



Human Rights Violations Based on Sexual Orientation and Gender Identity in Georgia

An alternative report in relation to the consideration of the 6th periodic report of Georgia

84th Session
Committee on the Elimination of Discrimination Against Women

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I. Introduction

The report is prepared by “ECOM – Eurasian Coalition on Health, Rights, Gender and Sexual Diversity)” (ECOM), NGO “Equality Movement” and Queer Association TEMIDA (TEMIDA). We confirm the data that we [provided](#) to the CEDAW in 2021 to form the List of Issues. This document provides additional information in regard to the Committee’s questions to Georgia. Assessments in the report are based on research, fieldwork, strategic cases litigated by these organizations, and their analysis. Where relevant, the report relies on information provided by the State, assessments of the Public Defender of Georgia (hereinafter “PDO”), and local and international human rights organizations.

ECOM is a regional NGO that works with gay men, other MSM, and trans people, specifically in the area of ensuring their right to health. “Equality Movement” is a non-profit, non-governmental organization that aims at creating equal rights and opportunities for lesbian, gay, bisexual, transgender, queer, and intersex persons and women in Georgia, providing legal, psycho-social and HIV services, carrying out awareness activities on LGBT+ and women rights issues, and advocating their interests. Queer Association – TEMIDA is a trans-led community organization advocating trans-competent healthcare and helping the most vulnerable community members communicate with the public and private sectors to defend their rights. Thus, ECOM, “Equality Movement ” and TEMIDA have profound experience and competence in revealing disparities in state services pertaining to those social groups and in developing professional recommendations to amend them.

In the [List of issues](#) in relation to the sixth periodic report of Georgia, dated 16 July 2021 (CEDAW/C/GEO/Q/6), the Committee on the Elimination of Discrimination against Women inquired about the measures taken to ensure the access of women belonging to ethnic minorities, women with disabilities, migrant and refugee women, lesbian, bisexual and transgender women and intersex persons to primary health-care services, sexual and reproductive health services, inclusive education and employment (para. 20 (a)).

The State party was requested to indicate the measures taken to combat discrimination against women with disabilities and lesbian, bisexual, and transgender women and intersex persons in all spheres of life (para. 20 (b)). Georgia was also asked to describe measures taken to ensure the prompt investigation of cases of violence against and harassment of lesbian, bisexual, and transgender women and intersex persons (para. 20 (f)).

II. Positive aspects and the progress made by the State

We commend Georgia on several monumental achievements it made within its legislation. The adoption of the Law of Georgia on Elimination of All forms of Discrimination (Anti-Discrimination Law) in 2014 with consequential amendments was a huge step towards laying the right foundation for ensuring the equality of all people regardless of their attributes. SOGIGE (*sexual orientation, gender identity, and gender expression*) were included as protected grounds that serve as aggravating circumstances in case they are the motive for committing a crime (Article 531 of the Criminal Code). In September 2020 first-ever Memorandum on Cooperation on Collection of Data on Hate Crime [was signed in Georgia](#) in the framework of the project supported by the Council of Europe.

III. Prevailing problems

We respectfully welcome Georgia’s steps taken towards enhancing the protection of the human rights of trans women and queer women. However, despite the mentioned achievements, the actual picture is less colorful: the civil society and community members report further discrimination by the police and medical workers; assaults from the general public are being made, and the freedom of peaceful assembly and expression are not fully protected by the government. In this regard, the events of July 5, 2021, and related to them not only undermined the belief in positive developments in the field of protection against discrimination based on SOGIGE but also demonstrated a significant setback in terms of the safety of LGBT+ in Georgia.

Despite the rights guaranteed by Georgian law and international instruments, the LGBT+ community remains to be one of the most marginalized and vulnerable groups in the country¹. LGBT+ community remains the only social group which is fully excluded from public space. The given alternative report is

¹ The main challenges of the social protection system for various vulnerable groups in Georgia: The [report](#) of the Coalition for Equality, 2022. P. 61.

meant to serve as additional information regarding the wider non-discrimination of the LGBT+ people in Georgia, and as an instrument to further advance and speed up positive changes that will amend the current ineffectiveness of the administration and enforcement of the non-discrimination clauses that impale the reduction of stigma and discrimination based on SOGIGE.

