹² *ibid.*, p.17.

¹³ Aghdgomelashvili E., "From Prejudice to Equality (part II): LGBTQI persons in Georgia," WISG, 2018.

victims of permanent psychological violence by family members, while 37.5% have been subjected to physical abuse at least once since 2015. Due to domestic violence, 78.8% of the respondents noted that they needed an assistance of psychologists (20.7% applied to the service); 17.4% were in need of medical assistance (5.8% applied); 40.3% needed legal assistance (5.2% applied); 39.5% - social assistance (6.7% applied) 21.8% were in need of shelter (only 2.4% applied).¹⁴

3.2 Institutional violence

Criminalization of hate crimes, even the declared policy of the state, is not sufficient if the qualification of the investigators and prosecutors will remain the same; as the courts only examine the evidences brought before them, the crucial role is upon police officers not to lose any chance to clarify the background motive. Therefore, further trainings and guides has to be planned in order to improve the clarification skills of the hate crime motivation. Herewith, save fighting with the hate crime, prevention of LGBTI hate motive is essential; for that, cooperation with other relevant institutions and NGOs is recommended. Human rights NGOs have more experience dealing with the cases regarding LGBTI persons, they see much realistic scenario and feel the necessity of their empowerment, even in reporting the incidents to the police, which still remains an obstacle as mentioned.

Often homophobic and transphobic prejudices of the police towards LGBTI persons and particularly sex-worker transgender women are the basis of their illegal detention and ill treatment.¹⁵ One transgender woman, who fell victim of such treatment by the police, utilized the Ombudsman's anti-discriminatory mechanism and requested the establishment of discrimination by a particular policeman.¹⁶ On the other hand, such attitude of the police leads to the mentioned problem of not reporting hate crimes and incidents by the LGBTI community.

According to the PDO's last report, "The Office of Public Defender studied a number of complaints in which LGBT+ persons speak about alleged violence, homophobic, humiliating attitudes and inadequate response from police officers. Unfortunately, in a number of cases the complainants themselves refuse to continue proceedings and do not cooperate with General Inspection of the Interior Ministry and the Prosecutor's Office because they doubt that the cases will be investigated in a timely and fair manner. Moreover, it is difficult to obtain evidence in a number of cases. To avoid the encouragement of homophobic attitudes and violence of police officers, it is important to apply measures envisaged in the law to each of those cases which contain sufficient evidence of the offence."¹⁷

4. Hate speech

Homophobic and transphobic hate speech online, in the media, from political and religious leaders, as well as public servants, including police officers, is prevalent, contributing to a lack of implementation of legislation and feelings of marginalisation and distrust among the LGBTI community. Hate speech from public servants especially leads to LGBTI fearing to turn to them in cases of hate crime or discrimination for fear of further attack.

Hate speech and political homophobia remain a challenge in Georgia. Myths and stereotypes impacting the sharply negative societal attitudes towards issues related to equal rights have demonstrated that these issues are largely being considered through the lens of morals and traditions, rather than in the

¹⁴ *ibid.*

¹⁵ Bakhtadze K., *Intersectional Discrimination and LGBTI People – Litigation Report*, WISG, 2018.

¹⁶ *ibid.*

¹⁷ Available online at: <https://bit.ly/2LUbViP> [14.06.2018]

context of equal rights. Representatives of anti-gender far-right groups¹⁸ are using social media actively to spread hate propaganda against LGBT persons. A significant role in the above is played by politicians, whose assessments and comments on cases of discrimination and violence are frequently saturated with moralistic rhetoric; instead of embracing the issue within a legal framework and examining it in the human rights context, they continue to appeal to the dominant cultural, traditional and religious values.¹⁹ Open homophobic statements made by the public figures, even by the Members of Parliament, are dramatically reflected to the societal attitudes towards LGBTI persons and their rights.²⁰

Studies on hate speech show that homosexuality is highly politicised in Georgia. Attitudes towards LGBTQI community are the subject of political speculations and exploited to fragment the political spectrum into “pro-Western” and “pro-Russian” factions. Certain groups intentionally refer to the Soviet myth of the “Western origins of homosexuality” to fuel anti-Western sentiment. On the other hand, negative attitudes towards LGBTQI community are used to label political opponents as “pro-Russian”. Viewing the subject through such a politicised lens has a negative effect on the condition of the LGBTQI community and further impedes the achievement of equal rights. Media researches show that the coverage of LGBTQI issues is often inadequate and straightens existing stereotypes against LGBTQI persons. According to different surveys, LGBTQI hate speech is a dynamic process and is especially used during the pre-election period.²¹ During the 2016 election period invoking homophobic and transphobic hate speech became dramatically frequent. Under the report prepared by Media Development Fund (MDF) among 454 homophobic expressions was covered by the media 459 times.²² Hence, as mainstream media and television are effective ways to raise public awareness they need to acknowledge their role due regard spreading values of equality and prohibition of discrimination on the ground of SOGIESC.

