



UPDATED SHADOW REPORT

to the Committee on the Elimination of Discrimination Against Women (CEDAW)

for consideration by the Committee at its 84th Session (06 February 2023 – 24 February 2023)

State party: Georgia

Discrimination and Violence Against Lesbian, Bisexual, Trans and Intersex Women in Georgia

Submitted by: Women's Initiatives Supporting Group (WISG)

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Women's Initiatives Supporting Group (WISG) is a non-governmental, non-profit-making organization advocating for the rights of lesbian, bisexual and trans women in Georgia.

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The aim of this *shadow report* is to draw the attention of the Committee to the violations of human rights of LBTI women in Georgia with updated information and data that derive from researches conducted by WISG after the submission of the shadow report in June 2021. This report supplements the last report with data from two main research reports issued by WISG: *Impact of COVID-19 Pandemic on LGBT(Q)I Community in Georgia* and *From Prejudice to Equality. Vol.2: Study on Public Knowledge, Awareness and Attitudes Towards LGBT(Q)I Community and Legal Equality*.¹

This report is a constituent part of the report submitted by WISG in June 2021. Particularly, this report provides updated information regarding violence against LBT women, Legal Gender Recognition for Trans persons, discrimination against L(G)BT people in employment and combatting discrimination and stereotyping against L(G)BTI community through education.

**submission can be posted on the CEDAW website for public information purposes.*

¹ The research reports are referenced in the document.



I. Introduction

1. The illustration of state policies in context of human rights is National Human Rights Strategy (the Strategy) and its Action Plans. The plan for 2018-2020 had no chapter on Gender Identity and Equality till February 2020. It's worth noting that a number of issues advocated by civil society, *inter alia* LGR, were still not covered. Given the unstable political situation and the pandemic, the chapter had no progress in terms of implementation. Despite the fact that the previous strategy was ended in 2020, it wasn't updated until now. The strategy for years 2022-2030 was elaborated but is not yet approved by the Parliament of Georgia. Despite many attempts, no LGBTQI community based organization was involved in the process of elaboration of this strategy and subsequently, the draft document doesn't cover any specific human rights issues related with L(G)BTI persons.

II. Violence against women on the grounds of SOGIE

CEDAW: art. 1-3,6. General Recommendations: N19, 35. Concluding observations 34(e).

2. Under the recommendation N12 the Committee asked for states to include information on violence and on measures introduced in their national reports. Georgia has partially acknowledged the importance of GR and in its sixth periodic report (paras 235-238) provided the data on homo/bi/transphobic hate crimes highlighting the importance of combating it. It doesn't however, address the causes for refraining from reporting to law-enforcement agencies, challenges in terms of domestic violence (DV), Intimate Partner Violence (IPV) or the services for the victims of hate crimes.

2.1. Homo/bi/transphobic hate crimes

3. Despite the institutional measures taken by the state, the frequency and brutality of hate crimes experienced by the L(G)BTQI community is alarming. According to the study conducted in 2020, 56% of respondents (N=320) had experienced some form of violence during the previous two years. Like the past years the recent data also revealed the low rate of reporting - 70% refrained from reporting violence they had experienced to the law enforcement agencies.² According to another study conducted in 2020, 73.5% of respondents (N=155) have stated that they have become victims of hate crimes at least once in last two years.³ 16% of women respondents stated that they have become victims of physical violence, 14% women have become victims of sexual violence/harassment, 56% have stated that they've become victims of psychological violence on ground of SOGI.⁴

² Jalagania, L. Social Exclusion of LGBTQ Group in Georgia, Social Justice Center, 2020.

³ Aghdgomelashvili, E. Impact of COVID-19 Pandemic on LGBT(Q)I Community in Georgia, 2022. Research report available at: <https://bit.ly/3CvfOnG> source last visited: 08.01.2023.

⁴ Ibid.



