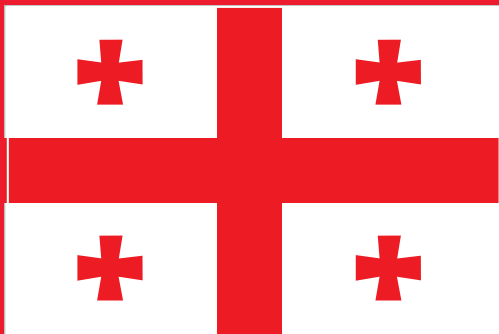




# Forced Out: LGBT People in Georgia

**Report on ILGA-Europe/ COC fact-finding mission**

**Written by Sheila Quinn**





**The European Region of the International  
Lesbian and Gay Association**

rue de la Charité 17  
1210 Brussels Belgium  
**Telephone:** + 32 2 609 54 10  
**Fax:** + 32 2 609 54 19  
**info@ilga-europe.org**  
**www.ilga-europe.org**

**Layout:** Silja Pogule  
**www.siljadesign.lv**

**Printer:** Corelio Printing  
**www.corelioprinting.be**

**ISSN 1784-5718**

© **ILGA-Europe / COC Netherlands**  
**Reproduction permitted,**  
**provided that appropriate**  
**reference is made to the source.**



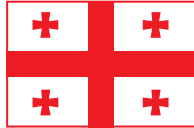
This document is published jointly by ILGA-Europe and COC Netherlands with the support of the Sigrid Rausing Trust and the Ministry of Foreign Affairs of the Netherlands. The information contained in this publication does not necessarily reflect the position or opinion of the funders.

**THIS DOCUMENT IS ALSO AVAILABLE IN LARGE PRINT**



**COC Netherlands**

Rozenstraat 8, PO Box 3836  
1001 AP Amsterdam, The Netherlands  
**Telephone:** +31 20 623 45 96  
**Fax:** +31 20 626 77 95  
**info@coc.nl**  
**www.coc.nl**



# Forced Out: **LGBT People in Georgia**

**Report on ILGA-Europe/ COC fact-finding mission**

August 2007

**Written by Sheila Quinn**









# Table of content

<b>Chapter 1</b>	<b>10</b>
<b>Country Profile</b>	<b>10</b>
1.1 Introduction	10
1.2 Historical Overview	11
1.3 Political Environment	12
1.4 The Georgian Economy	12
1.5 Demographics	14
1.6 Social Development	14
1.7 External Relations	16
1.8 Civil Society & Human Rights	17
1.9 Gender Equality	19
1.10 International Human Rights Bodies, National Human Rights NGOs	20
<b>Chapter 2</b>	<b>24</b>
<b>Situation for LGBT Community in Georgia</b>	<b>24</b>
2.1 Introduction	24
2.2 Visibility	24
2.3 Lesbian Visibility	26
2.4 Coming Out	27
2.5 Societal Homophobia	27
2.6 Institutional Homophobia	28
2.7 Gender Roles and the Culture of Machismo	30
2.8 Media Coverage	31
2.9 HIV/ AIDS	33
2.10 Discrimination, Harassment and Violence	35
2.11 Community Organising	36
2.12 Legislation Impacting on LGBT People	41
<b>Chapter 3</b>	<b>50</b>
<b>Concluding Remarks and Recommendations</b>	<b>50</b>
<b>Annex 1 - Case Studies</b>	<b>58</b>
<b>Annex 2 - Human Rights Instruments to which Georgia is a Signatory</b>	<b>62</b>
<b>Annex 3 - Bibliography</b>	<b>63</b>



# Report on ILGA-Europe/ COC Mission to Georgia

## Introduction

The mission of January 2006, on which this report is based, was part of a joint project organised and resourced by COC Netherlands and ILGA-Europe. This report deals with the findings related to Georgia. The project was conceived within the framework of a fact-finding mission to the Caucasus.

In drawing up the terms of reference for the project, each organisation articulated different, but complementary, goals for the mission which would take in Armenia, Azerbaijan and Georgia. For ILGA-Europe, the goals included:

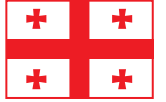
- To research the position of LGBT communities in legal, social, political, health and other related contexts in the Caucasian countries;
- To document cases of human rights violations, discrimination, hate crimes and hate speech cases against the LGBT communities;
- To establish sustainable contacts with activists / organisations working in the South Caucasus;
- To publicise the findings widely for advocacy and lobby purposes and to use them to raise awareness at the Council of Europe (COE), Organisation for Security and Cooperation in Europe (OSCE) and the European Union;

For COC Netherlands, the primary goal was to obtain an overview and assess the capacities and needs of potential partner organisations in the three countries in relation to the implementation of the *Prevention and Empowerment in the NIS Programme*.<sup>2</sup>

During the mission several working methods were used. In addition to interviews and meetings with a wide range of stakeholders and analysis of available literature, a legal expert was contracted to write a report on the legislation which impacts on LGBT people. In addition a questionnaire was developed, to which 120 members of the LGBT community returned responses.

COC and ILGA-Europe would like to thank most sincerely all those who gave of their time and expertise so generously, who assisted us with practical matters, who educated us about the historical and cultural nuances

<sup>2</sup> Responding to HIV/AIDS amongst Sexual Minorities, this is a TMF (Thematische Mede Financiering) programme funded by the Ministry of Foreign Affairs in the Netherlands.



of Georgia, who introduced us to people whose input proved invaluable, who inspired us with their commitment to the advancement of human rights in Georgia and who encouraged us to pursue sound and credible information so as to better achieve the objectives of our mission. Particular thanks go to Paata Sabelashvili and the Inclusive Foundation, who have been crucial in organising the visit and meetings and manifested a truly Georgian hospitality, Eka Aghdomelashvili, Ana Dolidze, Pierre Vischioni, two Giorgis, Khatuna Tsintsadze, Salome Asatiani, Ambassador Onno Elderenbosch, Janet Alberta, Van Nelson, Nino Lejava, Kakha Kepuladze, Tamuna Kaldani, Manana Tabukashvili, Ambassador Igor Gaon, and the friendly members of the Georgian lesbian, gay, bisexual and transgender community.











## Chapter 1

# Country Profile

## 1.1 Introduction<sup>3</sup>

Georgia, known officially from 1990 to 1995 as the Republic of Georgia, is a country in Eurasia to the east of the Black Sea. Most of Georgia is located in the South Caucasus, while a portion lies in the North Caucasus. It shares borders with Russia in the north, and Turkey, Armenia and Azerbaijan in the south. One of the first republics of the former Soviet Union to declare independence, it did so in 1991 before the collapse of the USSR. Currently in the process of implementing wide-ranging reforms and occupied with efforts to settle internal conflicts, Georgia has attracted the attention of a range of other countries, with different interests and motivations, as it seeks to deepen democracy and attain greater economic stability.

<b>Name of the country:</b>	Georgia
<b>Capital:</b>	Tbilisi
<b>Total surface:</b>	69.700 m <sup>2</sup>
<b>Border countries:</b>	Russia, Azerbaijan, Armenia, Turkey
<b>Population:</b>	4, 6 million
<b>Monetary unit:</b>	Lari (exchange rate: 2 Lari to 1 euro)
<b>Main exports:</b>	scrap metal, machines, chemicals, oil transport, citrus fruits, tea, wine
<b>Main imports:</b>	fuel, machines and parts, transport, grains and other food, medicines
<b>GNI per capita:</b>	1350 US\$
<b>Ethnic groups:</b>	Georgian 70.1%, Armenian 8.1%, Russian 6.3%, Azeri 5.7%, Ossetian 3%, Abkhaz 1.8%, other 5%
<b>Religions:</b>	Georgian Orthodox 65%, Muslim 11%, Russian Orthodox 10%, Armenian Apostolic 8%, unknown 6%
<b>Internet Domain:</b>	.ge
<b>Internet Usage:</b>	30,8 users per 1000 people
<b>Languages:</b>	Georgian 71% (official), Russian 9%, Armenian 7%, Azeri 6%, other 7% note: Abkhaz is the official language in Abkhazia
<b>Human Development Index</b>	100 (of 140 countries)

<sup>3</sup>Sources for this section of the report include a wide range of reports, all of which are cited in the bibliography.



Map No. 3780 Re. v. 5 UNITED NATIONS  
August 2004

Department of Peacekeeping Operations  
Cartographic Section

## 1.2 Historical Overview

The history of the region, of which Georgia is now a part, is associated with the Ottoman, the Persian and, more latterly, the Russian Empires. One of the first areas in the region to adopt Christianity, it was conquered by the Arabs in the 7th century and later by the Mongols in 13th century. Established in the 11th century, the Kingdom of Georgia disintegrated in the 15th century, after which there followed a period of exploitation by neighbouring kingdoms. From the 16th century the Persian Empire and the Ottoman Empire were in control of the eastern and western regions of Georgia, respectively.

Georgia was incorporated into the Russian Empire in 1801. After the Russian Revolution of 1917, the country enjoyed a period of independence between 1918 and 1921. From 1921 until independence in 1991, Georgia was integrated into the Soviet Union, at first as part of the Transcaucasian Socialist Federal Soviet Republic, and then from 1936 as the Georgian Soviet Socialist Republic.

During the Gorbachev administration, Eduard Shevardnadze, previously first Secretary of the Georgian Communist Party, played an important role as one of the main architects of perestroika and glasnost. Having



held the first democratic, multi-party elections in the Soviet Union in 1990, Georgia declared independence in 1991, shortly before the collapse of the USSR. Following a bitter civil war, Shevardnadze was elected president in 1995 and remained in power until 2003. Widely criticised elections in November, 2003 resulted in the so-called Rose Revolution, which in turn resulted in him being deposed. Following further elections, Mikhail Saakashvili was elected President in January 2004 and his party, the National Movement-Democrats, secured a parliamentary majority.

## 1.3 Political Environment

Georgia is a republic, with an elected President who functions as head of government and head of State. There is an elected unicameral parliament, made up of a range of political parties. Executive power is exercised by the government, while federal legislative power is vested in both the government and parliament. The parliament consists of 235 members, elected for a four-year term; 150 seats are determined by proportional representation and 75 represent single-seat constituencies.

Ongoing internal territorial conflicts are a major concern. Since independence, Georgia has endured periods of civil war and unrest related to the breakaway regions of Abkhazia and South Ossetia and their quest for independence. A cease-fire in 1993 and ongoing diplomatic efforts, backed up by UN and Commonwealth of Independent States (CIS) peace-keeping forces, have brought relative stability. Nevertheless, the conflicts remain unresolved.<sup>4</sup> With approximately 300,000 persons internally displaced, there is much work at grassroots level to promote co-operation and to build confidence between communities.<sup>5</sup>

Since the Rose Revolution a combination of international pressure and international support have provided the impetus for a programme of government reforms to tackle issues such as corruption, unemployment and violations of human rights. In relation to the latter, a number of national and international human rights organisations, including Amnesty International, Human Rights Watch, and the International Helsinki Federation for Human Rights have been critical of the slow pace of progress.

## 1.4 The Georgian Economy

Once a relatively affluent part of the Soviet Union, Georgia has undergone severe economic upheaval due to the loss of cheap Soviet energy, large budget transfers from Moscow and profitable trade ties. The impact of the internal and regional conflicts is also a factor in the economic decline. Now one of the poorest countries of the former USSR, Georgia is still dependent on Russia for its energy supply.

Traditionally, agriculture has been the leading sector of the economy, which, with food processing, accounts for 20% of GDP and more than 50% of employment. Currently the main exports are wine, nuts and mineral water. The country has strong export potential because of its competitive labour force, its natural resources

<sup>4</sup>International Helsinki Federation for Human Rights, Human Rights in the OSCE region: Europe, Central Asia & North America, Report 2006 (Events of 2005)

<sup>5</sup>Ibid





and its strategic location as a transit corridor between Europe and the countries of Central Asia, and between Russia and the Middle East. In addition, Georgia is projected to receive transit revenue of around 1 percent of GDP from the transport of gas and oil via the Baku-Tbilisi-Ceyhan and the South Caucasus pipelines.<sup>6</sup>

Recent years have seen strong economic growth rates in Georgia. This is mainly due to the expansion of the private sector as a consequence of liberalisation.<sup>7</sup> In 2003 a growth rate of just over 11% was largely driven by construction, in particular the Baku-Tbilisi-Ceyhan oil pipeline, with spill over effects in the services sector. Other factors include a rebound in agricultural production and a strong growth in transport.<sup>8</sup>

The informal economy is estimated at 30% of total output, and has seen a decrease since the change of government in 2003. Foreign direct investment in oil and gas pipelines is the main engine of growth in the short term.

Figure 1

### DISTRIBUTION OF POPULATION OF AGE OVER 15 BY ECONOMIC STATUS AND SEX IN 1st QUARTER OF 2006

Thousand persons			
	Female	Male	Total
Population of age over 15, total	1702.3	1467.5	3169.8
Active population (labour force), total	878.1	1047.0	1925.1
Employed	773.4	869.7	1643.1
Hired	283.1	303.2	586.3
Self-employed	490.3	565.2	1055.5
Not-identified worker	0.0	1.4	1.4
Unemployed	104.7	177.2	281.9
<b>Unemployment rate (percentage)</b>	11.9	16.9	14.6
<b>Economic activity rate (percentage)</b>	51.6	71.3	60.7
<b>Employment rate (percentage)</b>	45.4	59.3	51.8

**Source:** Ministry of Labour, Health and Social Affairs, Georgia

Despite the fact that economic recovery has accelerated in the last few years, income per capita is significantly below pre-independence levels, the unemployment rate is at 15% and poverty levels have not improved.<sup>9</sup>

<sup>6</sup>World Bank Report No. 33344-GE

<sup>7</sup>Commission of the European Communities, Commission Staff Working Paper, Annex to European Neighbourhood Policy, Country Report Georgia, COM(2005)72 final

<sup>8</sup>Ibid

<sup>9</sup>Commission of the European Communities, Commission Staff Working Paper, Annex to European Neighbourhood Policy, Country Report Georgia, COM(2005)72 final





# 1.5 Demographics

The population of Georgia is 4.6 million, with ethnic Georgians forming a majority of 83.8%, Azerbaijanis 6.5%, Armenians 5.7%, Russians 1.9%, , others 2.7%. Since the fall of the Soviet Union, Georgia has suffered a serious population collapse as the conflicts in Abkhazia and South Ossetia, a fragile economy, and poor job opportunities have led hundreds of thousands of Georgians to emigrate in search of work, especially to Russia. The problem is exacerbated by a very low birthrate among the remaining population. A side effect of this emigration is that the ethnic minority proportion of the population has roughly halved in the last fifteen years, with minority groups showing themselves more likely to leave the country.<sup>11</sup>



Poster on Georgia's diversity in three languages, photo by Inclusive Foundation

# 1.6 Social Development

According to US State Department of Statistics (SDS), the lowest incidence of poverty, both overall and extreme, was recorded in 1997. Since then there has been considerable variation from year to year and between urban and rural. Trends indicate that urban poverty is declining while rural poverty is worsening in recent years.<sup>12</sup> The unemployment rate was about 13% in early 2004 with urban unemployment around 25%. Self-employment accounts for 66% of total employment. Statistics from the Ministry of Labour, Health and Social Affairs in Georgia, shown in Figure 1 on page 7, indicate an unemployment rate of 14.6% for the first quarter of 2006. An article in the Messenger<sup>13</sup> in August 2005, which relied on official government figures, reported that with unemployment continuing unchecked, government spending programmes to combat unemployment had been reduced from 2.4 m. lari in 2004 to 1.7 m. lari in 2005.<sup>14</sup>

<sup>12</sup>World Bank figures for 2004 puts the overall incidence of poverty at 55%, with 17% of population in extreme poverty, World Bank Report No. 33344-GE  
<sup>13</sup>The Messenger is a leading English language daily newspaper published in Tbilisi, Georgia.  
<sup>14</sup>M. Alkhazashvili, "Unemployment among Georgia's most pressing social problems" The Messenger, 10th August, 2005 [www.messenger.com.ge](http://www.messenger.com.ge)

<sup>10</sup>2002 census data  
<sup>11</sup>Commission of the European Communities, Commission Staff Working Paper, Annex to European Neighbourhood Policy, Country Report Georgia, COM(2005)72 final





Figure 2

Poverty <sup>15</sup> (% of population below national poverty line)	55
Urban population (% of total population)	52
Life expectancy at birth (years)	72
Infant mortality (per 1.000 live births)	25
Child malnutrition (% of children under 5)	3
Access to an improved water source (% of population)	71
Illiteracy PA of population age 15+	0
Gross primary enrollment (% of school-age population)	97
Male	99
Female	96 <sup>16</sup>

It has been noted that since poverty has emerged relatively recently in Georgia, the government lacks the experience to draft effective policies. One report speaks of there being no history of government-sponsored pro-poor initiatives in Georgia.<sup>17</sup> This report, published by the Overseas Development Institute, also cites a weak government and the “lack of purchase that ‘poverty’ has as a political and public issue”<sup>18</sup> as reasons for the absence of effective anti-poverty policies.