Moreover, it has to be noted that upon the initiative of the Legal Committee of the Parliament the Code of Ethics of the Members of Parliament has been drafted in 2017.²³ According to the draft the deputy shall respect fundamental rights and freedoms and recognise equal rights and opportunities for man and woman. Moreover, the Code obligates deputies not to address hate speech toward minorities based on any ground and also envisages relevant disciplinary sanctions upon the violations. Unfortunately, the adoption of the code has been terminated.

Examples:

1. On 9 January 2017, the Ombudsman’s office issued a recommendation to the Ministry of the Interior stating the necessity of conducting disciplinary proceedings against a policeman who violated ethical standards in relation to a victim of domestic violence - a lesbian girl who, accompanied by a lawyer and a representative from the Ombudsperson’s office, came to the police station to seek help from psychological and physical violence by family members because of her homosexuality and delivering training on equality for police officers.²⁴

¹⁸ Neo-Nazi groups the Nationalist Socialist Movement — National Unity of Georgia, available online at: <https://bit.ly/2L4ukGy> [accessed 25.07.2018]

¹⁹ Aghdgomelashvili E., From Prejudice to Equality (part II): LGBT persons in Georgia, WISG, 2018.

²⁰ Homophobic remarks by the MPs: Available online at: <https://bit.ly/2IN3xB8>; <https://bit.ly/2z2ksuY> [accessed 25.05.2018]

²¹ Aghdgomelashvili E., From Prejudice to Equality: Attitudes, Knowledge and Information Regarding the LGBTQI Community and Their Rights, WISG, Tbilisi, 2016.

²² Kintsurashvili T., Hate Speech, MDF, Tbilisi, 2016.

²³ Available online at: <https://bit.ly/2MkCPgB> [25.06.2018]

²⁴ <http://www.ombudsman.ge/ge/news/saxalxo-damcvelis-rekomendacia-policiis-tanamshromlis-mxridan-etikis-norme-bis-dargvevis-shesaxeb.page>.

2. According to the results of the monitoring research on the hate language in the media conducted by the MDF (Media Development Fund) in 2017 (from 1 January to 31 December), among the 1926 comments of a discriminatory nature, 38% or 731 comments were homophobic statements that were on the second place after xenophobic ones. For comparison, in 2016 there were less homophobic comments (454). For 2017, 155 homophobic statements were made by politicians. “Representatives of the ruling party ‘The Georgian Dream,’ as well as of the parliamentary opposition ‘The Alliance of Patriots’ assess homosexuality as an abnormality, a deviation or a disease,” the report of the above study says. The Chairperson of the Parliamentary Committee on Education, Science and Culture, Mariam Dzhashi, commented on the social reaction to the Guram Kashia’s (he was a captain of a football team) wearing a bandage in the support of LGBT community, as follows: “In my opinion, excessive attention was given to this topic. My position is no violence and no propaganda of homosexuality.” As revealed during the same study, clergymen use the most aggressive homophobic expressions: “People should rebel, go out and not with banners, but must turn all who promote the propaganda of homosexuality into a mash” (by Bishop Melkizedek Diakonidze).

3. Homophobic remarks by MP and members of the ruling party “Georgian Dream”:

Nukri Kantaria: “It has never been Romeo and Romeo or Julieta and Julieta; it could not be tolerated because it’s not natural, it’s opposite of ordinal, sometimes it is imitating trend, sometimes – disease, but never natural” (27 May 2016).²⁵

Zviad Dzidziguri: “Children have right to be risen by female mother and male father; we have to protect their rights.”²⁶

MP Koba Lursmanashvili (Georgian Dream) at the plenary session of the Parliament: [speaking about liberation of narcotic policy] “The rights of the minorities may be protected; However, I, as a member of society, demand public interests to be protected. This interest is frequently violated by drug users, drug sellers and by faggots (May 18, 2018).²⁷

Georgian Dream MP Zakaria Kutsnashvili speaking on Maestro TV regarding defining marriage specifically as a union between a man and a woman in the Constitution of Georgia. “By defining in the constitution [that marriage is a union between a man and a woman], we are sending a message to Abkhazia and the Tskhinvali region... and the Russians are playing big time with this subject... that Georgia is now a Europe-associated state, Georgia received the right to free trade with Europe, Georgia received access to free movement to Europe, and that here, Georgia will also become a country of faggots. And we are sending a serious message everywhere that Georgia will never become a country of faggots. The political groups lobbying them [the LGBT community] either directly or indirectly will be brought into the light by society and will get the percentages they’ve been dreaming about” (28 April, 2017).²⁸

4. Homophobic pre-election poster in the streets of Tbilisi:

On 2 October 2016, a few days before the elections, photos of pre-election posters featuring the deputy candidate of Saburtalo district were shared on social media. Deputy candidate Sandro Bregadze was photographed with a group of children and on the corner of the photo

²⁵ Imedi Broadcaster, Qronika News on 20:00, May 17, 2016.

