

SUBMISSION TO THE UN INDEPENDENT EXPERT

**on protection against violence and discrimination based on sexual
orientation and gender identity**

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Georgia**

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About the report

This report is submitted by Women's Initiatives Support Group (WISG), a non-governmental, non-profit-making organisation defending the human rights of lesbian, bisexual women, trans and intersex persons in Georgia. The report is based on materials collected and documented by WISG: evidence from victims of human rights violations, analysis of secondary sources from judicial and public administration bodies, interviews and focus groups conducted with LGBTQI community members, NGOs working on LGBTQI rights and related issues, annual and special reports of The Office of the Public Defender of Georgia (PDO) and other experts and relevant national experts, WISG's 2018 discrimination study "From Prejudice to Equality," WISG's litigation reports of 2016, 2017, 2018 and other analytical reports and submissions of the organisation.¹

The purpose of this report is to evaluate the situation in Georgia in terms of human rights at the national level for the upcoming visit of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. The report aims to highlight those main problems, which emerge in the process of protecting human rights on the grounds of sexual orientation and gender identity. This report will assess the steps made by the Georgian government while implementing international obligations and will provide a documentation of achieved progress while accomplishing challenges in the nearest future.

Introduction

There are plenty of systemic problems in Georgia due to which LGBTQI persons in particular face barriers to properly exercise their rights and freedoms. The existence of such problems is on the one hand supported by the societal stigma and stereotypes towards LGBTQI persons; and on the other hand, the state neglects specific needs of the members of the group. All of this makes LGBTQI group members particularly unprotected and makes them vulnerable to homo/bi/transphobic violence and discrimination.

As the key aspects out of the problems we can call attention to omitting SOGIESC issues at the National Human Rights Action Plans, to the improper practice of the Legal Gender Recognition and to the absence of the trans-specific healthcare programmes. Moreover, given that the stigma towards LGBTQI persons is very strong in the Georgian society, it is important to tackle prejudices in various professionals and raise their sensitivity, yet remained problematic.

The following paragraphs, ordered by the sphere of the activities, will discuss all the relevant issues, including mentioned ones, faced by the LGBTQI community in Georgia.

¹ Publications available online at: <http://women.ge/en/publications/> [accessed 31.07.2018]

1. Homo/bi/transphobic violence

1.1. Hate crime

Since 2012 crimes committed due to intolerance on the grounds of sexual orientation or gender identity are determined as aggravating.² Although that was a positive step forward, there had been recorded no statistics regarding hate crimes until 2016 that impeded documentation of these crimes and study of the nature of such motivation. The recommendations developed by the initiative of Gender Equality Council of the Parliament of Georgia in 2018 suggests that Criminal Code of Georgia should be amended in a way that the aggravating circumstances for the crime of torture include additional discriminatory motives, including sexual orientation and gender identity.³

Frequency and brutality of hate crimes and incidents against LGBTIQ people remain challengeable in Georgia.

Cases documented by NGOs exceeds multiple times to the official statistics.⁴ The gap between NGOs' statistics as well as discrimination studies' results and official statistics affirm that the majority of such incidents remain undocumented and unresponded. In some cases, the motivation is not invoked by the law-enforcement bodies, however, in plenty of cases victims are unwilling to report such incidents in order to avoid secondary victimization.

Under the report published by the Ministry of Internal Affairs, in 2018, 53 persons were accused in hate-motivated crimes.⁵ In particular, the ground of sexual orientation and gender identity was revealed in 10 cases; all of them were crimes of violence, which dramatically exceeds the data of 2017.⁶ Herewith, only 4 cases invoked hate crime on the ground of sexual orientation in 2016.⁷

Research conducted by WISG in 2018 reveals that 88.3% of respondents (N=226) have been victim of hate crimes since 2015. The psychological/emotional violence has been experienced by 85.5% of respondents, 61.7% sexual violence and harassment, while 29.7% of respondents reported experience of physical violence.⁸ Despite such destructing number, only 16.8% of hate crime victims have reported to the police.⁹

Many cases of hate crime are included at the Litigation Report of 2018 by WISG.¹⁰ In a number of them, **homo/bi/transphobic motives were not identified while examining the circumstances.**

1.2. Domestic violence (excluding IPV)

Despite the fact that domestic violence against family members based on SOGIESC is the most extensive it remains invisible crime against LGBT community: **the government does not recognize the need to address this issue as a hate crime.** Hate motive has not been documented in any domestic violence cases against LGBT individual. The government does not address the specific forms of violence against LGBT individuals (minors are at a major risk), such as different forms of coercive therapies,¹¹ psychological pressure and violence, attempts of forced marriages of lesbian individuals, which takes place within families against LGBT individuals. It is also worth to note that in most cases LGBT victims of domestic violence do not report to the police because of the fear of outing and secondary victimization, which is why they choose to leave their homes or are obliged to continue

² The Criminal Code of Georgia, article 53 (3¹), available online at: <https://bit.ly/2ft6QIk> [accessed: 22.05.2018]

³ Gender Equality in Georgia: Barriers and Recommendations, Gender Equality Council of the Parliament of Georgia, Volume 1.