4. According to the study of LBT women conducted in 2020, 18% of respondents who became victims of hate crimes have reported to the police last two years. Most respondents (41.7%) stated that the incident was not serious enough for reporting it, 20,5% stated they didn't want anyone to know about the incident, 12% stated they didn't report because of shame and discomfort and 11.2% stated that the actions of police is not effective.⁵

2.2. Domestic Violence

5. The 2018 study showed that 67.2% (N=172) of respondents have experienced some form of abuse by family members since 2015 on the bases of SOGIE;⁶ According to a new study conducted in 2020, 59% of respondents (N=120) have become victims of violence from a member of family at least once in last two years and only 7% of respondents stated that they have reported to the police.⁷ However, hate motive has not been documented in any domestic violence cases against L(G)BTQI individuals since official statistics with regards to domestic violence based on SOGIE is not collected. Additionally, the government does not address the specific forms of violence against LBTI 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 men.

2.3. Intimate Partner Violence

6. While the legislation doesn't consider an intimate partner as a family member, or recognize any form of civil partnership, it does not prohibit IPV, especially among same-sex partners. This situation significantly impedes access of LBT women to the mechanisms of protection on VaW. However, according to study, during the period of 2015-18, 81.2% of LB respondents (N=95) had experienced some form of violence by the intimate partner, psychological violence being the most widespread form.⁸ According to a new study, out of 98 women respondents, 95 have reported to have been in a relationship in last two years. Out of this number, 28.6% (N=28) has become a victim of IPV at least once in last two years and 41.8% (N=41) is in a relationship with mutual violence and only 7% of respondents have stated to have gone to the police.⁹
7. In terms of trans persons and their access to the protective mechanisms, the law defining "victim" as "a woman or other family member,"¹⁰ without further anti-discrimination clause in light with unregulated

⁵ Ibid.

⁶ Aghdgomelashvili E., From Prejudice to Equality: LGBT persons in Georgia (part II): LGBTI persons in Georgia, WISG, 2018.

⁷ Aghdgomelashvili, E. Impact of COVID-19 Pandemic on LGBT(Q)I Community in Georgia, 2022. Research report available at: <https://bit.ly/3CvfOnG> source last visited: 08.01.2023.

⁸ Ibid.

⁹ Aghdgomelashvili, E. Impact of COVID-19 Pandemic on LGBT(Q)I Community in Georgia, 2022. Research report available at: <https://bit.ly/3CvfOnG> source last visited: 08.01.2023.

¹⁰ The law of Georgia on VaW and/or Elimination of DV, Protection and support of victims of violence, art.4.



LGR mechanism, precludes trans women from the access to the national mechanism on violence against women.¹¹

2.4. Services for the hate crime survivals

8. According to the study, three most needed services for victims of violence are psychological assistance (58%), social worker (31%) and a lawyer (29%). Most of the respondents who have stated that they had accesses needed services, stated that they received services from local civil society organizations.¹²
9. The victims of hate crime can access the Offices of Protecting Witness and Victim within the Prosecutor's Office and the Ministry of Internal Affairs system, which have a limited number of coordinators throughout Georgia.¹³ One of the responsibilities of the coordinator is to offer victims the services available at different state agencies and civil society organizations. Crucially, the state doesn't offer relevant services for the victims of hate crimes itself and the coordinators of the Prosecutor's and MIA's are seeking those services outside the system and mainly approaching civil society organizations that themselves have limited capacity. It's crucial that the State had such guarantees as part of the fight against hate crimes itself.

□ Recommendations:

- a. Establish hate crime investigation units within the law enforcement system in order to strengthen the investigation/prosecution/prevention of hate crimes based on SOGIE.
- b. Guarantee the adequate identification and processing of Domestic Violence cases based on SOGIE, and the collection of the relevant statistics.
- c. Amend the Criminal Code and the Law on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence to ensure that the rights of victims are protected without discrimination on any ground, including SOGIE, as well as civil status (Intimate Partner).
- d. Introduce the state-funded range of services for the victims of hate crimes.

III. Legal Gender Recognition

CEDAW: art. 1-3,15. Concluding observations 34(e).

¹¹ Tbilisi City Court does not consider the claim of trans woman who requested protective order Case of NGO SAPARI: №3/605-18. 5/02/2018.

¹² Aghdgomelashvili, E. Impact of COVID-19 Pandemic on LGBT(Q)I Community in Georgia, 2022. Research report available at: <https://bit.ly/3CvfOnG> source last visited: 08.01.2023.