²⁶ Georgian Public Broadcaster, Moambe News on 20:00, May 5, 2016.

²⁷ Available online at: <https://bit.ly/2IN3xB8> [accessed 25.05.2018]

²⁸ Available online at: <https://bit.ly/2z2ksuY> [accessed 25.05.2018]

was written: “No to same sex marriage, we have collected millions of signatures to stop this sin! We will not allow the Parliament of Georgia to adopt laws that are anti-Georgian, going against our traditions. Vote for us! Mark 18 on the day of elections, together for traditional Georgia!” On the right side of the poster the flag of LGBTI movement was crossed.

On 4 October 2016, WISG invoked Election Administration of Georgia with the request to file the report as an administrative offense. WISG believed that pre-election poster violated the law, specifically article 45 of the Election Code of Georgia (Election Programme cannot be containing messages that are proclaiming violence, war, revolution, military strike, attack on Georgian government, national or religious battle, conflict on any kind of bases.) As mentioned above poster contained a discriminative message and its purpose was to spread and boost hate amongst Georgian society toward LGBTI persons.²⁹

5. Discrimination based on sexual orientation and gender identity

In 2014, the Georgian law on Elimination of All Forms of Discrimination was adopted. The body on the enforcement of the law has been allocated Public Defender’s Office [PDO] and the special department of Equality has been established within it. The department may be deemed as quasi-judicial body, with the authorization to examine cases of discrimination and make relevant recommendation or general proposals. However, the body faces some essential problems as the legal force of its decisions is not binding for the private sector, they even do not have a legal obligation to cooperate with the PDO, etc. In order to deem the mechanism as a proper remedy mentioned problem has to be eradicated as soon as possible.

According to the record prepared by PDO in 2017, the Department had examined 201 new discrimination cases during the time period of 2016-2017, developing 11 recommendations, 11 general proposals and 4 Amicus Curie briefs; Most of the cases concerned alleged discrimination on protected grounds *inter alia*, of SOGIESC (11%);³⁰ On the other hand the number of the cases examined during the period of 2015-2016 amounted 113, issuing 12 recommendations, 2 general proposals and 6 Amicus Curie briefs; Respectively, the percentage revealing SOGIESC hit 8%.³¹

Under the PDO’s report LGBTI community is one of the most vulnerable groups, the members of which face discrimination in almost every sphere of life.³² The cases examined by the PDO, included taxi driver’s refusal to provide service to a trans woman,³³ an incident where the same sex couple was thrown out of a night club,³⁴ and discontinuation of a rental agreement due to discrimination by perception.³⁵ In these cases discrimination on the ground of SOGIE was ruled. In the reporting period, PDO also responded, on numerous occasions, when advertisements encouraged discrimination, *inter alia*, on account of gender identity. One such case was a video clip circulated by LTD CCLoan mocking a transgender individual, who in order to earn money, has to resort to prostitution.³⁶

²⁹ Unidentified Violence, Litigation Report, WISG, 2017.

³⁰ Available online at: <https://bit.ly/2HprwU> [accessed 06.06.201]

³¹ Available online at: <https://bit.ly/2gaP4vI> [accessed 06.06.2018]

³² Special Report on the Fights against Discrimination, its Prevention and the Situation of Equality, 2017, available online at: <https://bit.ly/2xdz8GK> [accessed 23.05.2018]

³³ The details of the case available online at: <https://bit.ly/2sCyXjg> [accessed 06.06.2018]

³⁴ The details of the case available online at: <https://bit.ly/2kU1n46> [accessed 06.06.2018]

³⁵ The details of the case available online at: <https://bit.ly/2HvxobP> [accessed 06.06.2018]

³⁶ The details of the case available online at: <https://bit.ly/2HtVRyg> [accessed 06.06.2018]

Correspondingly, the study conducted by WISG in 2014 and 2018 revealed that the discrimination in employment is the most problematic sphere for LGBTI persons and especially trans persons are vulnerable at the labor market.³⁷ Obstacles regarding legal recognition of the gender reflect to employment, as well. As IDs do not correspond to their gender identity it seeks them to unofficial employment and often have no chance rather than to agree the poor working conditions and remuneration (to be discussed in the following chapter).

WISG has documented many cases of discrimination against transgender and gender nonconforming persons while receiving service. However, providing service is not the only sphere where transgender persons face discriminatory treatment. Unenviable and improper treatment based on gender identity and expression is frequent at state jobs, workplaces and educational or medical establishments. In the majority of the cases, transgender or gender non-conforming persons, who are the victims of discriminatory treatment, refrain from appealing to court or to the Public Defender due to the fear of repeat victimization, or “forced coming out.” However, in particular cases the Ombudsman’s anti-discriminatory mechanisms are still utilized.³⁸

6. Legislative gaps

6.1. Lack of clear gender recognition procedures

Trans individuals face various barriers to legal gender recognition.