This document identifies at least several issues that, in our opinion, require clarification from the Georgian authorities. In addition to recommendations, we formulate the questions that it would be desirable to put to the State at the forthcoming session. The given Report is meant to serve as an instrument to advance positive changes and to amend the current underwhelming position in which the mentioned minority group tends to find itself.

IV. Principal areas of concern and recommendations

Discrimination

Although the Anti-Discrimination Law is in place, its implementation and enforcement are still ineffective. More resources, attention, and intention should be allocated by the state to not only have the anti-discrimination provisions in place *de jure* but to also have them work *de facto*. LGBT+ NGOs should be involved in the discussion of the unified national Human Rights strategy, which will increase the awareness of the general population and the police about SOGIGE issues, not only in terms of hate crimes but also in terms of the LBT people deserving equal respectful treatment.

In the event of discrimination, PDO is authorized to develop recommendations and prepare and submit proposals on preventing and fighting discrimination to relevant individuals/entities. However, in practice, there is no mechanism in place that will allow PDO to force that individual or legal entity who commits a discriminatory act to exercise the respective recommendation/proposal. The optional recommendation is ineffective and fails to meet the goals set by the law, which ultimately makes the relevant provisions regarding PDO's powers declarative. The Anti-Discrimination Law does not specify the time frames for submitting a complaint/application to PDO, which can be evaluated positively. Hence, a person who considers themselves a victim of discrimination may apply to PDO at any time after the discriminatory act happened or was identified. The law does not specify the time frame for PDO to review the case and send recommendations/proposals to the individual/entity who committed a discriminatory act. Considering the victim's interests, it is important to set a deadline in the law within which PDO should complete the case.²

Another problematic area is hate speech (insults, humiliation, ridicule, as well as expulsion and spreading rumors³). It is at its height during elections, as the theme of SOGIGE is often used for political ends. In 2019, a civil society organization reported that 731 homophobic public statements had been made in 2017, 255 by the media, 153 by politicians, 172 by other members of society, 24 by the clergy, and 127 by civil organizations⁴. A sharp increase was observed in 2018 compared with the previous years⁵. Preceding the Tbilisi Pride (March of Dignity), planned for July 2021, government representatives and religious leaders [made countless](#) anti-LGBT statements. In 2021-2022, the conservative media platform that propagates violence, [Alt-Info, obtained authorization to begin broadcasting on national TV](#) and [was registered as a political party](#).

Georgian legislation does not criminalize hate speech unless statements create a direct and imminent risk of violence. The authorities do not react, investigate, or punish people or public figures for homophobic and transphobic hate speech, which often equalizing of homosexuality with perversion and pedophilia. There is no definition of hate speech in Georgian legislation, and thus it is not clear what standards redress mechanisms use when it comes to addressing and assessing alleged cases of hate speech.

The exercise of the right to freedom of assembly and expression by LGBT+ people is still a significant problem too⁶. The lack of security guarantees from the state and the strengthening of violent groups, as the practical restriction of the realization of these rights, is accompanied by the constant active

² Human Rights Violations Based on SOGI in Georgia. An "[alternative report](#)" regarding Concluding Observations of the CEDAW. June 2021. Para. 10.

³ Center for Social Justice, LGBTQI Group Social Exclusion Survey in Georgia, 2020, p. 144.

⁴ "Visit to Georgia", Victor Madrigal-Borloz, UN. HRC, 2019, para. 52.

⁵ Media Development Foundation, "[Hate speech](#)" (2018).

⁶ Alternative Report on Georgia's Compliance with the ICCPR. Human Rights EMC and GYLA. August 2020. P. 33.

mobilization of homophobic groups⁷. In recent years, the failure to adopt measures to avoid confrontations among groups with different opinions and to prevent unlawful actions from demonstrators was identified as a particular problem; in some cases, a disproportionate and unjustified force was used against peaceful demonstrators⁸. In 2021, the circumstances of the July 5th attack became a clear example of the situation when the state failed to take appropriate measures to facilitate the exercise by the LGBT+ community of freedom of assembly. In spite of the intensity and magnitude of the attacks, the police were present in critically small numbers and failed to intervene effectively, which further contributed to the aggravation of the process⁹.

The current obstacles to legal gender recognition (see below) and the rigid interpretation of gender by the judiciary may lead to situations where a trans woman is sent to a men's facility, and vice versa, with all the risks associated with such a practice. The State should gather baseline information on the lesbian, gay, bisexual, trans, and gender-diverse populations in prison, including with regard to the size and the needs of those diverse populations, and incorporate components related to their care, protection, and social integration in policy documents.