In June 2003 the government adopted an Economic Development and Poverty Reduction Programme (EDPRP). An IMF/World Bank document notes that in the early stage of this poverty-reduction framework, the Georgian government lacked “the clear prioritization” needed to deal with its limited resources.<sup>19</sup> The same report notes that an important aspect of the Government’s current strategic thinking is the introduction of a more results-focused approach to budget preparation in the context of a medium-term expenditure framework.<sup>20</sup> Such an approach is likely to be more effective in tackling poverty in a sustained and measurable way. With projections to reform the present system of poverty benefits from 2005 onwards, the first Progress Report on EDPRP implementation shows that significant progress in combating poverty was already made in 2004. In particular, payment of arrears on pensions was a significant achievement in poverty reduction. Under the EDPRP, the government is also required to develop a national strategy for sustainable development.

<sup>15</sup>For the purposes of its study cited in this section, the World Bank used an absolute poverty line of \$2 per day, which is a closer approximation to basic material needs in the Region than the well-know global standard of \$1 per day because of the additional expenditures on heating and warm clothing

<sup>16</sup>World Bank Report No. 33344-GE

<sup>17</sup>Overseas Development Institute, Working Paper 239, Politics and the PRSP Approach: Georgia Case Study. Kate Hamilton, May 2004

<sup>18</sup>Ibid, page 11

<sup>19</sup>International Monetary Fund and World Bank, Recent Policies and Performance of the Low-Income CIS Countries: An Update of the CIS-7 Initiative, 2004

<sup>20</sup>Ibid



Figure 3

	2005*
Population growth (annual %)	-1.0
Life expectancy at birth, female (years)	74.5
Life expectancy at birth, male (years)	66.7
Poverty headcount ratio at \$2 a day (PPP) (% of population)	25.8
GDP (current US\$) (billions)	6.39
GDP growth (annual %)	9.3
GNI per capita, Atlas method (current US\$)	1350
Inflation, consumer prices (annual %)	8.2
Foreign direct investment, net inflows (% of GDP)	9.7
Unemployment, total (% of total labor force)	11.5
Time required to start a business (days)	21
Internet users (per 1,000 people)	39

**Source:** *World Development Indicators (2006)*

As with most post-Soviet countries, the loss of budget transfers from Russia has meant a decline in standards of public services. Current public expenditure on public health is low at 6% of all Government spending (2003) and as a percentage of GDP (only about 1%).<sup>21</sup> This is still well below the targets of the EDPRP. The 1997 Law on Medical Insurance introduced a social insurance system managed by the publicly-owned State United Social Insurance Fund (SUSIF). The SUSIF is primarily funded through a mandatory payroll tax, with employers expected to contribute 3% and employees 1% of salary. As contribution rates remain low, revenue from this tax covers only 70% of its budget, with the remainder depending on transfers from the central (20%) and local budgets (10%).<sup>22</sup>

In education, despite generally high enrollment rates – see Figure 2 on page 8 – there are many problems. Reduced funding has resulted in a decline in quality with unclear standards and assessment procedures; vastly reduced funding resulting in non-payment of salaries; shortage of learning material; poor upkeep of buildings; corruption; lack of clear strategic vision; and reduced access to higher education for the less well off.<sup>23</sup>

## 1.7 External Relations

Georgia is a member of the UN, the Council of Europe, the OSCE, Commonwealth of Independent States, Black Sea Economic Cooperation Organisation (BSEC) and the GUAM (Georgia, Ukraine,

<sup>21</sup>United Nations Country Team in Georgia, 2005, United Nations Development Assistance Framework (UNDAF) 2006-2010

<sup>22</sup>International Monetary Fund and World Bank, Recent Policies and Performance of the Low-Income CIS Countries: An Update of the CIS-7 Initiative, 2004

<sup>23</sup>Ibid



Azerbaijan and Moldova) regional grouping as well as the IMF, the World Bank, WTO and EBRD. It is a party to the Nuclear Non-Proliferation Treaty. The main strands to its foreign policy are integration in European and Euro-Atlantic structures; development of relations with Russia based on mutual respect; and promotion of regional cooperation with its neighbours.<sup>24</sup>

The separatist conflicts in Abkhazia and South Ossetia have contributed to a tense relationship between Georgia and Russia. The alleged presence of Chechen terrorists on Georgian territory, the difficulties involved in arriving at an agreement on a timetable for the withdrawal of the remaining Russian military bases from Georgia in implementation of the 1999 OSCE Istanbul Summit commitments, and Georgia's energy dependence on Russia have also contributed to tensions.<sup>25</sup> The government had sought to ease these tensions since the Rose Revolution through its support of Russia's accession negotiations to the WTO and also through enhanced anti-terrorist and border cooperation.<sup>26</sup> Thus, while some progress on this front had been achieved, tensions remain high. For example, what started in the early part of 2006 as Russia's ban on Georgian wine, escalated to a situation described by the Georgian government as "Russia's total economic blockade."<sup>27</sup> At time of writing, EU and other world leaders are calling on both the Russian and Georgian governments to tone down the rhetoric and to work toward a resolution of the tensions.<sup>28</sup>

Given its geo-strategic position, particularly as a transit route between Europe and Asia, Georgia is keen to promote regional co-operation, in particular with Armenia and Azerbaijan. The Baku-Tbilisi-Ceyhan oil pipeline, which began operations in May, 2006 and Baku-Tbilisi-Erzrum gas pipeline, due to become operational in September 2006 will have important benefits for the region and beyond.

Prior to the European Neighbourhood Policy, Georgia's relationship with the EU was based on the Partnership and Co-operation Agreement which came into effect in 1999. This was enhanced in July 2003 with the appointment of a European Union Special Representative for the South Caucasus. EU Funding to Georgia has amounted to almost €420 million during the period 1992-2004 and has been spent, among other things, on humanitarian assistance (including food aid), legal and regulatory reform, debt reduction and the development of civil society and human rights.<sup>29</sup>

A significant step forward was made in June 2004 with the Council's decision to offer Georgia the opportunity to participate in the European Neighbourhood Policy.

## 1.8 Civil Society & Human Rights

Since independence Georgia has been widely praised for the diversity and strength of its civil society sector. However, while civil society played an important role in shaping public opinion and, to a lesser extent as a watch dog, during the Shevardnadze government, its influence over Government decision-making today may

<sup>24</sup>Commission of the European Communities, Commission Staff Working Paper, Annex to European Neighbourhood Policy, Country Report Georgia, COM(2005)72 final

<sup>25</sup>Ibid

<sup>26</sup>Ibid

<sup>27</sup>See UNA- Georgia Online Magazine at civil.ge archives, October 2006

<sup>28</sup>Ibid

<sup>29</sup>Ibid



be more limited. The COE speaks of “a weak parliamentary opposition and a weaker civil society”<sup>30</sup>.

In terms of organisation, it is estimated that there are approximately 4,600 NGOs in Georgia today. The Human Rights Information and Documentation Center (HRIDC) in Tbilisi published a directory in 2004<sup>31</sup> which lists 139 Human Rights NGOs in Georgia. Of these, 70% are located in the capital, while the rest are regionally based.

The HRIDC published its second report on the status of human rights in the country up to the end of 2005.<sup>32</sup> Recalling the hope and expectations engendered by the Rose Revolution, the report presents an overall picture of an increase in anti-democratic processes which leads the HRIDC to conclude that “Georgia is acquiring all the signs of a police state”<sup>33</sup>. It notes that although important steps were taken to initiate much-needed reforms, including the introduction of legislation, failures in implementation have created a growing culture of impunity. The Parliamentary Assembly of the Council of Europe (PACE) in its 2005 report noted that “most reforms are still at the very beginning and major challenges still lie ahead”<sup>34</sup>. Earlier this year (2006) in an open letter to President Bush prior to his meeting with President Mikhail Saakashvili, Human Rights Watch stated, “Despite some progress in recent years to rectify long-standing human rights violations, the Georgian government is backsliding on many of its human rights commitments...”<sup>35</sup>

An examination of the major human rights monitoring reports indicates that the primary areas of concern in the field of human rights in Georgia are:

- Torture and degrading treatment of detainees
- Lack of religious freedom<sup>36</sup>
- Lack of freedom of expression<sup>37</sup>
- Lack of independence within the judiciary
- Infringements of the right of assembly
- Politically motivated kidnappings
- Political imprisonment
- The plight of refugees, including internally displaced persons
- Violations of socio-economic rights

<sup>30</sup>PACE Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, *Implementation of Resolution 1415 (2005) on the honouring of obligations and commitments by Georgia (DOC 10779)*,

<sup>31</sup>See [hridc.org](http://hridc.org)

<sup>32</sup>HRIDC, *Next Stop – Belarus? Human Rights Report 2005*

<sup>33</sup>Ibid

<sup>34</sup>PACE Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, *Implementation of Resolution 1415 (2005) on the honouring of obligations and commitments by Georgia (DOC 10779)*,

<sup>35</sup>Human Rights Watch, Press Release, Open Letter to President Bush on his forthcoming meeting with President Mikhail Saakashvili, 27 June, 2006

<sup>36</sup>International Helsinki Federation, Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 (Events of 2000) indicates a significant reduction in violence against religious minorities in Georgia, but notes that some religious minority communities continue to suffer low-level violence

<sup>37</sup>Referencing a number of national and international reports, a recent report by GYLA, *Freedom of Expression in Georgia, 2006*, notes that while national legislation grew more democratic, the media lost its freedom of expression



The lack of change in institutional structures is cited as a major reason why relatively little real change has been achieved, while progress is often attributed to 'enlightened' individual officials.<sup>38</sup> In its report of January 2005, the Council of Europe (COE) argues that a priority for Georgia should be the creation of "an adequate and functioning system of checks and balances" to ensure that institutional change permeates all systems.<sup>39</sup>

Human Rights Watch (HRW) regards Georgia's invitation to become part of the European Neighbourhood Policy as "the perfect occasion to set clear goals and benchmarks in the field of human rights".<sup>40</sup> In a later press release on this topic, Human Rights Watch argued further that the EU should only "agree to action plans that set concrete benchmarks and specific timelines for progress on human rights...and must firmly state the consequences if these countries fail to comply."<sup>41</sup>

## 1.9 Gender Equality

A 1999 study carried out by the Caucasus Women's Research and Consulting Network concluded that "the major symptoms of Georgian women's discrimination are: i) women are not aware of discrimination and consequently accept gender asymmetry in many spheres; ii) discriminative character of traditions and their leading role in the oppression of women; and iii) family, as an institution supporting discrimination."<sup>42</sup> Some gender experts acknowledge that Georgia is "not plagued by some of the most odious varieties of gender inequalities".<sup>43</sup> Nevertheless, despite the fact that the labour code protects women who are pregnant, or who have children, and single mothers against discrimination, considerable inequalities do exist and require concerted government action.

According to a UNDP report announcing the launch in 2005 of a programme<sup>44</sup> to support the promotion of gender issues in politics, "gender equality and women's issues are not high on the agenda in political discussions." Among the reasons given for the lack of political focus on gender equality are the government's lack of experience and understanding of gender and development work and the volume of pressing and urgent issues already on the government's reform agenda. In addition the shortage of women parliamentarians to promote gender and women's issues is seen as a factor in this regard.<sup>45</sup>

A State Commission on Elaboration of the State Policy for Women's Advancement was established in 1998. The Commission developed a draft National Action Plan for Improving Women's Conditions in Georgia to cover the period 1998-2000, which was approved by the President of Georgia. Following the elections in 2004, the new President officially stated his commitment to increase women's participation in decision-making bodies.

<sup>38</sup>HRIDC, Next Stop – Belarus? Human Rights Report 2005

<sup>39</sup>PACE Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, Implementation of Resolution 1415 (2005) on the honouring of obligations and commitments by Georgia (DOC 10779)

<sup>40</sup>Human Rights Watch, Georgia and the European Neighbourhood Policy, Briefing Paper, June 2005.

[http://hrw.org/backgrounder/eca/georgia0605/2.htm#\\_To c110402271](http://hrw.org/backgrounder/eca/georgia0605/2.htm#_To c110402271)

<sup>41</sup>Human Rights Watch, Press Release, EU-South Caucasus: Concrete Human Rights Benchmarks Needed, 9 December, 2005

<sup>42</sup>Caucasus Women's Research and Consulting Network, Gender Stereotypes and Hidden Female Discrimination, 1999

<sup>43</sup>Sumbadze, N., & Tarkhan-Mouravi, G. (2005). Gender & Society in Samtskhe-Javakheti, Georgia. UNDP, Tbilisi, 2005

<sup>44</sup>The UNDP Gender and Politics Programme for the South Caucasus

<sup>45</sup>Ibid





However, the large change in government personnel that came about after the elections meant that the commitment to the National Action Plan was not well established within government. The Commission stopped functioning and the majority of gender focal points are no longer in place.<sup>46</sup>

More recently, in October 2004, the UNDP Gender and Politics Programme supported the establishment of the "Advisory Council of Gender Equality" within the Parliament of Georgia. Further, in June 2005 the Governmental Commission on Gender Equality was established within the Office of the State Minister of Georgia on European and Euro-Atlantic Integration. The newly convened Commission owes its establishment, in part, to an initiative of the Women's NGO Coalition with the support of OSCE/ ODIHR.<sup>47</sup>

Thus we have two national mechanisms, at legislative and executive level: The Council, which is made up of representatives of Parliament, NGOs, and the executive branch of government, has a mandate to formulate the State's gender policy, to propose legislation to support gender mainstreaming and to monitor commitments to the Beijing Platform for Action. The Commission represents an inter-agency body with all line ministries invited to participate at Deputy Ministerial level. Its main brief is to develop a National Action Plan on gender equality and to draft recommendations for harmonizing national legislation with European standards.<sup>48</sup>

According to a recent submission by the Georgian government to the United Nations Committee on the Elimination of Discrimination against Women, "family violence is one of the most widespread problems in Georgia"<sup>49</sup> Thus, the adoption in May 2006 of new legislation on domestic violence was welcomed by, among others, Amnesty International. The law provides the legal basis for the issuance of protection and restraint orders and calls for a national action plan to combat domestic violence.<sup>50</sup>

## 1.10 International Human Rights Bodies, National Human Rights NGOs

In the context of this report, it is important to note that none of the international human rights monitoring bodies has made an observation on the situation of people in the LGBT community. It is also the case that only a few of the Georgia-based NGOs have taken up the case for greater protection against discrimination for LGBT people. An assessment of the roles and functions of NGOs in Georgia, carried out in 2005, cited homosexuals as among the most marginalised populations (along with senior citizens that live alone, orphans and street children, the disabled people, IDPs and refugees, people infected by HIV/ AIDS, and the mentally ill) and reported that while Georgian community service organisations deliver numerous activities aimed at empowering marginalised population, "both the scope and impact of these activities are rather limited"<sup>51</sup>

<sup>46</sup>UNESCAP, UNDP, UNIFEM and OSCE/ODIHR, Institutional Mechanisms to Promote Gender Equality in Economies of SPECA Member Countries: Progress and Challenges, December 2005

<sup>47</sup>Ibid

<sup>48</sup>UNESCAP, UNDP, UNIFEM and OSCE/ODIHR, Institutional Mechanisms to Promote Gender Equality in Economies of SPECA Member Countries: Progress and Challenges, December 2005

<sup>49</sup>Report to Committee on the Elimination of Discrimination against Women by Georgia, 2004

<sup>50</sup>Amnesty International, Georgia: Thousands suffering in silence: Violence against women in the family, September, 2006

<sup>51</sup>Civicus Civil Society Index Shortened Assessment Tool Report for Georgia, Strong Commitment to Democratic Values in a Challenging Environment: An assessment of Georgian Civil Society, 2005



On one level this lack of attention to the promotion of equality for LGBT people is explained in the context of the pressing nature of other human rights issues listed above. It is also argued that until there is fundamental systemic and cultural reform throughout all layers of government, it will be difficult to gain political will and commitment for a comprehensive and inclusive human rights agenda.<sup>52</sup> For its part the OSCE points to torture, judicial reform, anti-tracking measures and gender mainstreaming as being among its priorities in Georgia. The OSCE is doubtful if Georgian society would be receptive to opening up the debate about equality for LGBT any time in the near future.<sup>53</sup>

The Georgian Young Lawyers' Association (GYLA), an NGO dedicated to promoting human rights and the rule of law has taken a supportive position in relation to the advancement of equality for LGBT people. Founded in September, 1994, GYLA is a professional, membership-based organisation with nearly 600 members. It carries out its activities both in Tbilisi and throughout the country, with seven regional offices. Over the years, GYLA has pursued several initiatives:

- Provision of free legal aid system;
- Legal training and civil education;
- Drafting and lobbying Georgian legislation;
- Representing citizens in court and carrying out strategic litigation;
- Development of lawyer's professional skills;
- Encouragement of a robust civil society;
- Promotion of transparency and access to public information.