⁴ According to the official statistics in 2017 the motive of hate was studied in 86 criminal cases. The ground of sexual orientation was examined in 12 criminal cases and the ground of gender identity in 37 criminal cases. On the other hand, cases documented only by WISG on the ground on SOGIESC in 2017 hit 105, including threat/blackmailing (5), violence (6), beating/bodily injury (7), domestic violence (7), harassment by the police (7), damaging property/stealing (6).

⁵ The report is available online at: <https://bit.ly/2sl8VjZ> [accessed: 22.05.2018]

⁶ *ibid.*

⁷ Interim Report on Human Rights Action Plan (2016-2017), WISG.

⁸ Aghdgomelashvili E., From Prejudice to Equality (part II): LGBT persons in Georgia, WISG, 2018.

⁹ *ibid.*

¹⁰ Bakhtadze K., Intersectional Discrimination and LGBTI People – Litigation Report, WISG, 2018.

¹¹ *ibid.*, p.19.

living in the cycle of violence.¹² A 2018 study showed that among the LGBT respondents, 67.2% (N=172) have experienced some form of abuse by family members since 2015.¹³ In terms of frequency of the forms of violence, 64.1% are victims of permanent psychological violence by family members, while 19.5% have been subjected to physical abuse at least once since 2015. Due to domestic violence, 79.1% of the victims noted that they needed an assistance of psychologists (22.7% applied to the service); 16.9% were in need of medical assistance (5.8% applied); 41.3% needed legal assistance (5.2% applied); 43.0% - social assistance (7.6% applied) 22.1% were in need of shelter (only 2.9% applied).¹⁴

1.3. Institutional violence

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

Often homophobic and transphobic prejudices of the police towards LGBTI persons and particularly **sex-worker transgender women are the basis of their illegal detention and ill treatment**.¹⁵ One transgender woman, who fell victim of such treatment by the police, utilized the Ombudsman's anti-discriminatory mechanism and requested the establishment of discrimination by a particular policeman.¹⁶ On the other hand, such attitude of the police leads to the mentioned problem of not reporting hate crimes and incidents by the LGBTI community. According to the PDO's last report, "The Office of Public Defender studied a number of complaints in which LGBT+ persons speak about **alleged violence, homophobic, humiliating attitudes and inadequate response from police officers**. Unfortunately, in a number of cases the complainants themselves refuse to continue proceedings and do not cooperate with General Inspection of the Interior Ministry and the Prosecutor's Office because they doubt that the cases will be investigated in a timely and fair manner. Moreover, it is difficult to obtain evidence in a number of cases. To avoid the encouragement of homophobic attitudes and violence of police officers, it is important to apply measures envisaged in the law to each of those cases which contain sufficient evidence of the offence."¹⁷

1.4. Institutional barriers

Discrimination study conducted by WISG in 2018 reveals that the reasons for not reporting hate crimes and incidents, among others, included: **ineffectiveness of police, fear of forcible "coming out" and homo/bi/transphobic treatment by police officers**, etc.¹⁸ Beside abovementioned the government does not address the specific forms of violence against LGBTIQ individuals, such as bias motivated crime against family members (e.g. forced marriage, coercive therapy etc.)¹⁹ and Intimate Partner Violence among LGBTIQ couples. So that Public Defender underlined in its annual report: "the law enforcement agency lacks an effective strategy

¹² *ibid.*, p.17.

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

¹⁴ *ibid.*

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

¹⁶ *ibid.*

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

¹⁸ Aghdgomelashvili E., From Prejudice to Equality (part II): LGBT persons in Georgia, WISG, 2018.

¹⁹ Bakhtadze K., Intersectional Discrimination and LGBTIQ People – Litigation Report, WISG, 2018.

of regulating hate-motivated violence, limits itself to responding to separate incidents alone and fails to deal with systemic nature of the problem.”²⁰ Hence, an inefficient responses to crimes and violence against LGBTQI community from the government, creates nihilistic attitude of LGBTQI people towards justice system and encourages the violence against the community.²¹

Noteworthy recommendation toward Georgia upon the UPR and ECRI regarding combating hate crime, advocates Georgia to **establish a specialized police unit** for investigating hate crimes closely collaborating with the LGBTI community in order to create a trusting relationship.²² In fact, in 2018 MIA launched the Human rights Department within its system, which would monitor investigation to strengthen response to violence against women (including sexual violence), crimes committed on the grounds of discrimination, hate crimes, trafficking and crimes committed by and/or towards minors.²³ The core functions of the Department are to monitor the process of investigation and administrative proceedings regarding the above-mentioned crimes, identify the gaps, prepare and enforce measures to enhance law enforcement’s role in eliminating them.