For example, on 4 April 2018, the Tbilisi City Court made a decision on the S.O.’s request to recognise her gender identity on the basis of a psychiatrist’s medical report. The court dismissed the S.O. claims and failed to change gender marker in S.O.’s identity documents. The court stated that S.O. had to be observed, for a long time, by sexologist, psychologist, endocrinologist and psychiatrist. The only article of the Law of Georgia “On Civil Registries” related to gender marker change stipulates that a civil registry should be amended on the basis of “sex change.” There is no more detailed list of procedures in the law or by-law, which would open trans persons’ access to legal gender change.

Several other cases are pending in different courts in an effort to force this recognition, and a petition for legal gender recognition procedures has been submitted to the Ministry of Justice, however, no response has been received to date.³⁹

On 18 May 2015, the Ombudsman of Georgia asked⁴⁰ the Minister of Justice to adopt a regulation on the procedure by which transgender individuals can change the gender marker in identity documents, but the proposal was not considered.

Trans people living in Georgian are deprived from the most important recognition. They cannot change the gender marker on their IDs since the LGR mechanism is not regulated by the law. As of today, trans

³⁷ According to the study, due to discriminatory experience and frequency, most of the respondents have been discriminated and ill-treated while receiving services (46.0%), followed by the sphere of employment on the bases of SOGIE (33.6%). In particular, 23.4% (N=60) have been denied to hire because of belonging to LGBTI group; 10.2% (N=26) have been fired and 16% (N=41) unequally treated because of the same reason. Aghdgomelashvili E., From Prejudice to Equality (part II): LGBT persons in Georgia, WISG, 2018.

³⁸ Bakhtadze K., Intersectional Discrimination and LGBTQI People, Litigation Report, WISG, 2018.

³⁹ A petition demanding to regulate legal gender recognition procedure, sent to the Minister of Justice on 12 March 2018, gathered 1100 signatures, but to no avail. See: <http://netgazeti.ge/news/259274/>.

⁴⁰ <http://www.ombudsman.ge/ge/news/winadadeba-iusticiis-ministrs-samoqalaqo-aqtebshi-transgendertatvis-sqesis-chanaweris-cvlilebaskan-dakavshirebit.page>.

people have been forced to undergo unwanted, medically unjustified, expensive and life-threatening procedures in order to change their gender marker. Namely, new ID and birth certificate can be issued only when the person changes sex and only after he/she undergoes the surgery. According to the law on the Civil Acts, a person has a right to request changes or amendments to his/her entry including the name.⁴¹ The ground of such request includes the change of gender. On the other hand, there is no official definition or explanation of how we should understand “change of gender” or what are the specific documents, that the applicant is required to present in order to achieve legal recognition of his/her gender. According to the existing practice in the civil acts registration body, in case of fully underwent medical procedures of gender reassignment, a person is entitled to change his/her personal data in the official documents, which is a long process. Before the actual surgery a trans person has to be observed by psychologists and sexologists. These observations last for more than a year. At the end of the process the special committee has to conclude on whether or not the applicant is a “true transsexual” and then issues a relative document. Only after this document is issued a trans person has the right to undergo the gender reassignment surgery. One more thing to do before the surgery is the hormone therapy. Consequently, irreversible sterilization, hormonal treatment and preliminary surgical procedures are mandatory procedures which one has to go through in order to be able to obtain new documents. As a result, trans people become victims of discrimination every day and at every place where they are asked to show their IDs. This means that trans people are in unequal conditions at the times of employment, service delivery and participation in daily life.

Taking into account all mentioned, organisations working on LGBTQI rights demand the Ministry of Justice to develop LGR mechanism as trans people should be given opportunity to carry the IDs that confirm their real sex, without undergoing compulsory medical procedures.⁴² However, in June 2018, the Minister, Thea Tsulukiani had noted “speaking about the failure of reforms, NGOs are complaining that we do not sign sex in the documents as they demand. This is a huge reform if it is carried, but I admit that I have not conducted it... these NGOs ask me that the person having organs of male was registered as female and person having female’s organs – as male. I admit that I have not carried such reform.”⁴³ Such declaration by the Ministry is extremely alarming as it straightens stigma towards trans persons and encourages their marginalization from the society. Moreover, the statement is another example of political homophobia and transphobia.

Moreover, the services at the individual medical facilities remain inaccessible for trans persons. The problem of accessibility is conditioned by the price of procedures that the members of the community cannot often afford; on the other hand, they do not have equal possibilities like other citizens to use financial support on the medical procedures available through the state health care programmes and the costs the procedures have to be fully borne by the patients.