Of particular importance in the context of this mission, is the support given by GYLA to one of the men who reported his experience of physical abuse because of his sexual orientation to the mission. In addition to seeking the support of the Public Defender's Office, Georgi also reported the attack on him to GYLA.

The following section of this report attempts to describe the environment in which LGBT people in Georgia live their daily lives. For the most part, they remain largely invisible, with few resources in terms of meeting places or networks of support; and they endure deeply engrained homophobia from most sections of society. It would appear that the promotion of equality for LGBT people in Georgia is a very long way down the agenda. Nevertheless, there are signs of hope: the inclusion, in May 2006, of sexual orientation as a prohibited ground of discrimination in the new Labour Code; the setting up in the summer of 2006 of the Inclusive Foundation, the first organisation to officially register as providing services to LGBT people; the widening debate about homosexuality, a debate to which this mission has contributed; and the commitments of support by NGOs within Georgia are all hopeful signs of a growing momentum towards protection and equality for LGBT people.

<sup>52</sup>PACE Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, Implementation of Resolution 1415 (2005) on the honouring of obligations and commitments by Georgia (DOC 10779)

<sup>53</sup>Anonymous report









## Chapter 2

# Situation for LGBT Community in Georgia<sup>54</sup>

## 2.1 Introduction

This section of the report looks at a range of issues that constitute the environment in which the LGBT community lives in Georgia. It draws on information obtained during the course of the mission, through interviews and focus groups and from the writings of Georgian activists and academics. The section covers the visibility of the LGBT community, aspects of Georgian culture which are seen as factors contributing to homophobia, how homosexuality is portrayed in the media, the position of the church on homosexuality, the influence of nationalism, as well as some of the efforts being made by intergovernmental bodies and NGOs to broaden the debate and advance a more tolerant and equitable environment.

While homosexuality is no longer considered a crime in Georgia and there is an equal age of consent, a high level of hostility toward homosexuality prevails in virtually every level of Georgian society. Many believe homosexuality to be a disease, some see it as a sin, others as a perversion, but few consider it a sexual orientation. The degree to which the issue is considered a social taboo was highlighted recently within the context of a public debate organised by the Heinrich Boll Foundation.<sup>55</sup> A number of speakers referred to the difficulty of making progress when there is such resistance in the first place to even introducing the subject of homosexuality for debate. As one speaker noted, such is the level of taboo surrounding homosexuality that the hostile attitudes and the consequent impact on homosexuals are not even identified as problematic.<sup>56</sup>

## 2.2 Visibility

According to one expert commentator, interviewed during the mission, there is a large gay community in Tbilisi, which is an underground subculture, very much closed off from outsiders and predominantly made up of gay men.<sup>57</sup> Another commentator estimates that between 5 and 10% of homosexuals are open about their sexual orientation, while an increasing number of the professional classes (albeit, quite small as a percentage of the overall population) are beginning to 'show' it in their dress and general appearance, while still not prepared to talk about it. A 2005 report noted that there were no significant public figures in Georgia who

<sup>54</sup>Some of the material in this section has been sourced in a report, which, for a number of reasons, cannot be directly referenced. ILGA-Europe and COC, Netherlands are satisfied as to the credibility of this report. In further citations, the report will be referred to as the Anonymous Report

<sup>55</sup>Reported during an interview during the Mission.

<sup>56</sup>Information given during an interview carried out during the mission.

<sup>57</sup>Interview with Salome Asatiani





were open about their homosexuality. In the same report homosexuality was described as “a taboo, and, with very few exceptions, it is not considered a matter for public discussion.”<sup>58</sup>

In a survey carried out by South Caucasus Institute for Minorities (SCIM)<sup>59</sup> among 200 men throughout Georgia, 103 of the respondents identified as bisexuals. One analysis of this figure is that 80% of those who identify as bisexual are in reality homosexuals who have married because of social pressure. Similar findings were revealed in the survey carried out during the course of the mission. Almost 76% of respondents were male, while just 46% identified as gay.

Living openly is only possible for those in the capital and who are economically independent. Most LGBT people are reluctant to come out because of the negative impact it would have on their family and friends – so pervasive is the stigmatisation. Social life – that is to say socialising with peers – is, therefore, very limited for gay people in Georgia. During the mission, we have heard of only two bars which are gay-friendly. Many use the internet to meet and socialise with LGBT people; according to one interviewee, however, this is an option to be exercised with care in public internet cafes. Others we spoke with during the mission do not believe that it is so risky to be seen accessing a gay website. Nevertheless, one of the cases of homophobic violence documented in the course of the mission began with an encounter through the internet.

An illustration of the level invisibility of the LGBT community is that of one organisation with a mandate for serving that community. When registering as an NGO the organisation was advised not to mention in its statutes that it intended to work on behalf of sexual minorities. The Director of the organisation is not out, the organisation does not advertise its activities and few, even within the LGBT community, know of its existence.

The extent of the fear among many LGBT people of being publicly identified as gay is illustrated by the fact that one NGO working on HIV/ AIDS issues, Tanadgoma, was unable to get permission from anyone in the LGBT community for the production of video clips for use in an awareness-raising programme to be aired on national TV, despite assurances of complete anonymity.<sup>60</sup>

The difficulties encountered in trying to establish and maintain a gay-oriented website is an indication of the level of resistance to the LGBT community enjoying their own culture in Georgia. Two websites could not be sustained because of restrictions on free hosting by Georgian ISPs, and lack of funds to pay for hosting. A third website was hosted by a foreign ISP and this was successful to a point. A more recent attempt at a Georgia-based website led to the creation of [www.gay.ge](http://www.gay.ge), which operated for one year. However, when hostile and defamatory articles about the website began to appear in one of the national newspapers, the ISP withdrew its support.<sup>61</sup>

<sup>58</sup>Civics Civil Society Index Shortened Assessment Tool Report for Georgia, Strong Commitment to Democratic Values in a Challenging Environment: An assessment of Georgian Civil Society, 2005

<sup>59</sup>The findings of this survey were shared by a representative of SCIM during the course of the mission; however, the report has not been published.

<sup>60</sup>Anonymous report

<sup>61</sup>There are plans by the Inclusive Foundation to re-launch this website.





## 2.3 Lesbian Visibility

While there is a relatively limited level of openness among gay males in Georgia, lesbians are almost totally invisible. The greater isolation and marginalisation of lesbians is understood in the context of a gender analysis which points to the weaker, more economically dependent status of women generally. In the case of women, they are not only hiding their sexual orientation, but also their sexuality. As noted in a 2000 ILGA report, one reason for the greater isolation of lesbians in “traditional societies” is the “failure to recognise their sexuality except from the perspectives of the needs of men and the raising of children”<sup>62</sup>

A report by the AIDS Center in Georgia notes that while men’s pre-marital and extra-marital sexual exploits are accepted or excused, women are held to higher standards and those women who deviate from the motivation of procreation to seek pleasure from sex are considered as prostitutes.<sup>63</sup> In a 2004 survey in the city of Samtskhe-Javakheti, 96.7% of respondents expressed the opinion that women should preserve their virginity until marriage, while only 47.1% thought that men should not have sexual intercourse before marriage. In the case of adultery, the same survey found that just 36.3% of respondents believed that, in the case of a husband’s adultery, the wife would be right to seek divorce. In comparison a majority of 82.7% of respondents stated that the husband should divorce the adulterous wife.<sup>64</sup>

Contrary to expectations of a more liberal approach among the younger generation, a study by The Institute of Policy Studies in 2003 shows that 59.7% of young men and 87.5% of their parents reject premarital sex for women, and 52.6% of young women feel that women should remain virgins until marriage. At the same time, only 1.7% of young adults (men and women) support the norm of prohibiting premarital sex for men.<sup>65</sup>

A survey conducted in Tbilisi among 430 people aged 17-50, made up of 250 women and 180 men, revealed that 84% were negative toward homosexuals, 14% were neutral, while only 2% responded positively.<sup>66</sup> In relation to lesbian relationships the survey showed that 40% considered such relationship a disease, 34% viewed them as ugly, 20% as a sin. One percent considered lesbianism to be a temporary phase that women simply grow out of. When asked, just 1% of respondents, none of whom were women, indicated that they were in favour of organisations for lesbians.

On balance it would seem that lesbianism is seen as less of a problem than male homosexuality in Georgia. Nevertheless, there is ambivalence on this issue. Some of the interviewees expressed the view that same sex relationships between women were less threatening and therefore more tolerated. Since lesbians could retain their “virginity” while involved sexually with another woman, they avoided the disapproval experienced by

<sup>62</sup>International Lesbian and Gay Association (ILGA), Discrimination against lesbian, gay and bisexual persons in the Member States of the Council of Europe, 2000

<sup>63</sup>UNAIDS, UNICEF & Georgian AIDS and Clinical Immunology Research Center, Situation Analysis on HIV/AIDS in Georgia, 2001

<sup>64</sup>Sumbadze, N., & Tarkhan-Mouravi, G. (2005). *Gender & Society in Samtskhe-Javakheti, Georgia*. UNDP, Tbilisi, 2005

<sup>65</sup>Institute of Policy Studies, Transition to adulthood in Georgia: Dynamics of generational and gender roles in post-totalitarian society, 2003

<sup>66</sup>International Helsinki Federation for Human Rights, *An Investigation into the Status of Women’s Rights in Central & South Eastern Europe and the New Independent States, 2000*



women who engaged in premarital sex. Women having sex with women still allows for the marriage option. However, other commentators believe that such tolerance is predicated on a prohibition of public displays of affection.

## 2.4 Coming Out

The act of coming out cannot be underestimated, both in terms of the courage required to speak openly about one's sexuality and also in terms of the psychological pressure of feeling forced to stay hidden. Among the 120 respondents surveyed as part of the work of this mission, only 13.3% had come out to their family. When it comes to friends, the percentage is higher with 33.3% of respondents out to friends.<sup>67 68</sup>

Coming out in Georgia for most people can only be a partial exercise; that is to say because homophobia is widespread in the community and homosexuality is such a taboo, the secret remains a secret except to a few family and friends, who are in turn burdened with the secret and have no-one with whom to share it. Aghdgomelashvili believes that "by spreading certain myths about LGBT people, the media adds to their stigmatisation and prevents the processes of coming out and integration."<sup>69</sup>

During a focus group, one of the male participants talked about not needing to come out to his parents, saying that he has lots of friends with whom he can talk and that in fact there is benefit in not telling his parents because he can bring his lovers home. One of the women in the focus group told of being sent out of the country by her family when she came out as a lesbian and one of the men in the group was threatened with having to leave the country when he came out to his mother. Another 19-year-old women told of her parents getting divorced when she came out to them.

Most people in the focus group agreed that it is easier to come out to one's mother, because she will know best how to tell the father. This was borne out in the survey results with fathers ranking second last out of nine choices in terms of whom respondents felt it is easier to come out to. However, the women in the focus group said that they would find more support from their father and their brothers than they would from the women in the family.

## 2.5 Societal Homophobia

Homosexuals are the most despised group in Georgian society. A 1996 study indicates that homosexuals are viewed as the most undesirable neighbour.<sup>70</sup> As already noted, a 1998 survey carried out in Tbilisi, revealed that 84% of 430 respondents expressed a negative attitude toward homosexuality, 14% were neutral, while only 2% were positive.<sup>71</sup> According to a December 2006 survey, attitudes have not improved significantly in

<sup>67</sup> A further 12% said they thought their family knew of their sexual orientation, and a further 24% thought that their friends knew

<sup>68</sup> Discrimination survey conducted among 120 LGBT in Georgia - February 2006 (published by the Inclusive Foundation in the Georgia File 2006).

<sup>69</sup> Eka Aghdgomelashvili, Public Debate at the Heinrich Boell Foundation, "Homosexuality, Taboo in Georgia?", 27 Apr. 2005

<sup>70</sup> Study referenced by interviewee during the course of the mission

<sup>71</sup> International Helsinki Federation for Human Rights, *An Investigation into the Status of Women's Rights in Central & South Eastern Europe and the New Independent States, 2000*



recent years: 81.4% of respondents said they would not be on friendly terms with a homosexual, while 71.4% would not want to work with a homosexual. These were the most negative ratings among the various groups considered.<sup>72</sup> The concept of homosexuality is viewed as something to be abhorred, “the most extreme form of corruption from which it is impossible – unlike, for example alcohol, crime or drugs - to recover one’s life and one’s reputation”.<sup>73</sup> A negative attitude toward homosexuality in Georgia is taken as a positive thing. As Salome Asatiani, of the Department of Sociology at Tbilisi State University puts it “...discrimination [against homosexuals] is something taken for granted as a normal thing in Georgia. Hatred towards homosexuals and homophobia is common sense.”<sup>74</sup> Asatiani believes that there will be an increase in the negative stereotyping of homosexuals in the near future.<sup>75</sup> In her study of Tbilisi newspapers during a 4-month period in 2005, Eka Aghdgomelashvili demonstrates that homophobia is not perceived as a problem but is promoted rather as a “sign of soberness (sic) and wisdom of society.”<sup>76</sup>

There is some indication of the emergence of a generational shift in attitudes. A 2003 survey by the Institute of Policy Studies shows that almost 43% of young people, as compared with 20% of parents, demonstrated a tolerant attitude toward male homosexuality.<sup>77</sup> The percentages were similar for attitudes toward lesbians. The study showed that young women were more tolerant than young men.<sup>78</sup> Other observers believe that there are signs of a positive change in attitudes and that even if young people do not “accept” homosexuality, at least they are prepared to talk about it.<sup>79</sup>

Asatiani is less optimistic of this perceived generational shift toward tolerance and cites the homophobic comments expressed by young people in a popular internet forum in response to the discussion on television about a gay club in Tbilisi. Such was the degree and volume of aggression and hatred expressed that the moderators had to close it down. Those who argue that positive change is happening, while acknowledging the hatred, point to a few responses via the internet forum that reflect more tolerance. However, Asatiani notes that those using the internet forum come from the privileged, intellectual stratum of society and speculates about how much worse the response might be from the less privileged.<sup>80</sup>

## 2.6 Institutional Homophobia

Similar homophobic views are also held and expressed by public officials. According to Asatiani homosexuals, along with Jehovah Witnesses, Freemasons and sometimes Armenians, are publicly presented as enemies of “Georgianess” and “conspirators” who hinder the development of Georgia. Some commentators believe that

<sup>71</sup> International Helsinki Federation for Human Rights, An Investigation into the Status of Women’s Rights in Central & South Eastern Europe and the New Independent States, 2000

<sup>72</sup> Caucasus Research Resource Center, Programme of Eurasia Foundation: Short Review of the Results of Caucasus Research Resource Center’s Data Initiative Survey – December 2006

<sup>73</sup> Eka Aghdgomelashvili, Public Debate at the Heinrich Boell Foundation, “Homosexuality, Taboo in Georgia?”, 27 Apr. 2005

<sup>74</sup> Salome Asatiani interview for Anonymous Report

<sup>75</sup> Interview with Salome Asatiani

<sup>76</sup> Aghdgomelashvili, Eka, Representation of Homosexuality/homosexuals in Georgian Media, September to December 2005

<sup>77</sup> Institute of Policy Studies, Transition to adulthood in Georgia: Dynamics of generational and gender roles in post-totalitarian society, 2003

<sup>78</sup> Ibid

<sup>79</sup> Anonymous Report

<sup>80</sup> Salome Asatiani interview



the rise of nationalism, and the increasing preoccupation with and promotion of the national ideal, play a significant role in fostering opposition to and suspicion of any expression of difference.