Establishment of the new department has to be welcomed, however, it has much wider remit than the unit proposed under UPR, - Human Rights Department was set to monitor not only all forms of hate crime, but also domestic violence, violence against women, human trafficking, and crimes committed by/against minors.²⁴ Moreover, it’s centralized, coordinating body, giving rise to concerns that it may not be sufficient due regard problems at the local level, nor, for example, detailed issues arising in the investigatory process. **It lacks a preventive approach which includes intergovernmental work to effectively prevent hate motivated violence in general.**

1.5. Services for victims of violence

LGBTI survivors are having some emotional, material and social needs after experiencing the hate crime. According to the WISG’s study, 69% of the victims noted that they needed an assistance of psychologists (23% applied to the service); 20.8% were in need of medical assistance (8% applied); 47.8% needed legal assistance (11.9% applied); 31% - social assistance (6.2% applied) 9.7% were in need of shelter (only 2 person (0.9%) applied).²⁵ Hence, the needs of victims of the hate crimes are special and different from the general supportive system because of their belonging to the marginalized group. In regard LGBTI persons the situation is more dramatic as the strong homophobic attitudes, stigmas and unwillingness of “coming out” reflects the whole picture. Thus, it is important that the state does not limit itself to the reaction to such a crime, but that it provides special services for the victim. **Services of protection and support of victims must include supporting after investigation**, as in every individual case the victim may have special needs and services must be based on individual evaluation (for example, insuring involvement of specialists such as psychologist and social worker; ensuring shelter, etc.) Georgian legislation does not ensure adequate protection of the victim from secondary victimization during the criminal justice.²⁶ Nowadays, the victims of hate crime can access only the Office of Protecting Witness and Victim within the Prosecutor’s Office system, which has only 16 coordinators throughout Georgia. One of the responsibilities of the coordinator is to offer the victim services available at different state agencies and civil society organisations. Without recognition as the victim the service of the coordinator cannot be used. Only Prosecutor has the right to grant the status, however in most cases victims of hate crime need the support (psycho-emotional, medical support, housing, etc.) when addressing to the police.²⁷ As it was mentioned in PDO’s annual report of 2017: “the law enforcement agency lacks an effective strategy of regulating hate-

²⁰ Annual report of the PDO, on the Situation of Protection of Human Rights and Freedoms in Georgia, 2017.

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

²² UPR available online at: <https://bit.ly/2kUr6JT>; ECRI, available online at: <https://bit.ly/2LF2tzO> [accessed 06.06.2018]

²³ Order of Minister of Georgia, available online at: <https://bit.ly/2s7PEmE> [accessed 21.05.2018]

²⁴ Available online at: <https://bit.ly/2Kxuvck> [24.05.2018]

²⁵ Aghdgomelashvili E., “From Prejudice to Equality (part II): LGBTQI persons in Georgia,” WISG, 2018.

²⁶ G. Khatiashvili, “Rights of Victims in Criminal Proceedings,” The Georgian Young Lawyers’ Association, Tbilisi, 2016.

²⁷ Bakhtadze K., Intersectional Discrimination and LGBTI People – Litigation Report, WISG, 2018.

motivated violence, limits itself to responding to separate incidents alone and fails to deal with systemic nature of the problem.”²⁸

It has to be noted that in Georgia **LBT women are often victims of double discrimination - based on their sex, as well as sexual orientation/gender identity**. Root causes of this discrimination and violence against LBT women lie in deep gender stereotypes and conservative morals of the society, gaps and shortcomings in the legislation and indifferent state policy towards women in general and LBT women in particular. In 2017 WISG implemented individual-oriented support system, which is the collaboration of multiple protected grounds for the fulfillment of LGBTQI person’s needs. Therefore, it shall be declared that, save the socio-cultural factors, the economic condition of a person predicts double discriminatory action and crime against them. Hence, the rapid action has to be taken, which should avoid victims to experience such crimes and support their socialization and fulfillment of their basic needs.²⁹