WISG, in collaboration with the partner organisation, European Human Rights Advocacy Centre (EHRAC) drafted two applications of trans men for the ECtHR. Cases concern refusal of legal gender recognition, which, according to the applicants, violated Article 3, 8 and 14 of the European Convention.⁴⁴ Applicant D.’s case was sent to the court on August 1, 2017 and the applicant Kh.’s case - on November 10, 2017. Applicants believe that by refusing their legal gender recognition, Georgia has infringed Article 3 (Prohibition of torture) and Article 8 (Right to respect for private and family life) of the Convention, together with Article 14 (Prohibition of discrimination). According to applicants, their social roles are in relevance with that of a man and the entry “female” about their gender in IDs causes “forced coming

⁴¹ The law of Georgia on the Civil Acts, article 78.

⁴² May 17 appeals, available online at: <https://bit.ly/2tg25xs> [accessed 21.06.2018]

⁴³ Available online at: <https://bit.ly/2K8K8KN> [accessed 21.06.2018]

⁴⁴ Available online at: <https://bit.ly/2hrllnR> [accessed 09.06.2018]

out.” This situation creates a lot of obstacles for them in society, as the stigma towards trans persons is very strong. D. and Kh. define that the fear of “forced coming out” puts them under constant stress and negatively affects the quality of their lives. They believe that by refusing LGR, state infringes their right to private life, as the effective mechanism of LGR has not been ensured. According to the applicants, they are subjects of discrimination due to all mentioned above.⁴⁵

6.2. Lack of legal regulation or recognition of same sex-couples

On March 23, 2018 the Parliament of Georgia voted to introduce several changes to the Constitution of Georgia including the introduction of a definition of marriage as a “union between a woman and a man”.⁴⁶ The changes will come into force after the next President (to be elected in 2019) comes into office.⁴⁷ The Civil Code (article 1106) already expressly names marriage as between a man and a woman. As such, there is no recognition or legal regulation of same-sex couples in Georgia, barring same-sex partners from inheritance rights, parental rights over children of spouses, visitation and health care decision making rights, and many others.

Examples:

On May 11, 2018, the Constitutional Court of Georgia ruled in relation to case No. 1/3/1284, which refused to consider the claim of N. G., a prisoner who claimed the lack of a possibility of a conjugal visit with his same sex partner is discriminatory, as the legislation of Georgia does not allow persons of the same sex to marry or to establish civil partnership. The Constitutional Court concluded that the respective regulation does not distinguish between homosexual and heterosexual couples and did not accept the claim of N. G.

6.3. HIV-status and disclosure of personal data

The guidance on the treatment and prevention of HIV/AIDS with antiretroviral medicines⁴⁸ states that for the purpose of the provision of PEP for post-exposure HIV prevention, the assessment of the beneficiaries should be based on the knowledge of HIV status of a source of possible infection.⁴⁹ This provision violates the confidentiality of patients’ personal data. Particularly, their HIV status is disclosed if a representative of the MSM group addresses the AIDS Centre and says that he had unprotected contact with a male partner. The Centre’s employees look at their data and if the partner is registered as an HIV-positive person, they report their status to the person who contacted them. There were cases when information was received by third parties who were not partners of HIV-infected MSM and still their status was disclosed.

6.4. Intimate-partner violence

Despite the fact that domestic violence against family members based on SOGIESC is most widespread and is an invisible crime against LGBT community, the government does not recognize the need to address this issue, neither pays proper attention to it in its National Action Plans.⁵⁰ However, it is crucial

⁴⁵ Available online at: <https://bit.ly/2HwcXvj> [accessed 09.06.2018]

⁴⁶ See: A Draft Law on the amendment of article 30 of the Constitution of Georgia [defining marriage as a union between a man and a woman], adopted by the Parliament of Georgia on 23 March 2018, <https://matsne.gov.ge/ka/document/view/4110673>.

⁴⁷ The Constitution of Georgia, article 30, available online at: <https://bit.ly/1zESjnO> [accessed 27.05.2018]

⁴⁸ Approved by the Order no. 01-159/მ of the Ministry of Labour, Health and Welfare of 5 July 2018.

⁴⁹ Chapter 4. Post-Exposure Prevention (p. 21)

⁵⁰ UPR, Joint Stakeholders’ mid-term report, 30 May, WISG, 2018.

that together with heterosexual couples, the mechanism of protection included same-sex couples, as well as considered specific needs of particular marginalized groups. In practice, trans women, as well as lesbian, bisexual and intersex women, very rarely utilize mechanisms for violence against women, gender based violence and domestic violence. Even in cases when the transgender women decide to address police or the courts, they are faced to those legal barriers. In a case, when the transgender woman asked for the restraining order against the perpetrator, the court did not accept the application, stating that: the case included ID of the appellant and according to that document she was a man; Hence, she was not the subject of the protection under the Georgian law on “Violence Against Women, and/or domestic violence prevention, protection of the victims of violence;” thus cannot ask for the restraining order.”⁵¹