There was an incident in parliament in 2003 during which the leader of the Socialist party accused the leader of the United Democrats of being gay and being Armenian. A bruising physical brawl ensued.<sup>81</sup> Similarly, in 2003 a Member of Parliament made a remark on television to the effect that Hitler's treatment of homosexuals was the right thing to do, and, as the director of the Liberty Institute remarked, there was little or no protest to this remark from any quarter.<sup>82</sup>

There is significant evidence to demonstrate that an effective way to inflict a damaging insult and to ruin reputations is to accuse the person of being homosexual. One of the starkest examples is that of the former Chief of the Security Council of Georgia, whose suicide is believed to be related in some measure to a sustained campaign in the media that labeled him as homosexual. While there were other factors involved, the media campaign did have a very great impact and worked to discredit him in public.<sup>83</sup>

Another documented incident relates to an attack on a group of young people distributing information which criticised the government. The attackers were members of the Democratic Revival Union (DRU) political party, who justified their behaviour by claiming that the young people, who belonged to the youth movement, Kmara (Enough), were distributing material promoting homosexuality. That the DRU felt that such a motivation, if it were true, would vindicate them in the eyes of the public reflects the high level of antipathy towards homosexuality in Georgian society.<sup>84</sup>

Paul Rimple, a freelance who writes on the Caucasus, gives his point of view on the issue of homosexuality in Georgian politics in a 2005 article on the death of former Georgian Prime Minister Zurab Zhvania.

"Fewer things are more scandalous than homosexual activity in a traditional, homophobic country like Georgia - especially between politicians. It exists but isn't talked about. People know about it but don't want to believe it. If this scenario were true and made known to the world, repercussions would be severe. The families would be dishonored, an unbearable reality in this part of the world. In the eyes of the country, it would be a geopolitical disgrace. That may be why this theory [of the prime minister homosexuality] isn't mentioned in the barrage of media speculations, although it is mentioned on the streets and many not only believe it, they joke about it".<sup>85</sup>



There is a belief that the current government may be more sympathetic than the pre-2004 government toward homosexuality and to the promotion of an equality agenda for LGBT people, but are reluctant to speak publicly. This view is shared by Salome Asatiani, who points to the government's emphasis on multiculturalism. There is general agreement that there is no discriminatory legislation or official government practices, but that

<sup>81</sup> A particular aspect of how this incident was portrayed in the media is discussed within the media section later in this chapter.

<sup>82</sup> Raised by Salome Asatiani in interview

<sup>83</sup> Ibid

<sup>84</sup> Ibid



the government ignores the violation of rights experienced by sexual minorities and perpetrated by society at large. Elene Tevdoradze, Chairperson of the Human Rights and Civil Integration Committee of the Parliament of Georgia said in a newspaper interview that Georgian legislation “neither infringes nor defends” the rights of sexual minorities and added that while the government is aware of the need to implement changes, the people of Georgia are not ready to move in this direction.<sup>85</sup> Tevdoradze’s position on homosexuality is itself problematic. In the same interview she expressed regret that some young people see the need to ‘change’ their sexual orientation to homosexuality. Elaborating, Tevdoradze went on to say that while nothing can be done for those people who are born homosexual, society must do something about these young people and their choice to become homosexual.<sup>87</sup>

There is also the influence of the Georgian Orthodox Church, which is perceived by some to have increased over recent years and which of course is supported by the government. The response of the Patriarch’s office to a newly created gay website in 2003 was to cite the Church’s historic message of homosexuality as “the gravest sin”. This typifies the Church’s position and that of its adherents.<sup>88</sup> Also in 2003, the Orthodox Church led a campaign against a production by the Wales Volcano Theatre Company of an adaptation of Shakespeare’s love sonnets that included homosexual scenes.<sup>89</sup>

## 2.7 Gender Roles and the Culture of Machismo

The traditionally held view of the different roles for men and women in society remain deeply engrained and widely adhered to in contemporary Georgian society. Along with the cult of motherhood, there is the cult of the real man.<sup>90</sup> Female sexuality is widely recognised only in relation to the needs of men, and women are expected to come to marriage as virgins and to remain faithful to their husbands. Men, on the other hand, are judged by a different standard and are forgiven their pre- and extra-marital sexual exploits. They are, however, constantly reminded of the imperative to live up to a certain image of manhood, an image associated with dominance, self-establishment and power. Any deviation from this image is regarded as suspect. The difficulties faced by male models who run the risk of being considered homosexual were discussed in *Georgie+*, a Tbilisi-based magazine. The choice of career in itself places them in contravention of the cult of the real man; to pose in underwear or other guises of an effeminate nature would be to render them totally ostracised.<sup>91</sup>

Homosexuality is perceived as a rejection of one’s original gender role. This means that young boys growing up will not allow the possibility to enter their thoughts, concentrating rather on the attainment of the real

<sup>85</sup> Diacritica Press, *I Am Georgia and My Prime Minister is Dead The Murder/Death of Zurab Zhvania* 19. Feb. 2005 <http://www.diacritica.com/sobaka/2005/zhvania.html>

<sup>86</sup> Interview with Elene Tevdoradze for *Akhali Taoba* (daily national newspaper in Georgia) cited in Aghdgomelashvili, Eka, *Representation of Homosexuality/homosexuals in Georgian Media*, September to December 2005

<sup>87</sup> Ibid

<sup>88</sup> Anonymous report

<sup>89</sup> Ibid

<sup>90</sup> UNESCO, Culture and Development Section Division of Cultural Policies and Intercultural Dialogue, *HIV and AIDS in Georgia: A Socio-Cultural Approach*, 2005

<sup>91</sup> Anonymous report



man. Those men who do have sex with other men and who are the active partner, i.e. the one who penetrates, are still able to claim the tag of the real man. It is the passive partner, the one who is penetrated, who is considered to be homosexual. According to Asatiani, those who are active (and there are many married men who have sex with other men) are even able to talk about it to their friends, without shame and without fear of being considered homosexual. Being passive, on the other hand, is associated with being effeminate and therefore with being homosexual.

For women in Georgia to deliberately deviate from their prescribed role as wife and mother is to risk the total condemnation of all around them. That lesbians are even less visible than gay men is due partly to a more pressing need for them to remain hidden. Their almost total invisibility and total rejection in Georgia is also due to the weaker position of women in general. They have less economic independence, and fewer opportunities to form community. Women who do not marry are generally viewed with suspicion and are not considered as engaging in sexual relationships. Women who seek pleasure in sex are labeled as prostitutes and as such are despised. With this in the background, lesbians tend to be very closeted, with most giving no thought to revealing their orientation to anyone.

Some suggest that lesbians are more tolerated because in effect they are taken less seriously on the basis that sex between two women, i.e. sex without a penis, is not really sex. Such negation can of course have equally damaging consequences as direct hostility.

## 2.8 Media Coverage

There is some difference of opinion on how the media portray homosexuality and homosexuals. Some believe that there is more discussion and coverage of related material, including movies with a gay theme, than ever before and that this is a sign of the emergence of a tolerant attitude. However, Salome Asatiani believes that while there is more coverage, the majority of it is negative and therefore not helpful. Conceding that the increased coverage indicates a weakening of the taboo, she insists that it is motivated by a perception that homosexuality is trendy and that what we are given is both sensational and deeply homophobic.<sup>92</sup>

An important contribution to the analysis of how homosexuality is portrayed in Georgian media and the impact of this coverage on public opinion and sentiment is the study done by Eka Aghdgomelashvili.<sup>93</sup> The study covers a four-month period in 2005 and examines coverage in six publications. In the introduction to the study, Aghdgomelashvili gives a brief overview of the history of how the press has dealt with homosexuality in Georgia, noting that the topic is first mentioned in the context of AIDS and prostitution in the 1990s. During that period, papers also ran features in the show business section, which were usually copied from foreign magazines. The type and volume of coverage changed dramatically during the period of political transition beginning in 1999. Politicians seemed so pre-occupied with the fight against homosexuality that it became almost an election slogan. Newspapers reflected the growing demonisation of homosexuals, who were portrayed as the number one enemy to national traditional values.

<sup>92</sup> Interview for Anonymous Report

<sup>93</sup> Aghdgomelashvili, Eka, Representation of Homosexuality/ homosexuals in Georgian Media, September to December 2005





According to the study, things changed again following the Rose Revolution in 2003 and the panic around the “conspiracy of blue” slowly faded out. The period covered by the study reveals that homosexuality is no longer discussed within the political context and that articles on homosexuality have moved from the front pages of leading newspapers to the popular press. Of a total of 54 articles, 65% portrayed homosexuals in a negative way, 35% were neutral, while none was positive. The level of homophobia exhibited in the coverage ranged from ‘concealed homophobia’, where positive gender norms are propagated, to attempts to prove the inferiority of LGBT persons, to accusations of LGBT people trying to negatively influence public opinion, to directly inciting homophobic violence.

The study was also able to delineate the specific myths promulgated by the newspapers; these ranged from the image of homosexuality as a precondition for demographic disaster, the notion that changing one’s sexual orientation is a thing of fashion, homosexuality as a sickness, the existence of a gay mafia in show business and politics, and the notion that lesbians are women who have never met a real man. In all, nine specific categories of myth were identified.

A major focus of the coverage during the study period was to construct non-traditional sexuality as a societal problem. To achieve this, news items about homosexuality have only a minor focus on ‘factual news’ while the accompanying discussion is supplied by ‘experts’ selected by the newspapers. Aghdgomelashvili characterises this approach as the monopolisation of the discourse and notes that very few LGBT people are given the opportunity to represent themselves.

An important dimension of the study is an examination of the self-representation of those LGBT people who are given opportunity by the newspapers. Exhibiting homophobia towards themselves, the majority of interviewees come across as “traumatised, lonely personalities or well concealed couples.” They do not discuss coming out, the existence of a community or the necessity for the protection of their rights or the legitimisation of their relationships.

This finding of Aghdgomelashvili’s is also illustrated in the media’s coverage of a debate hosted in 2004 by the Heinrich Böll Foundation. The Foundation has been organising debates on a range of topics for a number of years, but this debate – on sexual minorities – was the first to get media attention. What was evident was the lack of interest in the real issues, but rather in the event itself in terms of its sensationalism value for television.

Television coverage of homosexuality is the subject of a paper by Salome Asatiani, in which she examines how the brawl in parliament, mentioned above in “Institutional Homophobia”, was portrayed on Georgian television.<sup>94</sup> According to her reading of the coverage, both epithets (Armenian and gay) were regarded as equally insulting; to be Armenian is, from the perspective of the politician hurling the insult, to be not fully Georgian, just as true Georgians cannot be gay. On the one hand the effect was to negate the existence of gays in Georgia, thus reinforcing the ‘closet’ and their invisibility. On the other hand, it sought to demonise gays by ascribing to them inherent anti-social and anti-nationalistic behaviour.

<sup>94</sup> Asatiani, S. *Morality in Transition: Spectrum of Moral Messages on Georgian Television*, 2003



Part of the debate was focused on the fist fight that ensued, as distinct from the substance of the insult, and was framed around seemingly dichotomous viewpoints: politicians should behave themselves and control their emotions; politicians are human and history shows us that even the most eminent diplomats find it is difficult to restrain from physical aggression when insulted so badly. Together these positions demonstrate the tug between history and the aspiration toward a new order. As one commentator reported, locating the debate in the context of a country in transition, “Georgia is a country in which the rule of law doesn’t exist and in which the public has not internalised values of civic society and democracy.”<sup>95</sup>

A study by The Media Diversity Institute, based in London, looked at the coverage given to minority groups by the leading newspapers in Armenia, Azerbaijan and Georgia over a given time period.<sup>96</sup> The minority groups were ethnic, religious, refugees and IDPs, people with disabilities and sexual minorities. The study was first carried out in 2004 and repeated in 2005. The data for 2005 show that 2.5% of the articles during the month monitored were fully concerned with the topic of minorities groups. Georgian newspapers had the greater share of coverage compared to the other two countries, and this was explained in terms of the newsworthiness of ethnic minorities in Georgia. Almost 82% of the coverage of minorities in Georgia was about ethnic minorities. In sharp contrast, articles on sexual minorities constituted just 1.4% of the total coverage on minority groups.

The authors of the report comment on the important role the media could play “to promote human rights and democratic citizenship in the South Caucasus”. The study shows that those marginalised populations have little or no access to the press. Observing the placement of the articles as a measure of their newsworthiness, a conclusion of the study is that, on the whole, news about minorities, with the exception perhaps of ethnic minorities in Georgia, is not considered very newsworthy.

## 2.9 HIV/AIDS

With a relatively low prevalence rate of 0.13%, a total of 597 registered cases of HIV infection and a WHO estimation of approximately 3,000 PLHIV, Georgia is considered to carry a high potential for the rapid spread of the HIV epidemic.<sup>97</sup> While mass screening was mandated in 1986, prevention and public education interventions were neglected. This changed with independence, when all mandatory testing stopped, except for blood donors, and there was a shift toward prevention, public education and community involvement under pinned by a human rights approach. Testing is still carried out and is freely and confidentially available to key target groups – as is counseling – through the National AIDS Centre and fifty-four regional counseling centres. There remains considerable resistance to sex education and HIV prevention education in schools.<sup>98</sup>

<sup>94</sup> Asatiani, S. *Morality in Transition: Spectrum of Moral Messages on Georgian Television*, 2003

<sup>95</sup> Ibid

<sup>96</sup> Media Diversity Institute, *Press Coverage of Minority Groups in the South Caucasus, 2004-05* [www.media-diversity.org](http://www.media-diversity.org)

<sup>97</sup> The World Bank, *World Bank Working Paper No. 23, HIV/AIDS in Georgia: Addressing the Crisis*, 2004

<sup>98</sup> Ibid



In the early 1990s HIV was spread mainly through men having sex with men (MSM) and Commercial Sex Workers (CSWs). However, since 1996 injecting drug use (IDU) has become the primary route for HIV transmission, with IDUs accounting for 69% of registered cases. Men sleeping with men account for just 3% of cases. Myths and misperceptions abound among the general population as to how HIV is transmitted with most believing that because they do not belong to the risk groups, they face no risk whatsoever, even despite the low use of condoms. These beliefs are due in some measure to the peculiarities of gender roles in Georgia.<sup>99</sup>

## 2.9.1 Gender Roles, Sexuality and Risk of HIV

Motherhood is venerated above all other roles in Georgian society and yet the birth of a boy is prized above the birth of a girl. Women are expected to come to marriage as virgins and to remain faithful to their husbands, while the pre-marital exploits of men are ignored, and they are not held to the same standards of fidelity in marriage. Fewer sexual partners bolsters the notion that contraceptives are unnecessary, which is also reinforced by the traditional macho belief that “condoms are for cowards”.<sup>100</sup> While there has been some liberalisation of these roles in recent years, there is considerable effort made to keep up appearances, with women reluctant to admit to pre- or extra-marital sexual experiences. Because of the engrained condemnation of female sexuality in Georgia, the increase in sex work following the collapse of the Soviet Union did not reach the levels seen in other CIS countries. However, women who have taken on sex work, mostly due to economic necessity, are at greater risk of HIV infection.<sup>101</sup>

## 2.9.2 MSM, Homosexuality and HIV/AIDS

There has been no study on HIV and STI prevalence or investigation of risk behaviour among the MSM population in Georgia. Although the number of MSM cannot be estimated, the reported HIV prevalence among MSM is low (3.0%).<sup>102</sup> However, it is safe to assume that some of the officially registered HIV cases for which the routes of transmission are undetermined could be attributed to unprotected sexual contacts among MSM, not reported as such due to the associated stigma.