Thus, **it is important to work towards the implementation of the legislation and to use measures to protect LGBT victims against Domestic Violence and Intimate Partner Violence and to ensure that victim support services are relevant, sensitive and responds to the specific needs of the victim**. According to the PDO report: “In 2017, on a number of occasions, representatives of LGBTQI community benefitted from the institution providing services to victims of domestic violence; however, given that they still encounter a number of barriers in receiving the service, the institution must ensure the availability of adequately qualified and sensitive personnel.”³⁰

2. Legislative challenges due regards same-sex couples

2.1. Civil partnership

In 2018 Constitutional amendment entered into force, - by defining marriage as the union of the woman and the man that dramatically impedes implementation of the rights to private and family life of LGBTQI persons; in addition, Georgian legislation does not recognize any form of civil partnership. According to the opinion of the Venice Commission the new Constitutional provision should in no case be interpreted as prohibiting same-sex partnerships.³¹ Despite this recommendation, mentioned provision **will enter into force in fall 2018 and excludes possibility of same-sex marriage**.

2.2. Intimate-partner violence

Despite the fact that domestic violence against family members based on SOGIESC is most widespread and is an invisible crime against LGBT community, **the government does not recognize the need to address this issue, neither pays proper attention to it in its National Action Plans**.³² However, it is crucial that together with heterosexual couples, the mechanism of protection included same-sex couples, as well as considered specific needs of particular marginalized groups. In practice, trans women, as well as lesbian, bisexual and intersex women, very rarely utilize mechanisms for violence against women, gender based violence and domestic violence. Even in cases when the transgender women decide to address police or the courts, they are faced to those legal barriers. In a case, when the transgender woman asked for the restraining order against the perpetrator, the court did not accept the application, stating that: the case included ID of the appellant and according to that document she was a man; Hence, she was not the subject of the protection under the Georgian

²⁸ Annual report of the PDO, on the Situation of Protection of Human Rights and Freedoms in Georgia, 2017.

²⁹ Bakhtadze K., Intersectional Discrimination and LGBTQI People, Litigation Report, WISG, 2018, p. 6.

³⁰ Available online at: <https://bit.ly/2LUBvIP> [17.07.2018]

³¹ European Commission for Democracy through Law —The Venice Commission of the Council of Europe, available online at: <https://bit.ly/2LSiKOy> [accessed 07.07.2018]

³² UPR, Joint Stakeholders’ mid-term report, 30 May, WISG, 2018.

law on “Violence Against Women, and/or domestic violence prevention, protection of the victims of violence;” thus cannot ask for the restraining order.”³³

The law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence does not consider an intimate partner as family member, respectively doesn't regulate violence committed by him/her. IPV is one of the most widespread forms of violence that implies physical, sexual, psychological or economic violence, systematic force and control over partner's behavior.³⁴ IPV is especially caustic in case of same-sex couples. According to WISG's study, 83.6% of respondents have experienced some form of violence at least once in the past three years by the intimate partner. In addition, psychological violence is the most common one (74.6%) and the frequency of sexual abuse and harassment is far high (62.1%). During the past three years, 4.7% of survey participants have at least once been raped by the intimate partner; 12.9% have been victim of attempted rape. The most common form of sexual abuse/harassment is "touching/hugging/kissing against the will of the victim" – 40.6% of respondents have such experience.³⁵ Herewith, the threat of “forced coming out” by partners toward LGBTQI community is very frequent, including cases of blackmail by revealing information about victim's sex life. Thus, mentioned obstacles create additional barriers for LGBTQI persons to use protection mechanisms and defend themselves. Respectively, violence by intimate partner among same-sex couples remains without any feedback from law enforcement bodies. Noteworthy, under the study conducted by WISG, only 4.2% of victims have applied to the police (31.8% - noted that there was no need, 64% - doesn't wish to apply). Most respondents who do not report to the police claim about the "lightness" of the case (61.9%); hence due regard such attitude, victim try to minimize the seriousness of the incident. Others state the fair of forcible “coming out” with police officers; some of them also claim about the insufficiency of law enforcement bodies and the fair of their homophobic reactions. Therefore, it reveals that they chose the strategy to protect themselves, avoiding assistance from the police.³⁶

3. Discrimination based on SOGI

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

According to the record prepared by PDO in 2017, the Department had examined 201 new discrimination cases during the time period of 2016-2017, developing 11 recommendations, 11 general proposals and 4 Amicus Curie briefs; Most of the cases concerned alleged discrimination on protected grounds *inter alia*, of SOGIESC (11%);³⁷ On the other hand the number of the cases examined during the period of 2015-2016 amounted 113, issuing 12 recommendations, 2 general proposals and 6 Amicus Curie briefs; Respectively, the percentage revealing SOGIESC hit 8%.³⁸

³³ Case M.O. Tbiisi City Court, №3/605-18. Feb 5, 2018.