Recommendations:

- *To adopt a comprehensive State strategy to address hate speech and hatred against LGBT+ persons, including online hate speech and cyberbullying, to adopt a zero-tolerance policy in relation to hate speech, publicly condemn such acts, investigate allegations and punish the perpetrators with an effective monitoring system for racist and homo-/transphobic hate speech that is built on the expertise of the PDO and relevant NGOs¹⁰.*
- *To introduce special legislative norms, designed to protect human rights defenders, including LGBT+ rights defenders, from unlawful interference in their professional activities.*
- *To reflect the principles of prohibition of hate speech, harassment, and discrimination in the professional ethics codes.*
- *To provide financial and other forms of support and encouragement for the establishment and operation of independent women's human rights organizations, in particular those assisting women and girls who are victims of gender-based discrimination and violence and systematically involve them in the development of related legislation, policies, and programs.*

Hate crimes

According to a study of 2018¹¹, among LGBT+ respondents, 88.3% confessed to being victims of hate crimes since 2015. Despite such high figures, only 16.8% of hate crime victims from the said study reported their incidents to the police – the first link in the chain of justice. The fear of having to disclose the identity (forced outing), re-victimization, the lack of trust in law enforcement institutions, and homophobic attitudes coming from police officers cause under-reporting of the hate crimes. The lack of legal prospects, the low awareness of anti-discrimination legislation and redress mechanisms, and poor access to justice contribute to an unwillingness to report¹².

During 2021, there was a rise in attacks against LGBT+ persons and those perceived to be associated with the LGBT+ community. July 5, 2021, was one of the saddest days in the country's recent history when the State responsible for protecting human rights and security was actually not operating. Approximately 3,000 far-right demonstrators violently rioted through Tbilisi, destroying an opposition protest site at parliament, [attacking NGO offices](#), and [assaulting](#) more than 50 [journalists](#), one of them died a few days after; rainbow flags were torn apart and [burnt](#). One Polish tourist was stabbed, allegedly for appearing to be associated with the LGBT+ community. The police [failed](#) to provide [protection](#). Individual attacks were also on the rise¹³. In April 2021, a 17-year-old transgender girl was attacked by

⁷ Coalition for Equality, [The Right to Non-Discrimination in Practice for Various Groups in Georgia](#), 2019.

⁸ PDO of Georgia. Written submission on Georgia's Compliance with the ICCPR, 2020, para. 64.

⁹ World [Report](#) 2022, Human Rights Watch, p. 270.

¹⁰ *It is important to note that local NGOs are against the criminalization of hate speech. It is believed that such legislation will be used against us, political opposition and media.*

¹¹ Human Rights Violations Based on Sexual Orientation and Gender Identity in Georgia. An "alternative report" regarding Concluding Observations of the CEDAW. June 2021. Para. 7. See also the relevant part in: [Submission to the Independent Expert](#) on Protection Against Violence and Discrimination Based on SOGI.

¹² "Visit to Georgia", Victor Madrigal-Borloz, UN. HRC, 2019, para. 40.

¹³ See: <http://www.equality.ge/7153>; <http://www.equality.ge/7460>; <http://www.equality.ge/7040>; <http://www.equality.ge/7008>

two unknown suspects. Two individuals were charged with this crime and were released by the court on relatively low bail given the nature of the violent crime. In October 2021, a man entered a massage parlor in Tbilisi and [attacked](#) two transgender women with a knife, killing one and wounding another. In November 2022, a cisgender woman was killed because the murderer thought she belonged to the transgender community.

The hate crime statistics, especially when it comes to crimes committed on grounds of SOGIGE, do not represent the actuality of the situation with the actual hate crimes committed, number of victims, and commenced proceedings. Even when the victim has contacted the authorities and a formal investigation has begun, the fact that, in most cases, presenting evidence is controversial, giving rise to a fear of retaliation, and that there is a lack of trust in law enforcement bodies, witnesses and victims fear testifying. In most cases, witnesses are pressured or otherwise abused during the interrogation process. Thus the attendance of a lawyer is essential at the initial stage. The problems hindering the access of victims to justice also include obstacles in representing their interests on the part of human rights defenders and LGBT+ activists, and the unwillingness of the authorities to cooperate with civil society organizations.