The authors of the UNESCO report on HIV and AIDS in Georgia believe that because of the invisibility of homosexual men and the nature of the ‘underground life’ they lead within Georgian society, it is extremely difficult to conduct HIV/ STI prevention and education among MSM in Georgia. As a result, this key population remains cut off from HIV- and AIDS-related prevention, treatment, and care interventions, and the stigmatisation and marginalisation by society only heightens their vulnerability to HIV.<sup>103</sup>

According to the World Bank paper on HIV and AIDS, most sexual activity in prisons involves sex between men, and most of these men do not identify as homosexual. In fact the reluctance to admit to same-sex sex among prisoners leads to underreporting, which in turns results in insufficient prevention and treatment of HIV and AIDS in prisons.<sup>104</sup>

<sup>99</sup> UNESCO, Culture and Development Section Division of Cultural Policies and Intercultural Dialogue, HIV and AIDS in Georgia: A Socio-Cultural Approach, 2005

<sup>100</sup> Ibid

<sup>101</sup> Ibid

<sup>102</sup> Ibid

<sup>103</sup> Ibid

<sup>104</sup> The World Bank, World Bank Working Paper No. 23, HIV/AIDS in Georgia: Addressing the Crisis, 2004



## 2.10 Discrimination, Harassment and Violence

There are no officially reported incidents of harassment, discrimination or violence against members of the LGBT population in Georgia. The exception is the case of Giorgi, interviewed during the course of this mission, who did report an attack on himself to the police in Tbilisi.<sup>105</sup> Giorgi sought the support of the Public Defenders Office and of GYLA. As of writing, the status of the investigations into the case is unclear.

With the absence of hate crime or, until very recently, of any anti-discrimination legislation, as well as the institutional and societal homophobia, there is considerable reluctance to report instances of harassment, discrimination or violence. However, representatives of the newly established Inclusive Foundation refer to anecdotal evidence of incidents of violence and harassment against LGBT people, including police harassment. This is supported by responses to the survey of 120 LGBT people in Georgia (see paragraph 2.4 above). Despite the fact that only a few of the respondents are open about their sexual orientation outside their circle of friends (for example, 18% reported having told neighbours and 15% work colleagues), 30% of respondents had experienced some form of harassment or violence, ranging through name calling, physical violence, sexual assault and police harassment.<sup>106</sup> Clearly, given the extent to which respondents conceal their sexual orientation from the public, the proportion subject to some form of harassment or violence is disturbingly high.

The Inclusive Foundation put the absence of reported cases down to fear and a sense of intimidation that prevents victims from reporting. In some cases, victims feel that the incidents of harassment, even when threats and theft are involved, are to be expected when people perceive you to be gay and that such incidents do not merit the attention of the police.<sup>107</sup> Another explanation for the lack of reported cases is a lack of confidence in the authorities to take any constructive action to find the perpetrators. Even an attempt to provide a facility through the gay.ge website for people to anonymously register complaints of harassment and/or violence failed to receive any hits.

There are, however, informal reports of physical abuse, much of it happening in cruising areas; a number of attacks, including one with teargas, on a gay pub which has since closed down; virulent and violent abuse over the internet, even on the Tbilisigay channel.

Some people interviewed during the mission report having to remain in the closet at work because of the fear of losing their jobs.<sup>108</sup> The absence, until recently, of any individuals or organisation to provide support or to defend their rights in the event of unfair dismissal further exacerbates the situation.<sup>109</sup>

Once sentenced to prison in Georgia, prisoners are housed in penal colonies, a system inherited from the soviet period. The penal colonies consist of a system of camps spread over 20-25 hectares. One activist who has implemented a number of programmes in these colonies explains that there is a strict hierarchy between detainees, at the bottom of which are homosexuals.<sup>110</sup>

<sup>105</sup> For details of Giorgi's case, see the case study included in this report.

<sup>106</sup> Discrimination survey conducted among 120 LGBT in Georgia - February 2006 (published by the Inclusive Foundation in the Georgia File 2006).

<sup>107</sup> See case study of Giorgi

<sup>108</sup> Information received during focus group

<sup>109</sup> The Inclusive Foundation plans to offer counseling and support services to victims of harassment and violence

<sup>110</sup> Anonymous report



“They are several scales in the hierarchy. Passive homosexuals or “kuriatniki” (chicken) belong to the lowest category of inmates. They do the hardest community tasks and live in the dirtiest barrack. They also are a ‘sex warehouse’ for other prisoners when they feel the need to”.<sup>111</sup>

Corroborating these assertions, The World Organization Against Torture and the Human Rights Information and Documentation Center report that in the Juvenile Penitentiary Colony “many issues typical of the post-soviet penitentiary system remain of concern. A sub-culture of violence and castes among detainees continue to exist, that encourages discrimination of “chicken” (homosexuals or children having been raped)”.<sup>112</sup>

Elene Tevdoradze acknowledges that the “situation in jail is very difficult” and that she “cannot say that there are no abuses” against homosexuals. However she adds that the administration tries to improve arrangements informally by placing detainees belonging to a sexual minority together in a separate cell during the preliminary investigation and by proposing that they live “relatively isolated” from the other prisoners inside the colonies. However, it is generally understood that prison authorities are unable to oppose the will of the criminal aristocracy in these matters.

During an interview as part of the mission, the Acting Head of the Division for Liberty and Equality of the Office of Public Defender<sup>113</sup> reported that while there had been no complaints on the basis of sexual orientation or gender identity during her tenure, she was aware of one reported complaint to its Office. According to this official the complaint relates to an individual who had sought to establish an LGBT organisation and who was physically attacked. The complainant, in the course of the investigation, had requested facilities and support for a press conference. This request had then been withdrawn but has more recently been renewed and the Office expressed its willingness to accommodate the request.

During the course of the interview the official acknowledged that the fact that there had only been one complaint to the Office of Public Defender did not indicate that this was representative of the real situation for LGBT people. She indicated that one reason for the lack of complainants might be the fear of reporting because of the taboo surrounding the issue.<sup>114</sup>

## 2.11 Community Organising

The level of organising among the LGBT community in Georgia is very low. Until August of this year (2006), there were no officially registered LGBT groups.<sup>115</sup> The process of registration, while posing no legal restrictions

<sup>111</sup> Ibid

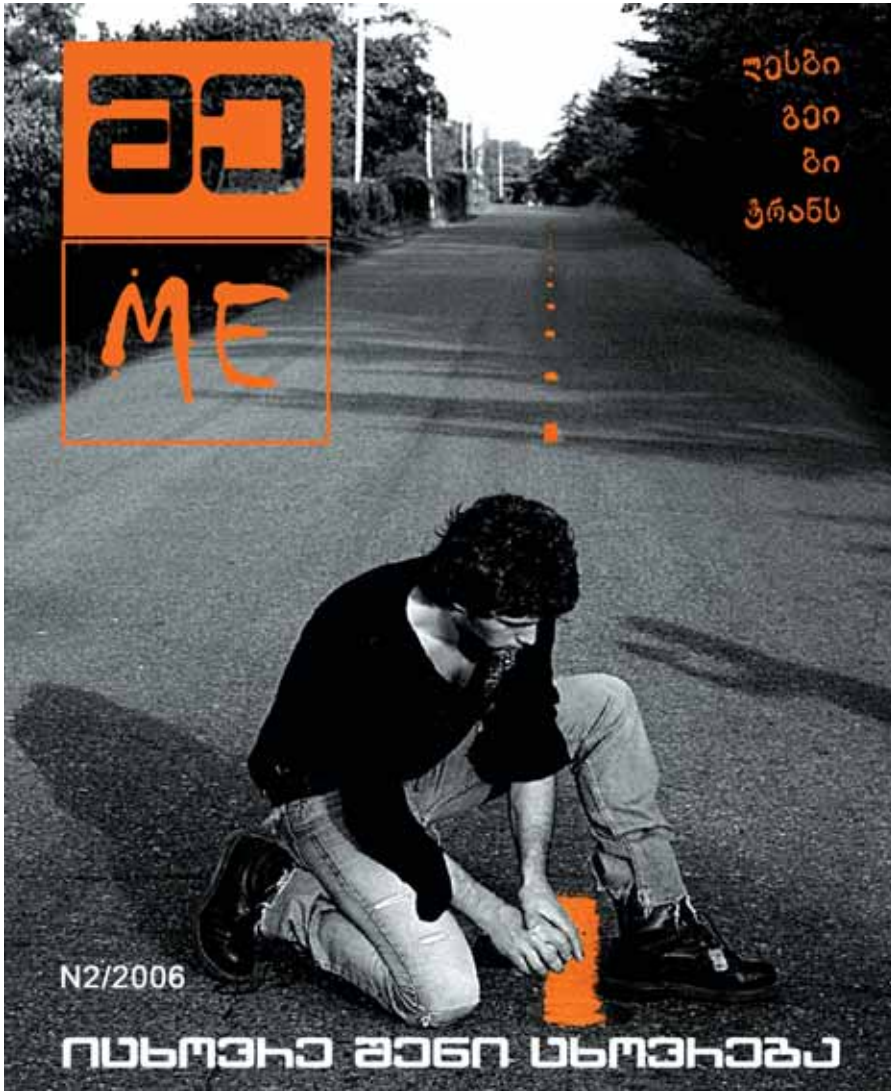
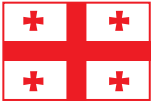
<sup>112</sup> World Organization against torture/ Human Rights Information and Documentation Center, *Report on the implementation of the Convention of the Rights of the Child in Georgia, 2003*

<sup>113</sup> The Office of the Public Defender of Georgia, which began functioning in 1998, is an independent body under the direction of an elected office holder, and is authorized to expose human rights violations and to report them to the appropriate officials and agencies.

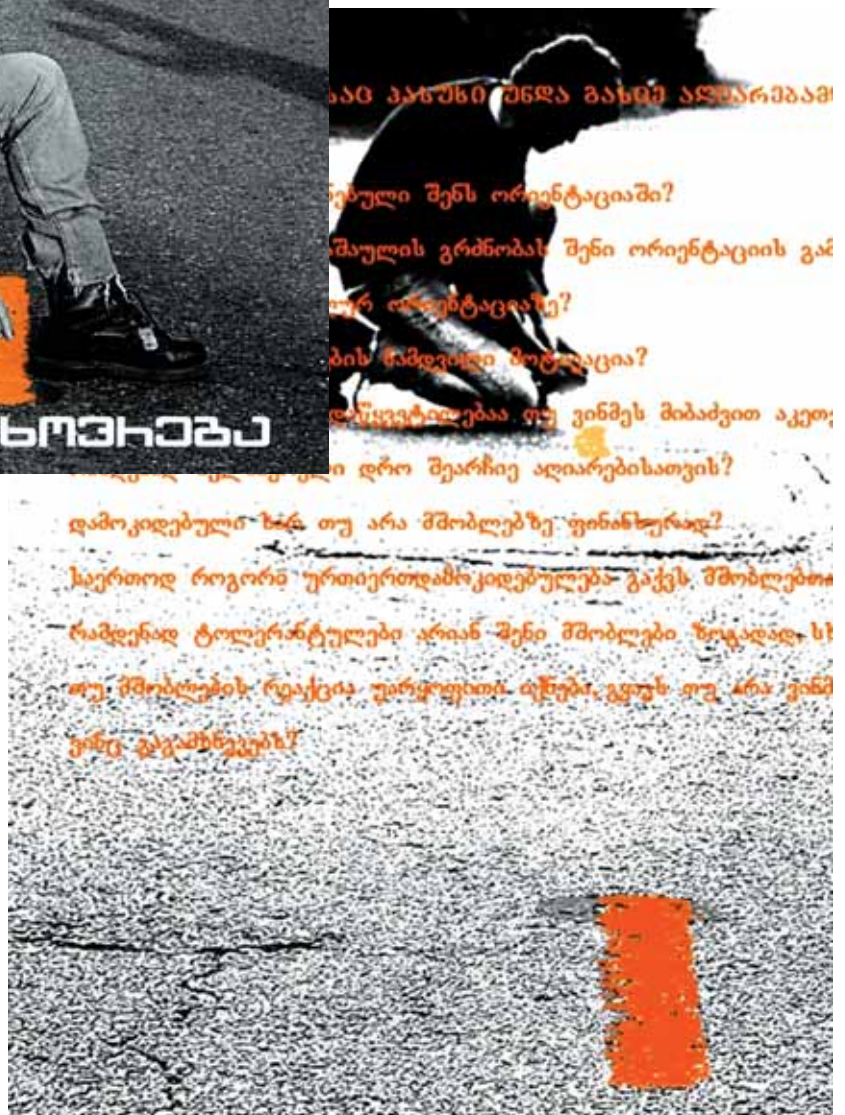
<sup>114</sup> The Public Defender’s Office is in the process of drafting a national action plan for human rights and has held a consultation exercise with civil society as part of this process.

<sup>115</sup> A new group, The Inclusive Foundation registered on August 3rd, 2006.





**Informational magazine "Me" by Inclusive Foundation, 2006, photos by Gregory Regini**







for LGBT groups, in practice throws up some difficulties in terms the explicit mention of sexual minorities. In addition some of the characteristics of Georgian society already discussed in this chapter have impeded the emergence of strong effective LGBT community organising.

Salome Asatiani says that there are no NGOs openly working on LGBT issues, because, she believes, they are afraid of being discredited. Those groups that work on human rights issues will call press conferences to speak on specific topics, including torture, religious and ethnic minorities, but never on LGBT rights. While she has met individual LGBT people who speak of their interest in organising on some level, due to fear, there is no strong will to organise. An attempt on her part to form an organisation some years ago met with huge resistance from LGBT people.

There is however, the work done by Eka Aghdgomelashvili with the Women Initiative Support Group. One of her projects involved exploring sexual identities as part of a broader gender research programme. The Network of East West Women had supported her in creating a web page for the project. However, an application to the SOROS foundation for funding to maintain the web page was rejected on the basis that this was not an important issue on the gender agenda. An ongoing project is the collection of oral histories from LGBT men and women who speak about what it means for them, coming out to themselves, shaping their lives to deal with the all-pervasive homophobia and living with their same-sex lovers, sometimes without the knowledge of anyone else. Eka speaks about the fear and reluctance on the part of the interviewees to publish, even anonymously.<sup>116</sup>

Part of the difficulty in terms of the lack of organisational representation of LGBT rights relates to the reluctance on the part of the international agencies and funders to support work in this area. While it is not within the scope of this report to attempt to analyse this reluctance, it can be said that these agencies do not consider LGBT rights to be a priority in Georgia and that they deem it unwise to raise the issue in the context of the broader political and human rights agenda which needs to be addressed. It can be also argued however, that what we might refer to as institutional resistance on the part of these NGOs and agencies – both international and national – is in itself becoming a barrier. Part of the solution for moving forward is to encourage these organisations to take the lead in advocating for respect for LGBT people.

There are signs, however, that a very significant step has been taken toward empowering LGBT activists in Georgia, to promote the visibility of the community and to engage with national and intergovernmental policy makers in pursuit of equality and protection for LGBT people. The progress made, in the first few months of its setting up, by Inclusive Foundation is remarkable and is perhaps a sign that a more general openness to working on equality for LGBT people is beginning to be manifest among a range of players.

The remainder of this chapter will give an overview of LGBT community organising observed during the mission. Information on Inclusive Foundation has been updated as of October, 2006.

<sup>116</sup> Interview with Eka Aghdgomelashvili



**South Caucasus Institute for Minorities (SCIM)** is a small group of about 20 men, most of whom live in the capital Tbilisi, although some are originally from the regions. During an interview carried out as part of this mission, the Director spoke of the focus on collecting information on the international legal instruments that provide protection for LGBT rights. A goal is to counter the negative stereotypes associated with homosexuality through public education tools, which the organisation aims to publish. However, this has been hampered by lack of funds, as was their aspiration to set up a telephone help line. They have been unsuccessful in obtaining funding. As part of its activities the Director lists a survey among 200 respondents. However, the report of this study is unavailable. The group is concerned about being too public until it has the capacity to offer services. In addition it limits its membership.