¹³ Correspondences from MIA(8 20 02084485) and PO(№13/48281): 17 and 15 coordinators for 2020.



10. Despite the Committee's recommendation (35e), as well as IE's condemn¹⁴, the state has no progress in abolishing restrictions for trans persons with regard to obtaining identity documents. Hence no response in the National Report. Such failure to recognize the gender identity of trans and intersex women is a breach of Articles 1, 2, 3 and 15 of CEDAW.
11. LGR remains unregulated in Georgia: According to the practice, without any legislative or administrative basis, trans people have been forced to undergo unwanted, medically unjustified, expensive and life-threatening procedures in order to change gender marker in their IDs. Namely, under the current practice, new ID and birth certificate can be issued only after a person undergoes multiple medical procedures, including hormonal therapy and gender reassignment surgery, i.e. irreversible sterilization, hormonal treatment and preliminary surgical procedures are mandatory to change gender marker.¹⁵ In December 2022, European Court of Human Rights issued a judgement on case of *A.D. and others v. Georgia* regarding LGR situation in Georgia and violation of Article 8 of the Convention (right to respect of private and family life) was established. According to the Court: *"the lack of a clear legal framework leaves the gatekeepers – the competent domestic authorities – with excessive discretionary powers, which can lead to arbitrary decisions in the examination of applications for legal gender recognition"*.¹⁶

□ Recommendations:

- e. Regulate the process of LGR that is quick, accessible, transparent administrative procedure based on self-determination.
- f. Eliminate abusive requirements as prerequisites for gender marker change, including forced involuntary sterilization, medical procedures related to transition, surgery and hormonal therapies, and mandatory medical diagnosis, psychological appraisals or other medical or psychosocial procedures or treatment.

IV. Combatting discrimination and stereotyping through education

CEDAW: art. 2; 10. GR: N36.

12. According to a representative study conducted in 2021, level of homo/bi/transphobia is still high in Georgian society and in last 5 years, the decrease of homo/bi/transphobia has mainly happened in

¹⁴Report available online at:

<https://undocs.org/en/A/HRC/41/45/ADD.1?fbclid=IwAR1uGxuJ6IMh0KqfYO9D1vUNMQv4SWO0LSiwgZcH7UQCeSdyIM71tmToyZo>, §90.

¹⁵ Established degrading practice has been illustrated in 2021, while the [gender of applicant has been changed](#).

¹⁶ Case of *A.D. and others v. Georgia*, *Applications nos. 57864/17, 79087/17 and 55353/19*, judgement of 1 December, 2022.



women, in the capital city and mostly in the age group 18-24.¹⁷ Even though schools are crucial spaces to learn social diversity and individual esteem, the Georgian educational system reproduces social inequalities. Discrimination of L(G)BTI youth in a forms of gender stereotyping, violence and bullying still persists in Georgia and has a devastating impact on their everyday life. New representative study conducted in 2021 has shown that there is no linear connection between a level of persons education and level of their homo/bi/transphobia,¹⁸ which demonstrates that formal education not participating in changes of societal attitudes towards diversity.

13. Bullying in general and especially towards LGBTI youth at school remains a problem. Additionally, no detailed analyses of the school textbooks has been conducted, which would determine whether the textbooks are free from homo/transphobic stereotyping. None of special awareness rising programmes or any psychological support exist in order to meet special needs of L(G)BTI pupils. Moreover, the research of the Public Defender about the human rights in educational institutions clearly outlines how intolerant the school educational system is in regard to SOGIE.¹⁹ Thus, the formal education system in Georgia on the one hand, can't provide dissemination of knowledge on SOGIE issues free from stereotyping, and on the other hand, does almost nothing to promote a tolerant and inclusive environment for LGBTI people.
14. According to the WISG's research (2018) 14.2% of LBT participants became victims of discrimination in the field of education during the last 2 years and the classmates/groupmates were named as the most abusive group.²⁰ Among the forms of the violence experienced by the classmates were physical violence (7.9%), sexual harassment (34.2%), attempted rape (13,2%). 57.9% of the respondents recalled the experience of psychological pressure and threats on forcible outing (7.9%). In particular cases teaching personnel, instead of responding, are aggravating unhealthy environment at class.²¹ According to a new study conducted in 2020, out of 143 respondents who had studied in at least one educational institution, 6 stated that they were forced to leave institution, 11 have stated to be not allowed to class, 19 have stated that more was required from them than from other students (all three were options of discriminatory attitudes listed in the questionnaire).²²
15. Trans persons are even more marginalized, - almost every trans respondent had the experience of discrimination at school, resulting in their decision to give up on studying.