It is necessary to highlight the problem of the adequacy and proportionality of punishments, and there are examples of when attackers get off with a small fine. Another guarantee for the victim's reparation is rehabilitation and compensation for unlawful actions of investigative bodies. Authorities agree that the problem lies in the incorrect qualification of hate-motivated crimes as ordinary crimes, resulting from a lack of awareness and prejudice permeating the justice system¹⁴.

Georgia was advised by UPR in 2015¹⁵ and ECRI in 2016¹⁶ regarding the strengthening of the fight against hate crimes and the creation of a separate investigative unit, which would deal specifically with hate crimes as effective mechanisms against homo/transphobia. As a result, the Human Rights Protection and Quality Monitoring Department was established under the MIA. However, as the department is not a substitute for a specialized investigative unit under the police system, it cannot be seen as part of a planned effort to strengthen investigation against hate crimes,¹⁷ neither can it ensure the development of a victim-based approach and systemic prevention policy. The new department was created to review hate crime investigations, not to carry them out. It, therefore, does not constitute a dedicated reinforcement of hate crime investigation capacity at the law enforcement level¹⁸. Law enforcement has to be sensitized: it has to be taught on the issues of sexual orientation, gender identity, and gender expression, as well the nuances of stigma and discrimination that befall, serving as the motive for committing a respective hate crime¹⁹.

The government not only fails to recognize, encourage and support women activists, human rights defenders, and NGOs working on women's issues but also contributes to the aggression against them. Women activists and human rights defenders have continued to face threats and aggression for several years in Georgia²⁰. Public aggression is frequent and even more acute towards women activists advocating for LGBT+ rights (for instance, Ana Subeliani, an LGBT+ activist, was physically attacked on 8 November 2019²¹).

Recommendations:

- *To strengthen institutional measures within the law enforcement system to effectively fight, investigate, and prevent hate crimes based on SOGIGE, using inter-agency and multi-spectral victim-based approaches.*
- *To create a methodology for investigating hate crimes against LB women and transgender persons, disseminate it in law enforcement agencies, train law enforcement officers to investigate*

¹⁴ "Visit to Georgia", Victor Madrigal-Borloz, UN. HRC, 2019, para. 41.

¹⁵ Report of the Working Group on the Universal Periodic Review, Georgia, 2015, Recommendation 118.10.

¹⁶ ECRI [Report](#) on Georgia (fifth monitoring cycle). Adopted on 8 December 2015, published on 1 March 2016.

¹⁷ ECRI [Interim Report](#) on Georgia published on 5 March 2019 (CRI (2019) 4) on the implementation of the recommendations made in the report of 1 March 2016.

¹⁸ ECRI [conclusions](#) on the implementation of the recommendations in respect of Georgia subject to interim follow-up. Adopted on 5 December 2018, published on 5 March 2019.

¹⁹ *Ibid.*, para. 9.

²⁰ [Shadow report](#) of the Coalition For Equality and other NGOs to the GREVIO. P. 8.

²¹ Report of the PDO of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2019, p. 194.

hate crimes against lesbian and bisexual women and transgender persons with the involvement of LGBT+ CSOs to represent the interests of victims.

- To establish a dedicated hate crime investigation unit at the law enforcement level in order to strengthen the investigation and prosecution of hate-motivated crimes based on SOGIGE.*
- To gather disaggregated data on gender-based violence and sexual and reproductive health and rights by sex, gender, age group, sexual and gender identity, social status, minorities, and other vulnerabilities.*
- To set up an electronic system of data collection and streamline the methodology used at the national level in order to ensure the accuracy and coherence of the data collected.*
- To analyze hate crime statistics to identify the root causes of such crimes and the obstacles hindering their proper identification.*
- To make sure that homo-/transphobic motivations are considered from the outset of judicial proceedings.*
- To revise the Code of Ethics for Lawyers, to train the members of the Ethics Commission of the Georgian Bar Association on gender and LGBT+ issues.*
- Conduct an impact assessment to evaluate the public servants' pieces of training and, if necessary, adjust them.*
- To ensure timely and effective investigation of possible criminal acts against human rights defenders and punishment of those responsible.*
- To make available and disseminate translated publications of international instruments of LGBT+ human rights protection.*

Violence against LBT women (Gender violence, domestic violence, sex violence)