There is some confusion about SCIM in terms of few knowing of its existence, its reluctance as an organisation to speak publicly on behalf of LGBT rights and its Director's concern about being out. It is reported that when asked to participate in the debate organised by HBF, the Director was disparaging about the effectiveness of such a debate, adding "if you speak out you will not gain much but you can lose a lot."<sup>117</sup>

**Tanadgoma**, an NGO working in the area of reproductive health, has worked with the LGBT community, mostly in relation to HIV/ AIDS prevention and support services. One of its current programmes has a small component focused on advocacy of the rights of sexual minorities, including the production of a booklet on LGBT rights.<sup>118</sup>

**Inclusive Foundation (IF)** is an NGO set up in the summer of 2006<sup>119</sup> with the support of COC Netherlands and with the aim of promoting equality for the LGBT community in Georgia. With a five-year plan, this new initiative plans to offer a range of services including psychological, legal and health counseling, weekly empowerment and discussion meetings, documentation and follow up of LGBT rights violation, advocacy, training, support for LGBT art, sexual health research and provision of sexual health protection aids.

One of the Foundation's more important outputs is a new magazine, ME. This is the first attempt in Georgia to provide the LGBT community, and, it is hoped, the wider public, with information for and about LGBT issues in magazine format. The magazine is an ambitious project offering a diverse range of subjects from news, to information on rights, health, activism, features from abroad, as well as arts and culture.

The establishment of the Inclusive Foundation represents a very important step forward in the mobilisation of the LGBT community itself and of the NGO sector toward the articulation of a strong voice for LGBT equality. In the words of Paata Sabelashvili, President of Inclusive Foundation, completing the registration process on August 3, 2006 represented "the institutional coming out for the LGBT community as a whole in Georgia."<sup>120</sup>

Sabelashvili believes that there were basically two factors that contributed to a relatively easy and unchallenged registration process. In the first instance, the inclusion of the name of the chairperson of GYLA

<sup>117</sup> Anonymous report

<sup>118</sup> [www.tanadgoma.ge](http://www.tanadgoma.ge)

<sup>119</sup> Information on Inclusive Foundation became available in August, 2006, several months after the mission

<sup>120</sup> Interview with Paata Sabelashvili



on the registration application might have acted on the one hand to convince the authorities of Inclusive's bona fides and on the other hand as a deterrent to bureaucratic roadblocks. Secondly, a shift in attitude among the new generation of bureaucrats in government agencies means a more progressive outlook which results in acceptance of difference.

Contributing to both the organisational profile and capacity of Inclusive Foundation are its partner organisations, Women Initiative Support Group, Tanadgoma, as well as GYLA, as mentioned above.

In the months prior to its official registration, Inclusive Foundation was involved in a number of activities, including community research, coming out social events, working with the media to promote a positive image of the LGBT community and participating in an international conference. Inclusive Foundation acted as host to the COC/ILGA-Europe mission, providing translation services, sourcing contacts within the LGBT community, arranging meetings with representatives of NGOs, government officials and intergovernmental agencies.

In April 2006, Inclusive Foundation began implementing a Dutch government-funded project - *Prevention and Empowerment in the NIS: Responding to HIV/ AIDS amongst Sexual Minorities* - in partnership with COC, Netherlands, GenderDoc-M, Moldova and five other partner organisations from Armenia, Ukraine and Kyrgyzstan. Inclusive Foundation is a member of ILGA and sent two representatives to the ILGA-Europe conference in Sofia in October, 2006.

Following on from a meeting with the COE in Georgia as part of the COC/ ILGA-Europe mission, Inclusive Foundation was invited to two meetings with the COE Ambassador. At the first of these meetings Inclusive Foundation was one of just six Georgian NGOs to meet the COE's newly appointed Human Rights Commissioner and while LGBT issues were not officially on the agenda, a productive discussion was facilitated during which Inclusive was able to lay out its objectives and basic programme of work. During the second meeting, the COE Ambassador facilitated a meeting for Inclusive with the OSCE Human Rights Officer.

Sabelashvili believes that there now exists in Georgia the possibility of mainstreaming LGBT concerns in the work of human rights NGOs.<sup>121</sup> His confidence in this is based partly in the reception given to Inclusive by the COE and by the other NGOs at the first meeting. In addition, Inclusive received very positive feedback, in response to a mail out covering most NGOs in Georgia of the first edition of the magazine ME. Some expressed an interest in working on LGBT issues, including working in coalition with Inclusive.

<sup>121</sup> Interview with Paata Sabelashvili



## 2.12 Legislation Impacting on LGBT People<sup>122</sup>

### 2.12.1 Introduction

Since independence, Georgia's legal system has undergone significant reform. This has included fundamental reform of criminal, civil and administrative law and has involved the incorporation of many principles from continental jurisprudence and common law systems. It has also involved bringing the law into line with international human rights standards, notably the European Convention of Human Rights. Importantly, the General Administrative Code of Georgia includes a chapter on Freedom of Information, which provides regulations concerning the provision of public information by state agencies and is framed so as to incorporate many relevant principles from similar legislation in Europe and in the USA.

It should be noted that procedural legislation is currently in the process of reform, and the focus here is to balance continental European and common law principles, bringing in traditional common law notions such as jury trials, confirmation of charges, etc.

### 2.12.2 The Constitution of Georgia

The Constitution of Georgia, adopted in 1995, is the supreme law of the State. Article 6 of the Constitution provides for the hierarchy of legislation and also mandates that all other laws should correspond to the provisions of the Constitution.<sup>123</sup> The following is the hierarchy of normative acts enforced in Georgia, as articulated within Article 19 of the Law on Normative Acts:

- a) Constitution of Georgia
- b) Constitutional agreement
- c) International agreement of contract of Georgia
- d) Organic Law of Georgia
- e) Law of Georgia, regulation of the Parliament of Georgia, Presidential Ordinance
- f) Presidential Decree
- g) Decision of the Parliament, Decision of the Government of Georgia
- h) All other normative acts, such as Order of the Minister, decision of the Chamber of Control, etc.<sup>124</sup>

Moreover, the Constitution requires that Georgian legislation conforms to internationally recognised norms and principles. Of particular interest in the context of the protection of human rights is the provision within the constitution which requires that the State "recognises and protects universally recognized human rights, as eternal and supreme human values".<sup>125</sup> This provision is acclaimed as establishing Georgia as a monistic legal

<sup>122</sup> This section of the report was authored by Ana Dolidze of the Georgian Young Lawyers Association and edited for inclusion in the full report.

<sup>123</sup> Article 6, Constitution of Georgia

<sup>124</sup> Article 19, Law of Normative Acts of Georgia

<sup>125</sup> Article 7, Constitution of Georgia



system i.e., a system whereby international principles enshrined in international treaties have direct application and can be directly invoked before courts and administrative bodies, without the need for their translation into domestic legislation.

This provision is especially important as there are many non-discrimination guarantees, which are part of international treaties to which Georgia is a party and which have not yet been translated into the Georgian legislation. Under Article 7 of the Constitution, their absence from Georgian legislation cannot be a hindrance to their utilisation. Furthermore, the Constitution provides an additional guarantee for the protection of other human rights and freedoms which, although not yet articulated, might naturally evolve from the principles set out in the Constitution.<sup>126</sup>

In this context, Georgia's ratification of Protocol 12 of the ECHR, which provides for broad prohibitions on discrimination *per se*, is particularly important. However, the Protocol has not yet been used in litigation before Georgian courts and there is the further challenge that there is no case law on this provision by the European Court of Human Rights yet.

When it comes to the implementation of laws and policies, Georgia is still far from being a rule of law State (*rechtstaat*), despite some improvements in the public service after the Rose Revolution. Moreover, although there have been some moves to reform the judiciary, it remains largely dependent on the executive. The relationship between the judiciary and the executive is reflected in the fact that important judgments made by the judiciary are aligned with the position of the ruling party. A further challenge to the progress of reform within the judiciary is the very low level of awareness among judges of international legal principles, in particular international human rights standards. International agencies and national NGOs have been working to provide training and expertise to the judiciary on this issue for a number of years. However, because of challenges within the system as well as lack of institutional memory in the judiciary because of a high turn over rate, there have been few tangible results to date.

## 2.12.3 Protection Against Discrimination

The Constitution states that all are equal before the law. Article 14 states the basic protection from discrimination:

“Every human is free by birth and is equal before the law regardless of their race, skin colour, language, sex, religion, political or other views, national, ethnic or social affiliation, origin, property or ranking status, place of residence.”<sup>127</sup>

Sexual orientation is not listed as a protected ground and it remains to be seen whether the Constitutional Court of Georgia, the highest agency for constitutional control, would rule that discrimination based on sexual orientation is covered under the ground of “sex”. As discussed in other sections of this report, the climate of

<sup>126</sup> Article 39, Constitution of Georgia

<sup>127</sup> Article 14, Constitution of Georgia



hostility and the resultant hidden nature of the LGBT community in Georgia means that it is likely to be a long time before the law is tested in this way by someone claiming discrimination on the basis of sexual orientation.

A new Labour Code was adopted in May 2006. In an important step forward for the LGBT community, sexual orientation is included as a prohibited ground of discrimination. The relevant Article is as follows:

**“Article 2. Employment Relations<sup>128</sup>**

1. Employment relation means performance of paid labor by the employee to the employer in terms of organized labor arrangement.
2. Employment relations are established on the basis of the agreement reached between the parties as a result of voluntary expression of goodwill and equitability.
3. Any type of discrimination due to race, color, ethnic and social category, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, family conditions, political or other opinions are prohibited in employment relations;
4. Direct or indirect oppression of a person, aimed at or causing creation of harassing, hostile, humiliating, dignity harming or insulting environment, or creation of such conditions which directly or indirectly impair his/her state compared with other persons being in the analogous conditions shall be construed as discrimination;”

Article 2.1 would appear to limit the application of the anti-discrimination provisions to existing employees. If so, discrimination during the recruitment process – often a significant problem for LGBT people who are open about their sexual orientation - would not be covered.

More generally, effective support mechanisms for individual cases, education of employers, and significant changes in social attitudes are needed before these provisions can become an effective weapon for LGBT people in fighting discrimination and harassment in the work place.

## 2.12.4 Arrest and Detention

Article 18 of the Constitution provides for the basic principles for arrest and detention of individuals, and includes:

- court appearance within 48 hours following arrest;
- decision by court to detain within 24 hours of court appearance, otherwise the person must be released;<sup>129</sup>
- person must be immediately informed of rights and of the cause of arrest
- person has the right, upon request, to legal counsel;<sup>130</sup>
- violation of these procedures is punishable by law;
- person unlawfully arrested or detained has the right to compensation.<sup>131</sup>

<sup>128</sup> Translation at <http://www.doingbusiness.org/Documents/LawLibrary/Georgia-Labor-Code-of-Georgia.doc>

<sup>129</sup> Article 18(3), Constitution of Georgia

<sup>130</sup> Article 18(5), Constitution of Georgia

<sup>131</sup> Article 18(7), Constitution of Georgia





Detailed regulation of the procedure of arrest and detention is provided in the Criminal Procedural Code of Georgia. Within the Code, no differentiation based on sex or gender is made, apart from the provision related to pre-trial detention, where elderly women are defined as being aged 60 and elderly men as aged 65, and where consideration is made for pregnant women and women with young children.<sup>132</sup>

As for relevant practice, lack of statistical information on the practice of detention of LGBT people means that it is impossible to make an assessment. Moreover, because the issue is surrounded with taboo and associated with disgrace, official or unofficial complaints about mistreatment during detention on the basis of sexual orientation are unknown.

## 2.12.5 Visiting Rights for Same-Sex Partners

The Law of Georgia on Imprisonment, adopted in 1999, provides for basic regulations concerning visits to prisoners. The law differentiates between types of regimes, which in turn differ, inter alia, in the number of short and long visits that the prisoner is entitled to.<sup>133</sup>

Article 47 of the Law outlines the obligations of the prison administration in relation to supporting the prisoner's relationships with family, relatives and close friends. Complete isolation of the prisoner is prohibited and prison authorities are charged with preserving the dignity of the prisoner in controlling the prisoner's relationship with relevant visitors.<sup>134</sup>

Article 48 provides the basis for the regulation of prisoner visits. There is a differentiation between long and short visits, where a long visit could be up to 3 days and a short visit up to 3 hours. The law indicates a list of people who are given the right of long visits: "spouse, parents, grandfather and grandmother, child, grandchildren, adopted child, sister and brother, and those persons with whom the prisoner lived and maintained a household during the 2 year period prior to imprisonment."<sup>135</sup> The list of people entitled to short visits is more expansive- family members, relatives and other persons.<sup>136</sup>

The law does not provide for an explicit ban on same-sex partner visits. Moreover, the law allows for prisoners to receive visits by a person of the same sex with whom the prisoner has lived and maintained a household prior to imprisonment. This provision does not appear discriminatory to LGBT persons, especially taking into account the fact that the legal requirement of prior living together is not strictly enforced. The question here is rather of implementation of this provision in a manner that is non-discriminatory and avoids hurt to the dignity of the prisoner and visitor. Unfortunately the low level of awareness among prison personnel and the generally appalling conditions in Georgian prisons make the fair and objective implementation of this provision less likely for LGBT people.

<sup>132</sup> Article 159 (3), Criminal Procedural Code of Georgia

<sup>133</sup> Article 6, Law of Georgia on Imprisonment

<sup>134</sup> Ibid, article 47 (2,3)

<sup>135</sup> Ibid, article 48(2)

<sup>136</sup> Ibid, article 48(3)



The law states that certain persons are to be housed separately within the prison system; included are women, the under-aged, first time prisoners, prisoners serving lifetime sentence, and former workers of the State Protection Service. In the medical unit of the Prison, persons with HIV/ AIDs and other infectious diseases have to be accommodated separately.<sup>137</sup> While it is not specified within the law, in reality a practice has grown up within the prison system whereby prisoners who are known to be or perceived to be homosexual are segregated from other prisoners and housed separately within the prison.

## 2.12.6 Rape/ Sexual Harassment Legislation

Chapter XXII of the Criminal Code of Georgia deals with crimes against sexual liberty and integrity, including rape, sexual abuse and sexual harassment. Rape is defined as “sexual contact with force, threat of force or using helplessness of the victim...”<sup>138</sup> There is no specificity in relation to gender. Furthermore, while male and female homosexual acts are mentioned as potential forms of forced sexual acts, same-sex sexual acts are not in themselves illegal.

Article 139 deals with the crime of sexual harassment, which is defined as “forcing to have sexual contact, whether homosexual, lesbian or any other form of contact, by threats of spreading damaging information or of damaging property, or using material, work or any other form of dependency”.

Georgian legislation does not discriminate as regards age of consent, providing a general prohibition on sexual contact with persons less than 16 years of age, regardless of the heterosexual or homosexual character of such contact.

## 2.12.7 Private and Family Life

The Constitution of Georgia protects the right to private life and specifies a range of situations that are protected including personal writings, place of personal activity, correspondence, telephone conversation etc. The law does specify that these rights can be restricted in circumstances of pressing necessity. In addition, the law protects against unauthorised or unapproved entry into one’s home.

Article 36 of the Constitution relates to marriage. Stating that “marriage is based on free will of the spouses and equality in their rights”<sup>139</sup> there is no reference to gender. However, within the Civil Code of Georgia marriage is defined as “union of a woman and man based on the free will”<sup>140</sup>

## 2.12.8 Inheritance Rights

Book 6 of the Civil Code of Georgia regulates matters relating to inheritance, providing for inheritance by law and inheritance by will; however, none of the provisions of the Book are gender specific.

<sup>137</sup> Ibid, article 22(2)

<sup>138</sup> Article 137, Criminal Code of Georgia

<sup>139</sup> Article 36, Constitution of Georgia

<sup>140</sup> Article 1106, Civil Code of Georgia



## 2.12.9 Adoption

Chapter 6 of the Civil Code deals with issues relating to adoption. Article 1245 provides the definition of those entitled by law to adopt:

“Any fully capable adult can be an adopter, except the person whose rights to parenthood have been revoked or those who have adopted in the past but have had the adoption annulled because of his/her inadequate performance of their obligation as an adopter. In addition, those persons who, because of illness, moral or personal characteristics are unable to exercise the responsibilities of a parent, are prohibited from adopting”<sup>141</sup>

On the face of it, LGBT people, as single people, have the same right in relation to the adoption of children as heterosexual people in Georgia. However, the broad definition of those who are prohibited from adopting is likely to be interpreted negatively against LGBT people. The Agency for Patronage and Care is required to give a ruling on the propriety of potential adopters, which serves as the basis for the court decision.<sup>142</sup> Such a ruling is likely to be influenced by Georgian culture in determining that LGBT people possess “moral or other characteristics” that hinder the exercise of parental rights.