The law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence does not consider an intimate partner as family member, respectively doesn't regulate violence committed by him/her. IPV is one of the most widespread forms of violence that implies physical, sexual, psychological or economic violence, systematic force and control over partner's behavior.⁵² IPV is especially caustic in case of same-sex couples. According to WISG's study, 84.4% of respondents have experienced some form of violence at least once in the past three years by the intimate partner. In addition, psychological violence is the most common one and the frequency of sexual abuse and harassment is far high. During the past three years, 5,6% of survey participants have at least once been raped by the intimate partner; 15.3% have been victim of attempted rape. The most common form of sexual abuse/harassment is "touching/hugging/kissing against the will of the victim" - 51.9% of respondents have such experience.⁵³ Herewith, the threat of “forced coming out” by partners toward LGBTQI community is very frequent, including cases of blackmail by revealing information about victim's sex life. Thus, mentioned obstacles create additional barriers for LGBTQI persons to use protection mechanisms and defend themselves. Respectively, violence by intimate partner among same-sex couples remains without any feedback from law enforcement bodies. Noteworthy, under the study conducted by WISG, only 4.1% of victims have applied to the police (32.2% - noted that there was no need, 63.6% - doesn't wish to apply). Most respondents who do not report to the police claim about the "lightness" of the case (61.9%); hence due regard such attitude, victim try to minimize the seriousness of the incident. Others state the fair of forcible “coming out” with police officers; some of them also claim about the insufficiency of law enforcement bodies and the fair of their homophobic reactions. Therefore, it reveals that they chose the strategy to protect themselves, avoiding assistance from the police.⁵⁴

7. Access to healthcare

7.1. Existing environment

The sphere of healthcare still remains as one of the most difficult in regard inclusivity of LGBTQI needs. Study conducted by WISG in 2015 has shown that healthcare workers have a quite vague knowledge

⁵¹ Case M.O. Tbilisi City Court №3/605-18. Feb 5, 2018.

⁵² Aghdgomelashvili E., From Prejudice to Equality (part II): LGBT persons in Georgia, WISG, 2018.

⁵³ *ibid.*

⁵⁴ *ibid.*

about sexual orientation/gender identity, as well as, about the needs of LGBT persons in health care.⁵⁵ Such approach has an influence on the access of LGBT people to high standards of health care.

Herewith, it has to be noted that here is the number of major challenges that Georgian HR action plan (2016-2017) has missed to cover, including legal recognition of gender, regulation of trans-specific healthcare procedures, etc.⁵⁶ However, the Gender Equality Council of the Parliament of Georgia recommends the Ministry to incorporate the need and specificities of lesbian, bi-sexual and trans woman as a target/vulnerable group into the State Strategy in Healthcare. It should provide basic information and training to healthcare providers about the need and sensitivity in working with LGBTQI persons. Moreover, the ministry should develop clinical guidelines due regard gender reassignment/transmission procedure in line with international standards.⁵⁷ In 2017 WISG translated and provided the Ministry with the “Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People” created by “The World Professional Association for Transgender Health” (WPATH).⁵⁸ The Ministry has not responded yet about the actions they are going to take in regard the preparation of clinical guidelines or protocols in accordance with those standards.

The right to access qualified medical services, which is regulated by the Georgian legislature as well as by the ethical and medical standards, is also infringed in case of trans people: in spite availability of trans-specific services in Georgia, there are no clinical guidelines that underwrites procedural rules of diagnose and treatment.⁵⁹ It has to be noted that WISG, with the financial support of ILGA-EUROPE, ASTRAEA and COC Netherlands, translated WPATH guidelines for healthcare professionals to assist transgender, and gender nonconforming people with safe and effective pathways to achieve lasting personal comfort with their gender-selves. The aim of this translation was to introduce trans-specific healthcare standards in Georgia, which would be unified for all health care providers and acknowledged by the MoH. However, document did not get any feedback from the Ministry.

7.2. Trans access to healthcare

Georgian legislation neither prohibits nor regulates gender reassignment surgery. This gives absolute discretion to medical institutions to decide who is eligible for the gender reassignment surgery; also to make decisions on the existing procedures for the reassignment process. Such a gap may result arbitrariness, lack of consistency and create obstacles for people willing to undergo the procedure. While gender reassignment services are available in Georgia, all the costs for the surgery have to be borne by the patient (whereas e.g., other medical procedures can be covered by the various private and state-sponsored health insurance packages available in Georgia). Certain category of medical operations is funded or co-funded by the state based on the Decision of the Georgian Government No.7734 (which approves State Healthcare Programmes for 2011). The main criteria for selecting which services fall under this category is the importance of the disease and low or special social status of the beneficiaries. However, despite its high social importance, gender reassignment surgery is not included in that

⁵⁵ Survey has shown that the majority of randomly chosen healthcare workers (save one respondent) cannot make difference between sexual orientation and gender identity. Aghdgomelashvili E., Study of the Needs of LGB People in Health Care. In - depth interviews. Technical report. WISG, Tbilisi, 2014.