Violence and the threat of violence are a daily reality for women who face intersecting forms of discrimination. LBT women face physical, psychological, sexual, and economic violence. They very rarely utilize mechanisms for the redress of gender-based violence and domestic violence²². Even in cases when transgender women decide to address the police or the courts, they are faced with those legal barriers. When the state speaks of domestic violence, it does not mention that LBT women can also be subjected to violence. The 2018 study showed that 67.2% of respondents have experienced some form of abuse by family members since 2015 on the basis of SOGIGE. However, hate motive has not been documented in any domestic violence cases against L(G)BT+ individuals since official statistics with regard to domestic violence based on SOGIGE are not collected. Additionally, the government does not address the specific forms of violence against LBT individuals (minors are at particular risk), such as different forms of coercive therapies, psychological pressure, and violence, attempts of forced marriages of lesbian women and trans men²³.

Victims require increased protection after restraining orders are issued against perpetrators of domestic violence. Problems connected with restraining orders include the lack of sustained monitoring of the victim's welfare in the period after the restraining order has been issued. More resources are needed to ensure protection is effective in practice.

A persisting problem is a lack of public crisis centers in place; the existing crisis centers are non-governmental and depend on external financing. In order to ensure continuous, sustainable, and systematic activities of the centers providing assistance to women, it is necessary to provide for their non-stop functioning and allocate premises for the centers. Thus, the lack of effective assistance to victims, emergency response to cases of domestic violence, assessment of risks of repeated violence, and effective and adequate punishment of perpetrators lead to further escalation of domestic violence and contribute to its latency.

While the legislation doesn't consider an intimate partner as a family member or recognize any form of civil partnership, it does not prohibit intimate partner violence, especially among same-sex partners. This situation significantly impedes access of LBT women to the mechanisms of protection on VaW

²² [Shadow report](#) OF THE COALITION FOR EQUALITY AND OTHER NGOS TO THE GREVIO. October 2021. P. 31.

²³ SHADOW REPORT. Discrimination and Violence Against LBTI Women in Georgia. Submitted by WISG, June 2021. Para. 13.

(*violence against women*). However, according to the study, during the period of 2015-18, 81.2% of LB respondents had experienced some form of violence by an intimate partner, psychological violence being the most widespread form²⁴.

In terms of transgender persons and their access to the protective mechanisms, the law defining "victim" as "a woman or other family member" precludes trans women from access to the national mechanism on violence against women²⁵.

Victims of sexual violence face serious obstacles in accessing justice; confidentiality of the victim's personal data is not respected; no practice exists for establishing a safe and protective environment for women victims. Limited services and insufficient interaction between healthcare organizations prevent victims from receiving emergency post-contact prevention of sexually transmitted infections, HIV, or unwanted pregnancy within the first 72 hours; a small number or total absence of forensic experts negatively affects the timely collection of evidence (biological material, signs of violence, etc.) and hamper an investigation.

Recommendations:

- *To ensure unhindered reporting of all forms of gender-based violence against LBT women and girls, including domestic and sexual violence, and ensure that all such cases are effectively investigated and that perpetrators are prosecuted and punished with appropriate sanctions; give priority to criminal proceedings over reconciliation.*
- *To relax the burden of proof on complainants, ensure affordable access to forensic evidence (including DNA expertise/test), and continue to build the capacity of judges, prosecutors, the police, and other law enforcement officers regarding the gender-sensitive investigation and interrogation methods.*
- *To strengthen victim support services and protection, including 24/7 hotlines, adequate specialized, inclusive, and accessible shelters, medical treatment, psycho-social counseling, and economic support.*
- *To establish a system of legal aid that is accessible, sustainable, and responsive to the needs of women and that provides free legal aid for women with insufficient financial means.*
- *To increase the number of psychologists working with victims of violence throughout the country and provide them with relevant training.*
- *To ensure the timely and effective issuance, enforcement, and monitoring of protection orders, including, where appropriate, expulsion orders, in cases of domestic violence, and impose adequate deterrent penalties for non-compliance with such orders.*
- *To improve the collection of data on cases of all forms of violence against LBT women and girls by the authorities.*
- *To develop the investigative gender-specific methodology for interviewing/interrogating women victims.*

Legal gender recognition

The right of trans persons to legal recognition of gender identity, regulation of, and access to gender-affirming treatment remains unaddressed in the legal and policy framework.