³⁴ Aghdgomelashvili E., From Prejudice to Equality (part II): LGBT persons in Georgia, WISG, 2018.

³⁵ *ibid.*

³⁶ *ibid.*

³⁷ Available online at: <https://bit.ly/2HprwU> [accessed 06.06.201]

³⁸ Available online at: <https://bit.ly/2gaP4vI> [accessed 06.06.2018]

Under the PDO's report LGBTI community is one of the most vulnerable groups, the members of which face discrimination in almost every sphere of life.³⁹ The cases examined by the PDO, included taxi driver's refusal to provide service to a trans woman,⁴⁰ an incident where the same sex couple was thrown out of a night club,⁴¹ and discontinuation of a rental agreement due to discrimination by perception.⁴² In these cases discrimination on the ground of SOGIE was ruled. In the reporting period, PDO also responded, on numerous occasions, when advertisements encouraged discrimination, *inter alia*, on account of gender identity. One such case was a video clip circulated by LTD CCLoan mocking a transgender individual, who in order to earn money, has to resort to prostitution.⁴³

It has to be noted that during the past two years 2/3 (64.5%) of the respondents have experienced discrimination on the grounds of SOGIE.⁴⁴ The study shows that LGBTI community members are mostly discriminated while receiving the service (46.0%), followed by the field of employment (33.6%). During the mentioned period, 16.4% of respondents were discriminated in the sphere of education; 8.6% speak about the ill treatment of law enforcements and 4.7% underlines the problem in regard services within the healthcare system. Respondents, whose gender expression are in line with the social expectations, are less likely discriminated (58.1%), however, respondents who describe their gender expression as non-conforming or neutral tend to be more discriminated (78.0% and 66.1% respectively). In particular, according to the research, male respondents who describe their gender expression as non-conforming are mostly discriminated, - 80% of this group members have been discriminated at least once during the last 2 years. In regard gender non-confirming persons, the most hostile environment is met in the field of education, which corresponds to their level of education and their employment. Respectively, low level of formal education, unemployment and low economic status reflect the vulnerability of the group and discriminates them even more. According to the survey, the lower the socio-economic status of the respondent is, the higher is the chance that they became the victim of secondary discrimination.⁴⁵

As mentioned, discrimination in employment is the most problematic sphere for LGBTI persons and **especially trans persons are vulnerable at the labor market.**⁴⁶ Obstacles regarding legal recognition of the gender reflect to employment, as well. As IDs do not correspond to their gender identity it seeks them to unofficial employment and often have no chance rather than to agree the poor working conditions and remuneration (to be discussed in the following chapter).

WISG has documented many cases of discrimination against transgender and gender nonconforming persons while receiving service. However, providing service is not the only sphere where transgender persons face discriminatory treatment. Unenviable and improper treatment based on gender identity and expression is frequent at state jobs, workplaces and educational or medical establishments. In the majority of the cases, transgender or gender non-conforming persons, who are the victims of discriminatory treatment, refrain from appealing to court or to the Public Defender due to the fear of **repeat victimization, or "forced coming out."** However, in particular cases the Ombudsman's anti-discriminatory mechanisms are still utilized.⁴⁷

³⁹ Special Report on the Fights against Discrimination, its Prevention and the Situation of Equality, 2017, available online at: <https://bit.ly/2xdz8GK> [accessed 23.05.2018]

⁴⁰ The details of the case available online at: <https://bit.ly/2sCyXjp> [accessed 06.06.2018]

⁴¹ The details of the case available online at: <https://bit.ly/2kU1n46> [accessed 06.06.2018]

⁴² The details of the case available online at: <https://bit.ly/2HvxobP> [accessed 06.06.2018]

⁴³ The details of the case available online at: <https://bit.ly/2HtVRYg> [accessed 06.06.2018]

⁴⁴ Aghdgomelashvili E., From Prejudice to Equality (part II): LGBT persons in Georgia, WISG, 2018.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Bakhtadze K., Intersectional Discrimination and LGBTQI People, Litigation Report, WISG, 2018.