⁵⁶ Report on the Implementation of the Georgian Government’s Human Rights Action Plan for 2016-2017, WISG.

⁵⁷ Gender Equality in Georgia: Barriers and Recommendations, Gender Equality Council of the Parliament of Georgia, Volume 2.

⁵⁸ The World Professional Association for Transgender Health. “Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People.” Available online at: <https://bit.ly/2sl5jZZ> [accessed 09.06.2018]

⁵⁹ Aghdgomelashvili E., Gvianishvili N., Todua T., Ratiani T., Health Care Needs of Trans persons in Georgia, Policy Paper, Tbilisi, 2015, WISG.

category of medical services.⁶⁰ Thus, gender reassignment procedure is not covered under any kind of insurance.

This is grounded by the fact that even those clinics in Georgia, which have certain specific medical services for transgender persons, refuse to register special standards in the special database of the Ministry.⁶¹ The standard represents “any pricing document approved by the supplier, which may evidentially depend on the respective protocol of medical treatment and which presents the consisting components of the service and their price calculations;” suppliers note that the registration of medical procedural standards for trans persons is not profitable, - firstly due to the small demand of such services and secondly because of the possible denial of the decision-making committee to fund it through the “Referral Service.” This case represents yet another vivid example of refusal specific needs of trans persons. State is obliged to take into account their special needs and caring shall not be solely depended on the free will of the individual clinics. It has to be noted that WISG has approached Public Defender’s Office in order to study the cases of indirect discrimination in regard 4 trans persons (trans man and 3 trans women), appealing unreasoned denial of the service.

7.3. Intersex persons

Another issue concerning healthcare is that there are no regulations which are in line with international standards due regard medical procedures for “sex normalization” in intersex children. Intersex persons face multiple challenges which are related both to legal regulations and the medical sphere. Georgian healthcare legislation does not prohibit genital-normalising treatment, involving both surgery and hormone therapy. However, such medical inventions are often medically unnecessary, not always consistent with the person’s gender identity, poses severe risks for sexual and reproductive health and is often performed without free and fully informed consent.⁶² It is imperative that legal and medical personnel shall be better informed about the fundamental rights and needs of intersex persons, especially intersex children, and states shall try to avoid cases of “sex normalization” in intersex persons, without person’s consent.⁶³ No study has been conducted in Georgia which would examine the medical needs of intersex children and would assess against the international standards of “sex normalisation” surgeries conducted on them in infancy or at later stages.⁶⁴

Hence, to protect rights of intersex children it is vital that their medical needs were properly examined and the relevant guidelines for the medical personnel were developed. Special trainings is required for the relevant medical staff in order to avoid discrimination against intersex persons and to provide them with necessary services.

⁶⁰ Monitoring of implementation of CM/REC(2010)5 in Georgia, p.111. WISG, Tbilisi, 2012.

⁶¹ This standard is defined by the ordinance №177 of the Government of Georgia as of 14 May, 2012, “On Adopting the Regulations of Providing Medical and Insurance Services in the Framework of the State Health Insurance Programme.”

⁶² UPR, Joint Stakeholders’ mid-term report, 30 May, WISG, 2018.

⁶³ FRA, The fundamental rights situation of intersex people, 04/2015.

⁶⁴ Report on the Implementation of the Georgian Government’s Human Rights Action Plan for 2016-2017, WISG.

Recommendations

By virtue of the International Human Rights treaties Georgia is party to, as well as local legislation, Georgian authorities have far reaching obligations in respect of human rights, including, explicitly, the human rights of LGBTI people. Anti-discrimination legislation and the Criminal Code of Georgia specifically name grounds of sexual orientation and gender identity, the freedom of expression and assembly are also enshrined in law, yet the above mentioned cases clearly indicate the lack of implementation of the existing legislation.

Equality Movement, WISG and ILGA-Europe urge the UN Independent Expert on SOGI to hold Georgian authorities accountable to the far reaching human rights obligations Georgia has committed to, and specifically to urge Georgian authorities to:

