The fight against Georgia's foreign agent law and anti-LGBTI legislation

Blog, Civil Rights and Freedom, Safety, Anti-LGBTI, Anti-propaganda Laws, Georgia

> In the face of rising authoritarianism, Georgia's civil society and LGBTI community are battling draconian laws inspired by Russia, threatening their democratic rights and freedoms ahead of a pivotal national election

On 14 May 2024, the Georgian parliament passed a Foreign Agent law that would see civil society and independent media that receive more than 20% of their funding from abroad forced to register as organisations "bearing the interests of a foreign power" and to open all their internal documents for inspection by the authorities. The bill is part of a wider crackdown on democracy by the ruling Georgian Dream party, which has been inspired by the almost identical foreign agent law enacted in the Russian Federation in 2012.

Opposition to this bill has been significant among Georgian society, which supports democracy, EU accession and a thriving civic space, and is opposed to Russian-style anti-democratic laws. There were huge protests all over Georgia, in which tens of thousands demonstrated in the streets against the adoption of this law. Georgian civil society organisations, including LGBTI organisations, are fearful that more legislation will be adopted which will target civil society and democratic checks and balances.

Targeting the LGBTI community

One such legislation package, announced on 4 June 2024, specifically targets the LGBTI community. If adopted, it would:

- Ban any kind of medical intervention to change sex, such as hormone therapy
- Ban any LGBTQI content in education, in media, in the arts
- Ban legal gender recognition
- Ban adoption for same-sex couples
- Limit freedom of assembly for events that cause "popularisation of same sex marriages or incest"
- Make biological sex markers mandatory

These proposed legislative changes also borrow from Russia's playbook by singling out the LGBTI community as a target and scapegoat. This legislation is being fast tracked for adoption before the national elections taking place on 26 October, with a first reading and favourable vote having taken place in June and the final two readings scheduled for September.

The combination of both the foreign agent law and the anti-LGBTI legislation would render the functioning of LGBTI civil society organisations and activists in Georgia almost entirely impossible. Already in May, the Council of Europe's Commissioner for Human Rights commented on how the foreign agent law would specifically target LGBTI civil society. On 21 May, the Venice Commission published an Urgent Opinion on the foreign agent law, concluding that the law's restrictions on the rights to freedom of expression, freedom of association and privacy are incompatible with international and European standards regarding democracy and non-discrimination.

Mobilising international support

ILGA-Europe conducted advocacy ahead of the June session of the Parliamentary Assembly of the Council of Europe (PACE), to draw attention to the anti-LGBTI law also during the urgent debate on Georgia. We requested parliamentarians to raise the issue of LGBTI people being impacted by both the foreign agent law and the anti-LGBTI law, which a number did. In particular, parliamentarian Beatrice Fresko-Rolfo spoke entirely on this, highlighting how the anti-LGBTI legislation restricts the fundamental rights of LGBTI people including freedom of expression and freedom of assembly, and reflecting on what will happen to the LGBTI community of Georgia if these legislative changes are adopted.

Following the debate, PACE resolution "Challenges to democracy in Georgia" was adopted by the Assembly, addressing the foreign agent law, the violent attacks and intimidation campaigns, the electoral law changes, and the anti-LGBTI law. The Assembly also will address the foreign agent law in a separate upcoming resolution.

Sharp rise in violence

This has all been taking place while the Georgian government and its allies allow for violent attacks and intimidation campaigns against demonstrators, civil society activists, journalists, and opposition MPs. The offices of LGBTI organisations Tbilisi Pride and WISG have been vandalised, and the private homes of their staff have also been targeted by vandalism and intimidatory posters. LGBTI human rights defenders and their families are receiving threats of violence, including death threats. 20 other civil society organisations and opposition party offices have also been vandalised. As this violence and intimidation is condoned by the government, incidents of physical violence are also increasing. Activists expect a hate campaign to be led by the government in the lead up to the national elections taking place on 26 October 2024, and therefore for the hatred and violence to rise even more in September.

The electoral context

The foreign agent law will make it difficult for international organisations to observe the elections for any irregularities in October, adding to the fear that the elections will not be free and fair. This comes after the 20 February 2024 adoption of amendments to Georgia's Electoral Code, which made it possible for the ruling majority, by itself, to select and appoint the chairperson and non-partisan members of the Central Election Commission (CEC), and which altered the legally required majorities for decision making by the CEC. These changes combined make it possible for the government to control all decisions of the CEC.

If the current ruling party wins the elections, they have made it clear that they will concretise the anti-LGBTI legislation into Georgia's constitution through constitutional amendments. They also plan to hold a referendum on Georgia's EU accession. We should expect more anti-democratic and anti-human rights legislation and policies and a broader turn towards Russia and away from the EU.

What can be done?

Georgian civil society will be casting their votes on 26 October for a democratic, pro-EU opposition. They rely on a change in government to halt Georgia's current anti-democratic path and to repeal these laws that seek to stifle civil society and democratic opposition, and target the fundamental rights of LGBTI people. If the opposition wins in October, it is paramount that they do indeed repeal the foreign agent law and the anti-LGBTI amendments, and set Georgia back on a path to democracy and EU accession. This is especially important given the strength of the anti-gender and anti-rights movement currently pushing various countries in the region towards more autocratic governance, which needs to be strongly opposed by democratic parties. We call on all international actors to support us in ensuring that these laws are repealed if the Georgian opposition wins.

If, however, the current ruling party, Georgian Dream, wins the election, LGBTI civil society and Georgian civil

society at large will need intensified support from international donors who should work hand-in-hand with Georgian civil society organisations to see how they can best be supported. In addition, it is widely concluded that the only effective way to hold Georgian MPs accountable for voting against human rights and democracy is through targeted sanctions affecting these individuals, rather than sanctions that would impact the broader economy and people of Georgia.