4. Legal gender recognition

4.1. Trans persons

There are some issues without any progress reflected, - for instance, legal gender recognition (LGR) still remains unregulated. Trans people living in Georgian are deprived from the most important recognition. **They cannot change the gender marker on their IDs since the LGR mechanism is not regulated by the law.** As of today, transpeople have been forced to undergo unwanted, medically unjustified, expensive and life-threatening procedures in order to change their gender marker. Namely, new ID and birth certificate can be issued only when the person changes sex and only after he/she undergoes the surgery. According to the law on the Civil Acts, a person has a right to request changes or amendments to his/her entry including the name.⁴⁸ The ground of such request includes the change of gender. On the other hand, there is no official definition or explanation of how we should understand “change of gender” or what are the specific documents, that the applicant is required to present in order to achieve legal recognition of his/her gender. According to the existing practice in the civil acts registration body, in case of fully underwent medical procedures of gender reassignment, a person is entitled to change his/her personal data in the official documents, which is a long process. Before the actual surgery a trans person has to be observed by psychologists and sexologists. These observations last for more than a year. At the end of the process the special committee has to conclude on whether or not the applicant is a “true transsexual” and then issues a relative document. Only after this document is issued a trans person has the right to undergo the gender reassignment surgery. One more thing to do before the surgery is the hormone therapy. Consequently, **irreversible sterilization, hormonal treatment and preliminary surgical procedures are mandatory** procedures which one has to go through in order to be able to obtain new documents. As a result, trans people become victims of discrimination every day and at every place where they are asked to show their IDs. This means that trans people are in unequal conditions at the times of employment, service delivery and participation in daily life.

Taking into account all mentioned, organisations working on LGBTQI rights demand the Ministry of Justice to develop LGR mechanism as trans people should be given opportunity to carry the IDs that confirm their real sex, without undergoing compulsory medical procedures.⁴⁹ However, in June 2018, the Minister, Thea Tsulukiani had noted “speaking about the failure of reforms, NGOs are complaining that we do not sign sex in the documents as they demand. This is a huge reform if it is carried, but I admit that I have not conducted it... these NGOs ask me that the person having organs of male was registered as female and person having female’s organs – as male. I admit that I have not carried such reform.”⁵⁰ Such declaration by the Ministry is extremely alarming as it straightens stigma towards trans persons and encourages their marginalization from the society. Moreover, the statement is another example of political homophobia and transphobia.

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

WISG, in collaboration with the partner organisation, European Human Rights Advocacy Centre (EHRAC) drafted two applications of trans men for the ECtHR. Cases concern refusal of legal gender recognition, which, according to the applicants, violated Article 3, 8 and 14 of the European Convention.⁵¹ Applicant D.’s case was sent to the court on August 1, 2017 and the applicant Kh.’s case - on November 10, 2017. Applicants believe that by refusing their legal gender recognition, Georgia has infringed Article 3 (Prohibition of torture) and Article 8 (Right to respect for private and family life) of the Convention, together with Article 14 (Prohibition of discrimination). According to applicants, their social roles are in relevance with that of a man and the entry “female” about their

⁴⁸ The law of Georgia on the Civil Acts, article 78.

⁴⁹ May 17 appeals, available online at: <https://bit.ly/2tg25xs> [accessed 21.06.2018]

⁵⁰ Available online at: <https://bit.ly/2K8K8KN> [accessed 21.06.2018]

⁵¹ Available online at: <https://bit.ly/2hrlnR> [accessed 09.06.2018]

gender in IDs causes “forced coming out.” This situation creates a lot of obstacles for them in society, as the stigma towards trans persons is very strong. D. and Kh. define that the fear of “forced coming out” puts them under constant stress and negatively affects the quality of their lives. They believe that by refusing LGR, state infringes their right to private life, as the effective mechanism of LGR has not been ensured. According to the applicants, they are subjects of discrimination due to all mentioned above.⁵²

4.2. Intersex persons

Another issue concerning healthcare is that there are no regulations which are in line with international standards due regard medical procedures for “**sex normalization**” in **intersex children**. Intersex persons face multiple challenges which are related both to legal regulations and the medical sphere. Georgian healthcare legislation does not prohibit genital-normalising treatment, involving both surgery and hormone therapy. However, such medical inventions are often medically unnecessary, not always consistent with the person’s gender identity, poses severe risks for sexual and reproductive health and is often performed without free and fully informed consent.⁵³ It is imperative that legal and medical personnel shall be better informed about the fundamental rights and needs of intersex persons, especially intersex children, and states shall try to avoid cases of “sex normalization” in intersex persons, without person’s consent.⁵⁴ **No study has been conducted in Georgia** which would examine the medical needs of intersex children and would assess against the international standards of “sex normalisation” surgeries conducted on them in infancy or at later stages.⁵⁵

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

5. Access to healthcare

5.1. Existing environment

The sphere of healthcare still remains as one of the most difficult in regard inclusivity of LGBTQI needs. Study conducted by WISG in 2015 has shown that **healthcare workers have a quite vague knowledge about sexual orientation/gender identity, as well as, about the needs of LGBT persons in health care.**⁵⁶ Such approach has an influence on the access of LGBT people to high standards of health care.