Article 1246 states that “two persons cannot adopt a child unless they are a married couple”. This means that, since LGBT people are not permitted to marry, they are prohibited from adopting children as a co-habiting couple. It is of course, also discriminatory to non-married heterosexual couples.

## 2.12.10 Artificial Insemination

Article 141 of the Law on Healthcare deals with issues relating to artificial insemination. The circumstances which qualify for artificial insemination under the law include infertility, to mitigate the risk of transferring a genetic disease from the husband, and to facilitate the fertilisation of women without a partner, which could include an unmarried woman or a widow. In the event that a child is born as a result of artificial insemination, the infertile couple or single mother are considered as lawful parents with consequent rights and obligations. Importantly, the donor does not have the right to be recognised as a father of the child born as a result of artificial fertilisation.

## 2.12.11 Surrogate Motherhood

Article 143 of the Health law deals with the issue of surrogate motherhood. The conditions under which extra-corporeal fertilization are permitted to take place include infertility and to prevent the transmission of a genetic disease. Surrogacy is also permitted in circumstances where a woman has had her uterus removed. The law states that the written consent of both parties in the couple is required.

<sup>141</sup> Article 1245, Civil Code of Georgia

<sup>142</sup> Ibid, article 1242



## 2.12.12 National Strategies on HIV/AIDS and other STI's Prevention

Article 82 of the Law on Health Care establishes that “the Ministry of Health of Georgia conducts steps for prevention and controlling the spread of STIs, taking into account the epidemiological situation, through public education and provision of adequate information to the public. The State should formulate its policy towards prostitution and take steps according to the situation prevalent in the country.”<sup>143</sup>

Article 2 of the Law on the Prevention of HIV/ AIDS provides for the functioning of the State Commission, presided over by the President of Georgia and tasked with the creation of National Programme for Combating HIV/ AIDS. Moreover, it establishes a specialised service at the Ministry of Health with the function of implementing medical activities to battle the spread of HIV/ AIDS. Testing for infection by the HIV virus is, in general, voluntary, although it is obligatory for blood and sperm donors.<sup>144</sup>

Information concerning the health status of an HIV infected person or person with AIDS, as well as status of treatment and prognosis, is confidential and can be revealed only with the written consent of the patient. Information is required to be kept confidential, even after the death of the patient or in any other case envisaged by the law. Georgian citizens or persons residing on the territory of Georgia who are infected with HIV or those who have AIDS have the right to receive medical treatment and social protection. Such diagnosis, treatment, and oversight is undertaken by the state free of charge, within the framework of an adequately-resourced medical programme.<sup>145</sup>

## 2.12.13 Restrictions on Blood Donation

According to the 1995 “Law on Donation of Blood and its Components”, Georgian citizens, aged between 18 and 60 years of age can serve as blood donors, subject to satisfactory medical examination.<sup>146</sup> The law does not provide for a comprehensive list of circumstances under which blood donation is prohibited. However, it establishes an obligation on the donor to report all diseases, use of drugs or psychotropic materials. Violation of this obligation results in criminal punishment.<sup>147</sup> Among the conditions specified in the law which would prohibit a person donating blood is that of being infected with HIV or having AIDS and anyone from those groups considered most at risk of contracting HIV or having AIDS, including homosexuals, drug addicts, prostitutes and people with tattoos and body piercings.

<sup>143</sup> It has to be noted that no such policy on prostitution has yet been elaborated.

<sup>144</sup> Article 3, Law of Georgia on Prevention of HIV/AIDS;

<sup>145</sup> Ibid, article 8;

<sup>146</sup> Article 1, Law of Georgia on Donation of Blood and its Components;

<sup>147</sup> Ibid, article 9;









## Chapter 3

# Concluding Remarks

## 3.1 Introduction

Is there now, as Ana Dolizde of GYLA suggests, an opportunity, based on the momentum created by the discussion of homosexuality in the media, to move the debate forward in a more positive direction? Does the inclusion of sexual orientation in the anti-discrimination clause of the new Labour Code and the reception given to the Inclusive Foundation indicate a new climate in Georgia that will see the emergence of LGBT issues onto the human rights agenda? If so, can this process be aided by outside intervention, and if so, what should be the nature of this intervention?

It is evident that there are few advocates openly arguing in favour of equality for LGBT people in Georgian society, whether from the NGO community, international intergovernmental agencies or other national or international human rights/equality organisations.<sup>148</sup> It would seem that there are other issues which take priority on the human rights front in Georgia. One view expressed within Government is that the people of Georgia are not ready to consider equality for LGBT people.

What is clear is that to allow the level of aggressive and pervasive homophobia that exists in Georgian society to go unchallenged is unacceptable. In the absence – until very recently – of any legislation protecting members of the LGBT community from discrimination, it is difficult to quantify such discrimination; it is difficult even to raise it as an issue for discussion. There are many barriers, well documented in other reports focusing on other jurisdictions,<sup>149</sup> which stand in the way of LGBT people reporting discrimination, or even discussing the issue within among their peers. All of this means that there are few documented cases of outright discrimination or indictable cases of violence against LGBT people. However, there can be no doubt about the societal pressures, within Georgian society, which are forcing people to live in fear and hiding. As the UNESCO report, *HIV and AIDS in Georgia: A Socio-Cultural Approach* noted: “The result of the predominating homophobia is that homosexuals are deprived of any chance to openly demonstrate their sexual orientation or organise associations or groups.” In this context, it is no longer acceptable to maintain that the realization of equality for LGBT people is not a priority for Georgian society.

There is clear evidence from international literature of the detrimental impact of the enforced closet on LGBT people. This can only be magnified in a culture where support for LGBT people is very hard to find, other than through informal

<sup>148</sup> One notable exception is GYLA, who undertook to assist a gay man, resident of Tbilisi, in his pursuit of justice in relation to abuse he had suffered because of his perceived sexual orientation.

<sup>149</sup> See, for example, reports produced by ILGA-Europe, COC, Netherlands and others which speak of fear of coming out, fear of harassment and victimisation in the workplace, concern about losing one’s job, internalised oppression as some of the barriers faced by LGBT people in relation to reporting discrimination.



peer networks and where the level of homophobia is pervasive at all levels of Georgian society. The aims of any planned initiative should be to seek to halt the growth and expression of homophobia, to begin to create a culture of tolerance and acceptance and to aim to ameliorate the suffering already endured by people in the LGBT community.

## 3.2 Legislative Reform

Ana Dolidze of the GYLA believes that a cautious approach to legislative reform is the best way to proceed, claiming that if the introduction of legislation that seeks to promote the rights of LGBT people attracts public debate, then it will fail. Citing examples of how the Legal Committee of the Georgian Parliament has been able to incorporate progressive measures into the administrative code, without drawing undue attention to the matter, she believes that working quietly with that Committee, behind the scene, could prove productive. If the gaps in the law are identified, then, she believes, the Committee can determine what needs to be done to fill those gaps.

There is indeed much precedence for and wisdom in an approach of this nature. One can argue that LGBT people are in a safer position to claim recognition and rights if there is law there to protect them. However, there are also significant limitations to this approach. On the one hand the absence of public debate means that public opinion goes unchallenged and the opportunity for public awareness-raising and education is lost. So too is the opportunity for coalition-building between equality/ human rights NGOs, which has the potential not only of strengthening the LGBT position but also of advancing the broader equality agenda in Georgia.

There is also the potential loss of opportunity to influence the type of legislation being drafted. For example, experts have noted in relation to the type of anti-discrimination legislation introduced in most EU member states that the onus placed on the victim of discrimination to seek redress through legal action can be a burden which many victims are unable to bear.<sup>150</sup> Such a burden is made more daunting for LGBT people who must also cope with society's homophobia. In some jurisdictions, legislative reform has resulted in the imposition of a duty to promote equality, which has the potential to yield better outcomes for victims of discrimination. It could be argued, therefore, that a process which is open to broad debate and consultation is more likely to result in legislation which supports those who suffer discrimination to seek redress and claim equal treatment.

## 3.3 Awareness-Raising

Two of the LGBT organisations interviewed during the mission talked about the objective of producing a brochure targeted at countering homophobia. It seems that lack of funding has thwarted their plans. As already stated, societal homophobia needs to be tackled. Salome Asatiani, the broadcaster and academic, believes that some direct and open action is needed to act as an impetus to the kind of shift in public opinion that is needed. However, it would seem that in order to be effective a public education initiative should have the backing of a broad range of stakeholders, including the government. It is important that the public understands that the leadership of the country – leadership from all sectors – is prepared to tackle the issue of homophobia.

<sup>150</sup> See Remedies & Sanctions in EC non-discrimination Law, September 2005 written for the EU Commission by the Network of Independent Experts



Consideration should be given, therefore, to the development of an advocacy campaign for the introduction of legislation in tandem with a public education campaign. This ideally should involve a broad coalition of players, including national and international agencies, and the relevant government bodies. The full co-operation and support of the Council of Europe should be sought, especially in the context of its new initiative in Georgia, the focus of which is to examine the Georgian legislation to evaluate its compliance with human rights instruments. It will also be important to support and resource members of the LGBT community to be involved in the development of the campaign.

## 3.4 Seeking Allies – Building Coalitions

The COE in Georgia expressed its appreciation of the mission for raising the issue of LGBT rights. Acknowledging that this had not been part of their work, the representatives said that the COC/ILGA-Europe mission was a good reminder. They also expressed a willingness to focus on the issue and raised the possibility that the Human Rights Commissioner could consider raising the issue of rights for LGBT people in his report.

The COE representative was quite strong in stressing that civil society needs to remind government of its obligations and to advocate for more concentration on human rights. It became clear during the mission that, while few voices have taken up the issue of LGBT rights, there are potential allies, particularly in the women's movement. Some are waiting for LGBT people to take the lead.

The development of a coalition of civil society groups to work on LGBT issues could usefully be explored. It will be important to resource the LGBT community so as to enable all those with an interest to become involved. While the support of well-established national and international, NGOs and intergovernmental agencies should be publicly demonstrated and backed by the provision of resources, including expertise and networking opportunities, decisions regarding agenda and strategy should be taken by LGBT representatives.

## 3.5 Community Development

It is difficult to talk about issues relating to a marginalised community when that community's is so invisible and effectively unidentifiable. According to most observers during the mission, LGBT people exist as a sub-culture. There are few opportunities for socialisation, never mind community or political organising. In such an environment the specific health needs of LGBT people go unmet, perhaps even unrecognised. People are prevented from access to the benefits of a shared community and culture. It is clear to the author of this report that until LGBT people in Georgia are permitted, encouraged and resourced to develop as community, any positive legal reform to advance LGBT rights will have a limited positive impact.

Consideration should be given to providing resources for the LGBT community to explore and express their culture; to socialise with their peers, to provide and avail of support and counseling services; to develop community resources, identify community needs and plan for community action.





## 3.6 Research/ Studies

Research on the situation faced by LGBT people in Georgia is very limited. In the course of the mission, a number of studies, some of which are still in progress, came to the attention of the team. These have contributed greatly to our overall knowledge and understanding of the reality LGBT people face and can help in the development of strategies and programmes targeted at meeting the needs of LGBT people. Regrettably, all of the studies have some limitation, e.g. in the case of one survey, the report was unavailable to us; in another, the report could not be referenced because there were questions about whether or not it would be published; and in a third case, the researcher was operating on the basis of strict confidentiality and was therefore only able to speak in very general terms about the findings.

Clearly the gap in research needs to be addressed. In particular attention needs to be paid to issues of focus, methodology, sourcing the target group and other aspects that take account of a population that is largely invisible and is regarded by Georgian society with extreme hostility. Preference should be given to research which can lead to a practical and beneficial output, which has the potential to produce a beneficial outcome. For example, research which could result in the production of a public awareness campaign to dispel stereotypes.

There is also the example of the oral histories being collected by Eka Aghdgomelashvili. These stories do not speak of police harassment, or street bashing, or violation of rights and might therefore be dismissed as irrelevant to the promotion of LGBT human rights in Georgia. Such a perspective undermines the potential value of these human stories as an awareness-raising tool to counter the fiction of homosexuality as perverted and heinous. This work is not only important research and documentation, but it also provides an opportunity for the interviewees to gain a new perspective for themselves and to be affirmed in the telling of their experiences. It is work which constitutes support and capacity building of the LGBT population and as such merits recognition and funding.

In the context of making recommendations for further research it is useful to refer again to the study carried out by the Media Diversity Institute (see Media Coverage).<sup>151</sup> The study sought to examine the coverage given to minority groups by the leading newspapers in Armenia, Azerbaijan and Georgia over a given time period. In its conclusions, the author points to the need to supplement what was in effect a quantitative study with further research that would describe the specific nature of the coverage given to the minority groups, why the coverage varies so significantly from one group to another and what influence the state or other interested parties have on the type of coverage given.

## 3.7 Recommendations

Wide ranging and long term activity is required by a broad range of actors from governmental, non-governmental and international organisations if the aggressive and pervasive homophobia that exists in Georgian society is to be challenged effectively. The most important of these, and ILGA-Europe's recommendations for actions by them, are as follows:

<sup>151</sup> The Media Diversity Institute, Press Coverage of Minority Groups in the South Caucasus, 2004-2005





## To the Government of Georgia

The government of Georgia must recognise the importance of starting to tackle homophobia. It should embark on a long-term programme aimed at achieving an end to discrimination against LGBT people. Ideally, this programme would take place within the context of a more general campaign covering discrimination against women, national, ethnic and religious minorities, people with disabilities, and the elderly.

### **The first five years of this programme should include:**

- The introduction of hate crime legislation and anti-discrimination legislation to address all areas not covered by the new Labour Code.
- A review of the law relating to gender reassignment, and legislation to bring it into line with the jurisprudence of the European Court of Human Rights, if needed
- Actions designed to educate the general public on homo-, bi- and transsexuality and to counter negative stereotypes, including conferences, seminars, and educational materials
- The development and implementation of awareness-raising modules in training programmes for government officials, particularly the police, the judiciary, and the prison service
- The introduction of non-discrimination clauses making specific reference to sexual orientation and gender identity into codes of practice for government officials, particularly the police, judiciary and the prison service
- Measures to ensure the fair and non-discriminatory representation of LGBT people and related issues at all levels of the educational system, including, importantly, within the context of sex education, and in training for the teaching and medical professions, and for journalists
- Support for NGOs working for the rights of LGBT people, ensuring that they are not discriminated against or harassed, have full access to public services, and have access to state financial support on the same basis as other non-governmental organisations
- Development of specific HIV/ STI prevention programmes targeting the LGBT community
- Recognition of the critical importance of LGBT community organisations in HIV/ STI prevention and education, and the provision of support for their work in this field
- Research into LGBT issues, particularly with a view to generating information to be used in supporting the public awareness and education campaigns referred to above
- A review of the medical needs of transgender persons, together with the development of medical facilities for gender reassignment



## The Public Defender (Ombudsman) of Georgia

- To commit publicly to the support of LGBT rights and the work of LGBT organisations, to advocate for hate crime and anti-discrimination legislation in areas not covered by the Labour Code, and to include LGBT rights in any human rights awareness training carried out by his office

## The European Union

- To ensure the inclusion of a programme by the government in support of the rights of the LGBT community (as outlined above) in the priorities of the European Neighbourhood Policy Action Plan, and monitor closely the implementation of this aspect of the Plan in its regular reports
- To react through the political dialogue with Georgia to any violations of LGBT rights, or attacks on LGBT human rights defenders
- To ensure that its local representation maintains close links with and supports LGBT NGOs, makes clear publicly its support for their work, and reacts to any cases of discrimination or harassment by public authorities

## The Council of Europe

- To follow closely the situation of the LGBT community in Georgia, both through the work of the Monitoring Committee of the Parliamentary Assembly, and in the reports of the Commissioner for Human Rights
- In the context of this work to make appropriate recommendations both with regard to specific incidences of discrimination, and to tackling homophobia in society generally, particularly through hate crime and anti-discrimination legislation
- To ensure that its local office maintains close links with and supports LGBT NGOs, makes clear publicly its support for their work, and reacts to any cases of discrimination or harassment by public authorities

## The Organisation for Security and Co-operation in Europe

- To assist Georgia in fulfilling its commitments in the fields of tolerance and non-discrimination and human rights, particularly through offering participation in existing programmes and mechanisms such as the Law Enforcement Officials Programme on Hate Crimes and the Human Rights Individual Complaint Mechanism
- To ensure that its local office maintains close links with and supports LGBT NGOs, makes clear publicly its support for their work, and reacts to any cases of discrimination or harassment by public authorities

## National human rights organisations

- To support LGBT rights generally, and particularly, to support the development of a national advocacy campaign for the introduction of hate crime and anti-discrimination legislation (in areas not covered by the Labour Code), working with LGBT NGOs











## Annex 1 – Case Studies

**Giorgi is a 25 years old homosexual living in the capital of Georgia** – Tbilisi. He is living with his religious aunt in the suburbs of Tbilisi since his parents kicked him out of the house once he told them he was gay. The aunt keeps praying for Giorgi to be saved every time she goes to church.