The ECHR has established that the failure to recognize the legal status of post-operative transgender individuals constitutes a violation of the right to private life under article 8 of the European Convention. On December 01, 2022, in the case of [A.D. and Others v. Georgia](#) (no. 57864/17), the ECHR held that there had been a violation of Article 8 of the European Convention. The Court found that the inconsistencies in the reading of the domestic law by the domestic courts were conditioned, at least in part, by the fact that the law itself was not sufficiently detailed and precise. The imprecision of current domestic legislation undermines the availability of legal gender recognition in practice.

Georgia failed to adhere to these standards as far as the provision of healthcare services and legal protection for trans people during gender reassignment is concerned. According to [established practice](#),

²⁴ Ibid., para. 14.

²⁵ Ibid., para. 15.

reversible sterilization, hormonal treatment, and surgical procedures are mandatory to change the sex record in official documents. Such a demand runs counter to internationally recognized approaches²⁶. The lack of documentation threatens life and health while providing medical services, especially during gender reassignment surgery. A new ID and birth certificate can be issued only when the person changes sex and after undergoing surgery²⁷. In practice, civil registrar bodies deny trans people changing their gender marker unless they bring a certificate that proves they have undergone a sex reassignment surgery. Even then, not all would accept the application and issue new documents. The cost of these procedures is expensive and is not covered by state health care policies. The law requires gender confirmation surgery for legal gender-identity change and does not provide options for transgender individuals who do not wish to undergo confirmation surgery to change their gender identity²⁸. In addition, the State does not permit changing one's sex on a birth certificate or university diploma.

The process of introducing trans healthcare guidelines, based on the Ombudsperson's 2020 [recommendations](#), is stalled.

Many transgender people do not wish to have surgery or undergo hormone therapy, and those who may want to have surgery or hormone therapy likely do not have sufficient resources. As a result, many transgender people's national identification cards contradict their appearance. Presenting this card may force transgender people to reveal their birth gender against their will, leading to arbitrary interference with their right to privacy.

On March 25, 2021, a trans woman's demand was satisfied by the Tbilisi Civil Registry Service of LEPL Public Service Development Agency of the Ministry of Justice, and her gender marker was [changed](#) from "male" to "female". Although it is a commendable achievement, having this one ground — undergoing sex reassignment surgery — for changing one's documents is very limiting and discriminatory²⁹.

The gender recognition system that allows trans persons to change their name and gender marker on identity documents should be a simple administrative process based on the self-determination of the applicant. It should be accessible and, to the extent possible, free of charge³⁰. Georgia should establish a dedicated commission to adopt the necessary laws and regulations to eliminate this discriminatory gap that leaves trans people virtually ignored by the law and degraded by the public, denying them freedom of self-determination, gender identity, gender expression, and privacy.

Recommendations:

- *To create transparent and effective administrative mechanisms for legal gender recognition, which will be detached from the medical sphere and will not foresee inappropriate and intrusive medical intervention as a precondition in the legal recognition process.*
- *To develop quick, transparent, and accessible procedures, based on self-determination, for changing the legal gender of transgender people on birth certificates, identity cards, passports, educational certificates, and other similar documents; make these procedures available for all people who seek to use them, irrespective of age, medical status, financial situation or police record.*

Other Health Issues

LBT women surveyed reported difficulties accessing health facilities due to cost, quality, fear, stigma, or discrimination³¹. On top of the breach of confidentiality, transgender people are often denied medical care when they turn to healthcare facilities. They seek assistance only from friendly medical specialists with the support and accompaniment of LGBT organizations.

The Georgian government needs to invest in supporting LGBT+ NGOs financially to raise awareness about HIV for LBT, especially trans women, and decrease stigma. Existing extracurricular activities based

²⁶ Parliamentary Assembly Resolution 2048 (2015), Recommendation CM/Rec (2010)5 of the Committee of Ministers.

²⁷ WISG, Equality Movement, ILGA-Europe, submission to the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz ahead of country visit to Georgia, 2018, p. 11-12.

²⁸ United States Department of State. Georgia 2021 Human Rights Report. Page 77.

²⁹ Human Rights Violations Based on Sexual Orientation and Gender Identity in Georgia. An "[alternative report](#)" regarding Concluding Observations of the Committee on the Elimination of Discrimination Against Women. June 2021. Para. 18.

³⁰ "Visit to Georgia: report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity", Victor Madrigal-Borloz, UN. Human Rights Council, 2019, paras. 66-68.