Herewith, it has to be noted that here is the number of major challenges that Georgian HR action plan (2016-2017) has missed to cover, including legal recognition of gender, regulation of trans-specific healthcare procedures, etc.⁵⁷ However, the Gender Equality Council of the Parliament of Georgia recommends the Ministry to incorporate the need and specificities of lesbian, bi-sexual and trans woman as a target/vulnerable group into the State Strategy in Healthcare. It should provide basic information and training to healthcare providers about the need and sensitivity in working with LGBTQI persons. Moreover, the ministry should develop clinical guidelines due regard gender reassignment/transmission procedure in line with international standards.⁵⁸ In 2017 WISG translated and provided the Ministry with the “Standards of Care for the Health of Transsexual,

⁵² Available online at: <https://bit.ly/2HwcXvj> [accessed 09.06.2018]

⁵³ UPR, Joint Stakeholders’ mid-term report, 30 May, WISG, 2018.

⁵⁴ FRA, The fundamental rights situation of intersex people, 04/2015.

⁵⁵ Report on the Implementation of the Georgian Government’s Human Rights Action Plan for 2016-2017, WISG.

⁵⁶ Survey has shown that the majority of randomly chosen healthcare workers (save one respondent) cannot make difference between sexual orientation and gender identity. Aghdgomelashvili E., Study of the Needs of LGB People in Health Care. In - depth interviews. Technical report. WISG, Tbilisi, 2014.

⁵⁷ Report on the Implementation of the Georgian Government’s Human Rights Action Plan for 2016-2017, WISG.

⁵⁸ Gender Equality in Georgia: Barriers and Recommendations, Gender Equality Council of the Parliament of Georgia, Volume 2.

Transgender, and Gender Nonconforming People” created by “The World Professional Association for Transgender Health” (WPATH).⁵⁹ The Ministry has not responded yet about the actions they are going to take in regard the preparation of clinical guidelines or protocols in accordance with those standards.

The right to access qualified medical services, which is regulated by the Georgian legislature as well as by the ethical and medical standards, is also infringed in case of trans people: in spite availability of trans-specific services in Georgia, **there are no clinical guidelines that underwrites procedural rules of diagnose and treatment.**⁶⁰ It has to be noted that WISG, with the financial support of ILGA-EUROPE, ASTRAEA and COC Netherlands, translated WPATH guidelines for healthcare professionals to assist transgender, and gender nonconforming people with safe and effective pathways to achieve lasting personal comfort with their genderselves. The aim of this translation was to introduce trans-specific healthcare standards in Georgia, which would be unified for all health care providers and acknowledged by the MoH. However, document did not get any feedback from the Ministry.

5.2. Trans access to healthcare

Georgian legislation neither prohibits nor regulates gender reassignment surgery. This gives absolute discretion to medical institutions to decide who is eligible for the gender reassignment surgery; also to make decisions on the existing procedures for the reassignment process. Such a gap may result arbitrariness, lack of consistency and create obstacles for people willing to undergo the procedure. While gender reassignment services are available in Georgia, **all the costs for the surgery have to be borne by the patient** (whereas e.g., other medical procedures can be covered by the various private and state-sponsored health insurance packages available in Georgia). Certain category of medical operations is funded or co-funded by the state based on the Decision of the Georgian Government No.7734 (which approves State Healthcare Programmes for 2011). The main criteria for selecting which services fall under this category is the importance of the disease and low or special social status of the beneficiaries. However, despite its high social importance, gender reassignment surgery is not included in that category of medical services.⁶¹ Thus, gender reassignment procedure is not covered under any kind of insurance.

This is grounded by the fact that even those clinics in Georgia, which have certain specific medical services for transgender persons, refuse to register special standards in the special database of the Ministry.⁶² The standard represents “any pricing document approved by the supplier, which may evidentially depend on the respective protocol of medical treatment and which presents the consisting components of the service and their price calculations;” suppliers note that the registration of medical procedural standards for trans persons is not profitable, - firstly due to the small demand of such services and secondly because of the possible denial of the decision-making committee to fund it through the “Referral Service.” This case represents yet another vivid example of refusal specific needs of trans persons. State is obliged to take into account their special needs and caring shall not be solely depended on the free will of the individual clinics. It has to be noted that WISG has approached Public Defender’s Office in order to study the cases of indirect discrimination in regard 4 trans persons (trans man and 3 trans women), appealing unreasoned denial of the service.

⁵⁹ The World Professional Association for Transgender Health. “Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People.” Available online at: <https://bit.ly/2sl5jZZ> [accessed 09.06.2018]

⁶⁰ Aghdgomelashvili E., Gvianishvili N., Todua T., Ratiani T., Health Care Needs of Trans persons in Georgia, Policy Paper, Tbilisi, 2015, WISG.