¹⁷ Aghdgomelashvili E. Mchedlishvili N, Laperadze T. From Prejudice to Equality. Vol.2: Study on Public Knowledge, Awareness and Attitudes Towards LGBT(Q)I Community and Legal Equality. Report is available at: <https://bit.ly/3k0ekvh> Source last visited: 08.01.2023.

¹⁸ Aghdgomelashvili E. Mchedlishvili N, Laperadze T. From Prejudice to Equality. Vol.2: Study on Public Knowledge, Awareness and Attitudes Towards LGBT(Q)I Community and Legal Equality. Report is available at: <https://bit.ly/3k0ekvh> Source last visited: 08.01.2023.

¹⁹ Available online at: <http://www.ombudsman.ge/uploads/other/5/5321.pdf>

²⁰ Aghdgomelashvili E., From Prejudice to Equality: LGBT persons in Georgia (part II): LGBTI persons in Georgia, WISG, 2018.

²¹ Ibid.

²² Aghdgomelashvili E. Mchedlishvili N, Laperadze T. From Prejudice to Equality. Vol.2: Study on Public Knowledge, Awareness and Attitudes Towards LGBT(Q)I Community and Legal Equality. Report is available at: <https://bit.ly/3k0ekvh> Source last visited: 08.01.2023.



□ Recommendations:

- g. Together with relevant governmental organizations and SCOs, the ministry of Education shall analyze the school textbooks to determine the level of tolerance on it;
- h. Ensure the policies for inclusion and overcoming bullying at schools;
- i. Adopt specific policies or programmes to promote tolerance towards diverse sexual orientations or gender identities in educational settings;
- j. Ensure that mechanisms to address bullying based on SOGIE are available and accessible in educational settings.

V. Discrimination and exclusion in employment

CEDAW: art. 2; 11, 15.

16. Discrimination in employment is yet another challenge for LBTI persons, even though Labour Code prohibits discrimination based on sexual orientation. Especially trans persons are vulnerable at the labor market, as unregulated LGR pushes them into unofficial employment i.e. poor working conditions and remuneration, also highlighted by the IE.²³
17. Study of 2018 reveals that 28.2% of LB women were discriminated in employment based on SOGIE, mostly while seeking jobs: denial on employment hit 21.4%; unequal opportunities (11.2%); obstacles in promotion (6.5%). Entering the labour market is more problematic for the LB women who look gender nonconforming (48.4%). It revealed that difference also occurs in terms of 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;²⁴ we can thus presume that the anti-discrimination mechanism is more effective in the public sector. The newest study conducted in 2020 shows that 32.7% of respondents (N=69) have experienced discrimination in employment sphere in last 2 years.²⁵ 26.6% stated that they have been refused a job because they are part of or are perceived to be part of LGBTI community, 13.1% have stated that they have been fired because of the same reason, 8.7% were refused promotion and 12.6% were asked for more requirements than other employees.²⁶

^{23,23} Report available online at:

<https://undocs.org/en/A/HRC/41/45/ADD.1?fbclid=IwAR1uGxuJ6IMh0KqfYO9D1vUNMQv4SWO0LSiwgZcH7UQCesdylM71tmToyZo>, §72-73.

²⁴ Aghdgomelashvili E., From Prejudice to Equality: LGBT persons in Georgia (part II): LGBTI persons in Georgia, WISG, 2018.

²⁵ Aghdgomelashvili E. Mchedlishvili N, Laperadze T. From Prejudice to Equality. Vol.2: Study on Public Knowledge, Awareness and Attitudes Towards LGBT(Q)I Community and Legal Equality. Report is available at: <https://bit.ly/3k0ekvh> Source last visited: 08.01.2023

²⁶ Ibid.



□ Recommendations:

- k. Ensure awareness rising on anti-discrimination mechanisms, including in the Labour Code, in terms of SOGIE.



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