³¹ [Research on social rights, Coalition for Equality](#)

on healthy lifestyles do not meet the needs of adolescents and young people with sexual and reproductive health issues. Stigma and moral judgments create further barriers for adolescents and young people to access sexual and reproductive health services.

Recommendations:

- *To raise health professionals' awareness about sexual orientation and gender identity and ensure that lesbian, gay, bisexual, trans, and gender-diverse persons can access stigma-free treatment at health centers, including HIV/AIDS testing and counseling services.*
- *To ensure the participation of the trans community in the design and implementation of the national HIV/AIDS strategic plan.*
- *To create a multidisciplinary working group and develop a National Clinical Practice Recommendation (Guideline) and disease management state standard (protocol) regarding trans-specific medical procedures based on the Ministry of Health.*
- *To take measures to protect women's data and to ensure confidentiality at the healthcare facilities level.*
- *To ensure that women and girls without sufficient means, including those belonging to disadvantaged and marginalized groups, have free-of-charge access to health care, including sexual and reproductive health services.*
- *To guarantee access for women and girls to affordable modern contraceptives and emergency contraception, to procure contraceptives for the most vulnerable groups of the population through increased public funding and mandatory health insurance resources.*

Education issues

There are no regulatory frameworks about bullying based on sexual orientation or gender identity. In the report on his visit to Georgia in 2018, the Independent Expert noted³² that the absence of such policies and lack of awareness creates a "hostile environment" in schools and "breeds intolerance" towards LGBT+ students. Like in many EECA countries, sex, sexual orientation, sexual identity, and gender have an inadequate perception among the general Georgian public.

Homophobic and transphobic attitudes, stigma, and violence in educational settings result in limited access to safe, equitable, and good-quality education for LBT women³³. The problem is especially critical at schools. For example, the research shows that for 32.2% of the respondents, SOGIGE-based discrimination by teachers and school administration created a barrier to general education. In comparison, 41.9% of the respondents reported homophobic bullying by classmates and peers at schools. 44.1% reported that they had missed school days due to discrimination and bullying faced because of SOGI.³⁴ More than half of the respondents have experienced violence at school because of their sexual orientation and gender identity.³⁵ According to another study, lesbian and bisexual women with masculine expressions were oppressed at schools for their deviation from gender norms of appearance and femininity.³⁶

In the Report of the Working Group on the UPR concerning Georgia (HRC, 47th session, 21 June – 9 July 2021), it was recommended to adopt specific policies to promote tolerance towards diversity in matters of sexual orientation and gender identity in educational settings (paras. 148.60, 148.61).

Georgia needs to develop contemporary educational programs for secondary and higher education students, as well as for the general public, on the matters of sex and reproductive health, including SOGIGE issues. This has to be an awareness-raising and positively educational curriculum that will encompass issues of sexual identity, hygiene, gender, gender identity and expression, sexual orientation, friendliness and non-hostility towards people who have different sexual needs, and, of

³² "Visit to Georgia: report of the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity", Victor Madrigal-Borloz, UN. Human Rights Council, 2019, para. 16.

³³ Shadow Report by Tbilisi Pride in relation to the 6th Periodic Report of Georgia, para 19.

³⁴ [Social Exclusion of LGBTQ Group in Georgia](#), Social Justice Center, 2020, p. 11.

³⁵ Ibid. p. 96.

³⁶ A Research on Social and Economic Needs of LGBTQI Community in Georgia, Equality Movement, 2022, p. 16.

course, sexual health and reproductive health and safety during sex, and other sex-health related issues³⁷.

Recommendations:

- *To ensure that a zero-tolerance policy on gender-based violence and harassment is effectively implemented in all schools, which should include counseling services, awareness-raising efforts, and effective reporting mechanisms;*
- *To ensure that gender-sensitive, age-appropriate, and inclusive education on sexual and reproductive health and rights are included in curricula at all levels of education to foster responsible sexual behavior with a view to preventing early pregnancies and sexually transmitted infections, including by providing teachers with systematic training on sexual and reproductive health and rights;*
- *To integrate age-appropriate mandatory education on sexual and reproductive health and rights, responsible sexual behavior and the prevention of early pregnancy, sexually transmitted infections and gender-based violence, including sexual violence, into curricula at all levels of education;*
- *To mainstream gender equality issues in education, adopt specific policies or programs to promote tolerance towards diverse sexual orientations or gender identities in educational settings, and regulatory documents concerning bullying based on these grounds.*
- *To ensure that mechanisms to address bullying based on SOGIGE are available and accessible in educational settings.*

Employment and housing

Recent [study](#) shows that for LGBT+ community members, access to employment and labor rights, in general, is manifested in different forms. Discriminatory attitudes are manifested in the pre-contractual stage, which, among other stages, includes the interview, the labor relationship stage during employment, and the time of dismissal. Therefore, the practices of harassment and discrimination at the workplace are expressed in open and hidden forms. This includes apparent discriminatory behavior, but, at the same time, homophobic treatment can be reflected in the exclusion, isolation, and unfriendly attitudes towards a member of the LGBT+ community, which affects the work environment in the same way.