Giorgi says that from his style and behaviour it is very evident for people around him that he is gay, and therefore he has suffered multiple forms of discrimination and human rights violations. At different times over the last five years he has been called names, threatened with physical violence by his parents, spat at on public transport, left out or ignored deliberately, beaten, assaulted, harassed by the police, refused housing by parents, fired from a job. Most of the violence and discrimination, he believes, comes from the public authorities and family, although throughout the interview he makes a distinction between “during Shevardnadze time” and “after Shevardnadze time”, underlining that some, although not enough, changes for the better have happened since the Rose Revolution.

On 29 August 2005 at 00:30 am Giorgi was attacked in his local neighbourhood on the way to a kiosk to buy cigarettes. Kicking him in the face, his attackers called him “pederast”, before stealing his wallet and leaving him bleeding heavily.

Initially the police refused to treat his case seriously and only did so after an intervention by the Public Defender’s Office. Giorgi had also reported the incident to GYLA (Georgian Young Lawyers Association), and they made photos of him and took him to the hospital to make medical records of the attack as evidence.

As of January 2006, the case is under investigation. However, because there is no hate crimes legislation, it is being treated as a simple robbery and assault. (end)



**Giorgi after attack**





**Maya is a 24 years old transgender person living in Tbilisi.** She says she is a woman trapped in a man's body. Despite her biological male sex and attraction to men, she considers herself a heterosexual. We got in touch with her via other people who knew her, and she only agreed for a phone interview because of the fear to reveal her identity to anyone. A very limited circle of friends knows about her gender identity. She tried to explain once to some of her close friends how she feels, but the friends couldn't understand her and started to make jokes, so she decided it was safer not to pursue it further. She does know very few gay, bisexual and trans people, but says she is not very willing to be part of an LGBT community, because even there it is very difficult to talk about gender identity.

Maya knows a few places ("pleshka" or cruising area), where she goes sometimes in search for sex with men. In autumn of 2005 in a pleshka near the Tbilisi circus she was physically assaulted. She was walking around the area, wearing clothes with female details, including a wig. Three men approached her and started to verbally and physically assault her. During the assault she was threatened with a knife. The attackers also threatened rape.

She did not report the case to the police because she had little hope that they could help. On the contrary, going to the police might put you in more danger.

She says that there was another case that happened to her recently, but the memories still hurt her so much she doesn't want to talk about it. During cruising a lot of verbal abuse is a norm, as well as when she is simply walking on the streets of Tbilisi. She feels very intimidated, and therefore only wears clothes with female features at home, at friends or when she goes out late at night.

It is possible to undergo sex reassignment in Georgia, and there is a plastic surgery clinic run by Dr. Kuzanov which performs the operations. But Maya says that sex reassignment surgery is too expensive. Financial obstacles are exacerbated by the enormous difficulty of telling parents and relatives about her gender identity. "I think a lot about changing sex. But I cannot change sex and keep living in Tbilisi. To me it is a choice I have to make: either to leave and change sex and never come back and see my friends and relatives, or stay and keep living the life I have at the moment", says Maya. She knows of only one person who changed sex, a male-to-female transsexual, but she changed sex in another country and does not come back to Georgia.

Maya describes post-Rose-Revolution times with the Shevardnadze era as incomparable, saying that the people used to be more aggressive. She adds that now there is more chance that she will be helped if she is attacked. However she concluded by saying that she would still be afraid to go to the police and report a case of violence. (end)

**Nino is a 27 year-old female, who lives in Tbilisi and identifies as bisexual.** A professional artist, Nino describes herself as being very out. During the interview, Nino indicated that she has experienced a number of discriminatory acts including name calling, being chased or followed, harassed by the police and being sexually harassed. She acknowledged that most of the verbal insults come from family members, who would harangue her when she had been with someone when she was not married. Such insults do not happen now that she is married.



The police harassment occurred when she was in police custody, but did not relate to her sexual orientation but rather, Nino claims, to her gender. The harassment extended to sexual harassment when the police officers tried to talk her into having sex.

She found it very difficult to cope psychologically after the incident with the police and the taunting and harassment which continued after her release from police custody. In relation to her family, Nino says that her brother still will not talk to her because of her sexual orientation.

Nino is married to a bisexual man and says she got married to make life easier for herself. She says that she and her husband are good friends and that both recognise that being married is good for both of them.

When asked if she knew of any remedies she could pursue or if she knew of anyone who could help her, she replied that going to the police or other law enforcement authorities was not an option in Georgia.

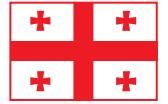
**Irakli is a 35 year-old gay male who lives in Tbilisi and who is not connected to the local LGBT community.** In addition to talking about having experienced name calling, being threatened with physical violence and being assaulted with a weapon, Irakli spoke of the psychological pain of having to endure jokes about “faggots” (gomiki) at work.

Both the name calling and the incident with the weapon came about as a result of his work as a moderator of an internet chat programme on the tbilisigay channel. Often straight people will join in the chat forum only to engage in name calling and threats. On one occasion he arranged to meet with someone he had ‘met’ through the internet. After some time, he had a time knife pulled on him and was robbed.

Clearly, he believes, he is attacked in these ways because of his sexual orientation and he know several others to whom the same sort of harassment happens because of activity on the internet. These incidents were very difficult to deal with. For one thing the sense of feeling safe on the internet was shattered and with it his self confidence. One of the most difficult things was not being able to talk about the incidents with his friends.

Irakli believes that his attacker and those who insulted him in the internet chat forum, were aware, as he is, that there is no “realistic recourse” by which he can seek redress. The first hurdle in making a report to the police or seeking to take a court case, is to risk being open about your sexual orientation. Another obstacle is the sure knowledge that no action would be taken against even if he did make a report.

**Giorgi (2) is a 24 years old homosexual living in Tbilisi,** who is out to everyone in his life and says that he does not stay in contact with those who do not accept or understand that he is gay. When he was in secondary school he was teased and called names, not, he claims because of his sexual orientation, but because he was considered feminine in his appearance and mannerisms. As an adult he has been subjected to a range of intrusive and harassing behaviours. He tells of being chased or followed on a number of occasions but says that it is something he has gotten used to as a gay man and is not something that causes him to be



afraid but that he is now used to taking precautions. On one occasion he was robbed of his mobile phone. He was able to get his phone back and he says that he used the police to help find the thief. He has experienced being excluded because of his sexual orientation; mostly at school. Now that he is out about being gay, he is better able to cope with any people who try to exclude him.

He has found that it is easier to come out straightaway with people, rather than allowing it to come out later. He is totally out at work and his colleagues are accepting of him. However, he was fired from one job because of some information from a porn site found on a computer: it was assumed that because he was gay, he must be responsible for accessing the porn. Another disturbing experience was when he was thrown out of his apartment by the landlady because neighbours had complained about his appearance and also about him bringing his boyfriend home.

Giorgi acknowledges that, from his perspective, it is very 'normal' to have to face harassing and discriminatory behaviours. He has some awareness of others in the LGBT community who have experienced similar things, but has not discussed these things and is therefore not familiar with the details. In fact he does not see it as important to have this kind of discussion. He also claims that it is pointless to seek out help or to report incidents. Being robbed of his phone, he believes, was not a substantial enough incident to rank as a homophobic crime, since this kind of theft happens everyday to many people. In his reluctance to report these violations he is influenced by a belief that complaining only magnifies the problem, whereas dealing with them quietly helps keep them in perspective. Overall, he feels he does not have a problem as a gay man in Georgia, although he knows that some people do experience problems. He doesn't impose his sexual orientation, doesn't expect special treatment in his relationships with people because of his sexual orientation and so it does not become an issue.



# Annex 2 – Human Rights Instruments to which Georgia is a Signatory

## **GENERAL**

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Optional Protocol to the International Covenant on Civil and Political Rights

International Convention on the Elimination of All Forms of Racial Discrimination

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

## **REGIONAL**

European Social Charter

Convention for the Protection of Human Rights and Fundamental Freedoms

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

## **WOMEN**

Convention on the Elimination of All Forms of Discrimination against Women

## **CHILDREN**

Convention on the Rights of the Child

Declaration of the Rights of the Child





## Annex 3 – Bibliography

- Aghdgomelashvili, Eka, Representation of Homosexuality/homosexuals in Georgian Media, September to December 2005
- Amnesty International, Public Statement, Georgia: *Amnesty International urges the Georgian government to implement recommendations of the UN Committee against Torture, 22 May, 2006*
- Amnesty International, Bulletin, Europe and Central Asia, Summary of Amnesty International's Concerns in the Region January – June 2005
- Amnesty International, Georgia: Thousands suffering in silence: Violence against women in the family, September 2006
- Antadze, Ia, Georgian Women Break the Mould: *New economic realities are eroding the traditional stereotype of Georgian women as devoted home-makers and long-suffering martyrs*, CRS No. 21, March '00
- Asatiani, Salome, Extract from Research Paper, *Morality In 'Transition': Spectrum Of Moral Messages on Georgian Television*, 2003
- Caucasus Women's Research and Consulting Network, Gender Stereotypes and Hidden Female Discrimination, 1999
- Civicus, Civil Society Index Shortened Assessment Tool Report for Georgia, Strong Commitment to Democratic Values in a Challenging Environment: An assessment of Georgian Civil Society, 2005
- Commission of the European Communities, Commission Staff Working Paper, Annex to European Neighbourhood Policy, Country Report Georgia, COM (2005) 72 final
- Committee on the Elimination of Discrimination against Women, Consideration of Reports Submitted by States under Article 18 of the Convention of the Elimination of All Forms of Discrimination Against Women, Initial Report of Georgia, 1998
- Diacritica Press, I Am Georgia and My Prime Minister is Dead *The Murder/Death of Zurab Zhvania* 19. Feb. 2005  
<http://www.diacritica.com/sobaka/2005/zhvania.html>
- Dutch Ministry of Foreign Affairs, *Algemeen ambtsbericht Georgië*, June 2006
- Freedom House, Freedom in the World Report, Georgia, 2006
- Georgia Young Lawyers Association, Freedom of Expression in Georgia, 2006
- HRIDC, *Next Stop – Belarus? Human Rights Report 2005*
- Human Rights Watch, World Report 2006, January 2006
- Human Rights Watch, Georgia and the European Neighbourhood Policy, Briefing Paper, June 2005.  
[http://hrw.org/backgrounder/eca/georgia0605/2.htm#\\_Toc110402271](http://hrw.org/backgrounder/eca/georgia0605/2.htm#_Toc110402271)
- Human Rights Watch, Press Release, EU-South Caucasus: Concrete Human Rights Benchmarks Needed, 9 December, 2005
- Human Rights Watch, Press Release, Open Letter to President Bush on his forthcoming meeting with President Mikhail Saakashvili, 27 June, 2006
- Institute for War and Peace Reporting, *Caucasus Reporting Service* (Fati Mamiashvili), "Georgia: Minorities Tested to the Limit," No. 295, 14 July 2005, at [www.iwpr.net](http://www.iwpr.net).
- International Helsinki Federation for Human Rights, An Investigation into the Status of Women's Rights in Central & South Eastern Europe and the New Independent States, 2000
- International Helsinki Federation, Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005)





- International Helsinki Federation, International Fact-finding Mission: Ethnic minorities in Georgia, 2005
- International Monetary Fund and World Bank, Recent Policies and Performance of the Low-Income CIS Countries: An Update of the CIS-7 Initiative, 2004
- International Lesbian and Gay Association (ILGA), Discrimination against lesbian, gay and bisexual persons in the Member States of the Council of Europe, 2000
- M. Alkhazashvili, "Unemployment among Georgia's most pressing social problems" *The Messenger*, 10th August, 2005  
[www.messenger.com.ge](http://www.messenger.com.ge)
- Media Diversity Institute, Press Coverage of Minority Groups in the South Caucasus, 2004- 05 [www.media-diversity.org](http://www.media-diversity.org)
- National Democratic Institute for International Affairs (NDI) & U.S. Agency for International Development (USAID), Report of Parliamentary Oversight, Responsiveness and Transparency (PORT) Program in Georgia, 2006
- Overseas Development Institute, Working Paper 239, Politics and the PRSP Approach: Georgia Case Study. Kate Hamilton, May 2004
- OSCE Mission to Georgia, News Digest, November 2003
- Office of Public Defender of Georgia, Report on conditions of Human Rights in Georgia in 2004
- PACE Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, Implementation of Resolution 1415 (2005) on the honouring of obligations and commitments by Georgia (DOC 10779), 5 January 2006.
- Sumbadze, N., & Tarkhan-Mouravi, G. (2005). Gender & Society in Samtskhe-Javakheti, Georgia. UNDP, Tbilisi, 2005
- Sumbadze, N., & Tarkhan-Mouravi, G. (2005). Transition to adulthood in Georgia: Dynamics of generational and gender roles in a post-totalitarian society. In: (Eds.) Carmen Leccardi, Elisabetta Ruspini. "A New Youth? Young People, Generations and Family Life", Ashgate Publishing
- The World Bank, World Bank Working Paper No. 23, HIV/ AIDS in Georgia: Addressing the Crisis, 2004
- Transparency International Global Corruption Report, 2006 Country Reports, Georgia
- UNAIDS, UNICEF & Georgian AIDS and Clinical Immunology Research Center, Situation Analysis on HIV/AIDS in Georgia, 2001
- UNDP and Sida: Gender and Politics Programme for the South Caucasus, Gender and Politics Project GEORGIA
- UNESCAP, UNDP, UNIFEM and OSCE/ ODIHR, Institutional Mechanisms to Promote Gender Equality in Economies of SPECA Member Countries: Progress and Challenges, December 2005
- UNESCO, Culture and Development Section Division of Cultural Policies and Intercultural Dialogue, HIV and AIDS in Georgia: A Socio-Cultural Approach, 2005
- United Nations Country Team in Georgia, 2005, Improving Targeting of Poor and Extremely Poor Families in Georgia: The Construction of Poverty Maps at the District Level, 2003
- United Nations Country Team in Georgia, 2005, United Nations Development Assistance Framework (UNDAF) 2006-2010
- United Nations Development Program (UNDP), Common Country Assessment, Georgia, 2004
- U.S. Department of State, Country Reports on Human Rights Practices, 2004 Georgia, February 2005.
- U.S. Department of State, Country Reports on Human Rights Practices, 2005, Georgia, March 2006

**This toolkit is intended to provide ideas and information resources for those wanting to organise Pride events in a hostile environment. The need for it has been made clear by the intense hostility faced by many Pride organisers in Central and Eastern Europe. In drawing heavily on their experiences and successes, and matching this input with information on support available from the European institutions and the LGBT community internationally, it aims to underpin the consolidation of progress made so far, and provide the initial know-how for those wishing to arrange events in countries and towns where no Pride events have yet been held.**

**The struggle to achieve freedom of assembly and expression for LGBT people across Central and Eastern Europe presents enormous challenges, excitement and exhilaration. Hatred and the ever present threat of violence have to be met with great courage and commitment. The photographs included in the toolkit (and provided so willingly by the many photographers) capture the spirit of these important events, honour those who have taken part in them, and will, we hope, inspire many more to take up the cause.**