- Promote effective implementation of existing legal framework.
- Ensure comprehensive education and training for police, judiciary and other public servants to promote full implementation of anti-discrimination and other relevant legislation, such as the Criminal Code of Georgia.
- Encourage authorities to conduct abovementioned training together with local civil society as well as with the advice and participation of international experts from the United Nations, Council of Europe, European Union or others to ensure adherence to international standards.
- Introduce amendments to the Criminal Code of Georgia to clearly define hate crime.⁶⁵
- Develop quick, transparent and accessible procedures, based on self-determination, for changing legal gender of transgender people on birth certificates, identity cards, passports, educational certificates and other similar documents; make these procedures available for all people who seek to use them, irrespective of age, medical status, financial situation or police record.
- Make gender reassignment procedures, such as hormone treatment, surgery and psychological support, accessible for transgender people, and ensure that they are reimbursed by public health insurance schemes.
- Ensure that measures to protect the rights of victims of Domestic Violence be secured without discrimination on any ground such as sex, gender, sexual orientation, gender identity and expression or other status.
- Ensure that measures to protect the rights of victims, including same-sex couples of intimate-partner violence be secured.
- Ensure that LGBTI persons, who are victims of violence against women, gender-based violence or domestic violence, have adequate and increased access to appropriate and recovery-based services and supports.
- With regard to effectively protecting children's right to physical integrity and bodily autonomy and to empowering intersex people as regards these rights, prohibit medically unnecessary sex-normalising surgery, sterilisation and other treatments practised on intersex children without their informed consent.
- Ensure that laws and practices governing the registration of births, in particular as regards the recording of a newborn's sex/gender, duly respect the right to private life by allowing sufficient flexibility to deal with the situation of intersex children without forcing parents or medical professionals to reveal a child's intersex status unnecessarily.

⁶⁵Best practice: the UK has strong legislation for homophobic, bi-phobic, and transphobic hate crime ([here prosecution guidance](#) from the Crown Prosecution Service). Denmark and France are also good examples. The OSCE has a guide "to provide States with benchmarks for drafting hate crime legislation": <https://www.osce.org/odihr/36426>

Appendix I – additional information

Recent analytical reports or surveys on LGBT people in Georgia

1. *Study on the Attitudes of Staff of Key Social Services of Five Countries of Central and Eastern Europe and Central Asia towards LGBT People*. Conducted within the Framework of ECOM's Regional Program "Right to Health"/ R.Moskotina, N.Dmitruk, O.Trofimenko, Y.Privalov, M.Kasianczuk (The Eurasian Coalition on Male Health). – Kiev, 2017: <http://ecom.ngo/wp-content/uploads/2018/06/Gate-keepers-attitudes-survey-eng-1.pdf>
2. *Legislative analysis related to LGBT rights and HIV in Georgia*. Mukanova A., Yoursky Y., Djuma V. ECOM Tallinn 2017: <http://ecom.ngo/en/legislative-analysis-georgia/>
3. *Brief on HIV among MSM in Georgia*. Conducted by the Eurasian Coalition on Men's Health in 2018, author Sergo Chikhladze: http://ecom.ngo/wp-content/uploads/2018/07/Georgia_en.pdf
4. *Research on transgender needs in Tbilisi*⁶⁶ The report on the research conducted by NGO Hepa Plus in 2018, is attached to this document as annex II
5. *The Right to non-discrimination in practice for various groups in Georgia*. Coalition for Equality 2017: https://emc.org.ge/uploads/products/pdf/non-discrimination_in_practice_1527518855.pdf

Information about submitting organisations

WISG (Women's Initiatives Supportive Group) is a non-governmental, non-profit-making organization defending the human rights of lesbian, bisexual women, trans and intersex persons in Georgia.⁶⁷ The report is based on materials collected and documented by the submitting organizations: evidence from victims of human rights violations, analysis of secondary sources from judicial and public administration bodies, interviews and focus groups conducted with LGBTI community members, NGOs working on LGBTI rights and related issues, annual and special reports of The Office of the Public Defender of Georgia (PDO) and other experts and relevant national experts, WISG's 2018 discrimination study "From Prejudice to Equality", WISG's litigation reports of 2016, 2017, 2018 and other analytical reports and submissions of the organization.

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⁶⁷ The "Women's Initiatives Supporting Group (WISG)" is a feminist organization working on women's issues. The main goal of the organization is supporting the formation of a harmonious society based on principles of social justice by empowering women, which shall ensure full involvement and equal participation in social, political, cultural and economic life for all women (See more here: <http://women.ge/en/about/>)

Phone: +995 32 237 14 15

E-mail: wisg@women.ge

Equality Movement is a non-government organisation working with LGBTQ community and women in Georgia. We aspire to live in a society in which people's gender identity or sexual orientation is not a cause for exhibiting violence or other forms of aggression, and where women and the LGBTQ community are equal members of the society. In order to bring this vision to life, our mission is to support women and the LGBTQ community to ensure their proper integration in the society, and, at the same time, to facilitate the eradication of sexism and homophobia in the society. Thus, the organization provides the social and legal services based on the needs of the beneficiaries, works towards mobilising the community and conducts interventions of policy advocacy and changing the social awareness.

<http://www.equality.ge/en/>

ILGA-Europe (the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association), is an international non-governmental umbrella organisation bringing together [489 organisations from 45 European countries](#). Founded in 1996 and based in Brussels, ILGA-Europe seeks to defend the human rights of those who face discrimination on the grounds of sexual orientation, gender identity, or gender expression, and sex characteristics. It was granted consultative status with the Council of Europe in 1998 and with the United Nations Economic and Social Council in 2006.

<http://www.ilga-europe.org/>