Transgender women are the most vulnerable, having very little chance of being employed unless they live double lives. As a result, most transgender women are left with no option but to work in an informal economy, being subject to poor working conditions and inadequate remuneration³⁸. If a trans woman cannot change documents, it is almost impossible for her to get a job or she will be employed in a low-paid sector without a formal employment contract. The pandemic has been particularly detrimental to transgender women in the context of employment. Because of the exclusion from the formal labor market, sex work is a primary source of income for almost every transgender woman in Georgia. Thus, due to the pandemic-induced long-term lockdown and curfew, transgender women were left with no income, which put them at imminent risk of homelessness.³⁹ In response to government ignorance towards transgender women amid the COVID-19 outbreak, one of the transgender sex workers, M. K. [set herself on fire](#) in front of Tbilisi City Hall on April 30, 2020.

The study reveals that 28.2% of LB women were discriminated against in employment based on SOGIGE, mainly while seeking jobs: denial of employment hit 21.4%; unequal opportunities (11.2%); obstacles in promotion (6.5%). Entering the labor market is more problematic for LB women who look gender nonconforming (48.4%)⁴⁰. It revealed that difference also occurs in terms of the employment sector: as the discrimination experienced by LB women operating in the private sector (32.6%) is double that of the employees of the public sector; we can thus presume that the anti-discrimination mechanism is more effective in the public sector.

Access to adequate housing are fundamental human rights. According to the recent [study](#), the members of the LGBT+ community noted challenges related to their economic vulnerability and issues

³⁷ Human Rights Violations Based on SOGI in Georgia. An "alternative report" regarding Concluding Observations of the CEDAW. June 2021. Paras. 23-24.

³⁸ "Visit to Georgia", Victor Madrigal-Borloz, UN. HRC, 2019, para. 73.

³⁹ "[Employment and labor rights of LGBTQI community in the context of COVID-19 pandemic](#)", Equality Movement, 2021, pp. 26-31.

⁴⁰ WISG "[Discrimination and Violence Against Lesbian, Bisexual, Trans and Intersex Women in Georgia](#)", 2021, para 27

of adequate housing in research conducted even before the pandemic. The [survey](#) conducted in 2020 shows that only 6.1% of surveyed community members own a house/ apartment. Trans and non-binary women remain one of the most affected groups.

Recommendations:

- *To implement measures to prevent gender-based discrimination in the design of algorithms used for job advertisements or recruitment.*
- *To collect comprehensive data on the participation of women belonging to LBT+ in the labor market.*
- *To combat sexual harassment in the workplace, including a comprehensive definition of sexual harassment, encompassing conduct or a working environment that is intimidating, hostile, or humiliating, and a reliable national mechanism for women victims of sexual harassment.*
- *To improve access to employment and training opportunities for LBT women.*
- *To create/refresh its housing policy, to define the term "homelessness" more broadly than it is in current legislation, including their vulnerable groups such as women, and LGBT+ persons.*

V. Concluding Note

Articles 4-6 of the Georgian Constitution proclaim it as a democratic and social state that observes social justice, social equality, and social solidarity. Unfortunately, despite the Anti-Discrimination Act, in practice, LBT women do not enjoy the same entitlements in terms of their fundamental rights and freedoms as the heteronormative Georgian majority does. They currently lack understanding from the political elite, law-enforcement officers, medical workers, and the general public. Although adopting prohibition based on SOGIGE on a national level was a huge step forward, additional sensitization, education, and awareness-raising of the said categories of people are needed as soon as possible. We file this Report in hopes that the Georgian government will direct more attention at and invest more effort in LBT women as a diverse range of key population groups that have distinct civil, social, and political needs that require specialized regulations to decrease discrimination and stigma that currently impale their ability to lead healthy and fulfilling lives.