⁶¹ Monitoring of implementation of CM/REC(2010)5 in Georgia, p.111. WISG, Tbilisi, 2012.

⁶² This standard is defined by the ordinance №177 of the Government of Georgia as of 14 May, 2012, “On Adopting the Regulations of Providing Medical and Insurance Services in the Framework of the State Health Insurance Programme.”

6. Prejudices and Stereotypes

Heteronormativity, cis-normativity, traditional gender and sexual norms, gender asymmetry and stereotypes towards LGBTQI community have crucial impact on public attitudes that on the other hand reflect the homo/bi/transphobic crime. Existing norms have a systemic impact on forming and strengthening discriminatory and prejudicial environment and practices. Hence, there is a lack of visibility of LGBTQI community and legal and institutional barriers towards the group and the facts of discrimination and hate motivated crimes are not responded adequately, **the national policy actions and strategies does not reflect the needs of the community**, etc. Thus, sexual orientation and gender identity issues should be integrated into national Human Rights Action Plan to decrease stigma in society and stereotypes towards LGBTQI community.

6.1. Human Rights Education

Under the Georgian legislation discrimination is prohibited in the field of education and equal access is guaranteed by law in primary/secondary/higher education.⁶³ However, the practice does not correspond with the theory and captures far different picture, especially towards the issues regarding SOGIE in youth.

Bullying in general and especially towards LGBT youth at school remains a problem in Georgia. Additionally, no detailed analyses on the school textbooks has been concluded, which would determine rather the textbooks are free from homophobic stereotypes or not, whether they include relevant information about SOGIE, etc. In his report to CEDAW committee in 2014, State indicates that school textbooks are free from stereotypes and are gender-sensitive.⁶⁴ However, researches show different scenario: the majority of textbooks deepens stereotypes toward different protected minority groups. Many of them even do not present diversity of the society, which impedes equality within students and interferes setting up intercultural and tolerant attitude between them.⁶⁵ The study of public attitudes conducted by WISG in 2016 reaffirm that: “the level of formal education is not explicitly linked with homo/bi/transphobic attitudes (if we do not take into account the student group, whose members ranked low on all scales), suggesting that, for the purposes of this study, formal education does not contribute to increasing tolerance towards LGBTI persons.”⁶⁶

Herewith, it has to be mentioned that **none of special awareness rising programmes or any psychological consultations exist in order to meet special needs of LGBTI pupils or students.** The cases studied by the Public Defender of Georgia in 2017 have shown the prevalence of homophobic and transphobic attitudes in public schools and universities, which results in creating a hostile environment and ostracizing such persons from the mentioned space.”⁶⁷ Moreover, the research of the Public Defender about the human rights is educational institutions clearly outlines how intolerant is the school educational system in regard SOGIE.⁶⁸

According to the research conducted by WISG in 2018, since 2015, 16.4% (N=42) of participants have become victims of discrimination in the sphere of education. Herewith, as it reveals the system of education is more discriminatory upon man, especially ill-treated are man who describe their gender expression as gender non-confirming. The study shows that the level of education directly corresponds to the discriminatory practice in the field of education. Herewith, school educational system is more aggressive in terms of unequal treatment than higher educational system. Hence, the higher is the level of formal education of the respondent, the

⁶³ The Law of Georgia on General Education.

⁶⁴ „The school education material is age and gender sensitive, in no way promoting the negative gender stereotypes in school textbooks at the primary school level. The Ministry of Education and Science is involved in the major school textbook reform currently, ensuring the education based on the principle of gender equality.”. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined fourth and fifth periodic reports of States parties Georgia, CEDAW/C/GEO/4-5. Para.57

⁶⁵ Tabidze S., Giorgadze N., Study of Intercultural Education Aspects at the Primary Level in Georgian Schools, CCIIR, Tbilisi, 2013.

⁶⁶ Aghdgomelashvili E., From Prejudice to Equality: Attitudes, Knowledge and Information Regarding the LGBTI Community and Their Rights, WISG, Tbilisi, 2016.

⁶⁷ Available online at: <https://bit.ly/2LUbViP> [accessed 25.07.2018]

⁶⁸ Available online at: <http://www.ombudsman.ge/uploads/other/5/5321.pdf> [8.29.2018]

discriminatory treatment toward them decreases.⁶⁹ Herewith, classmates/groupmates are named as the most abusive group.

Studies conducted by CCIR in 2013⁷⁰ and 2014⁷¹ confirmed that violence against LGBTQI people is acceptable among society and it is having its roots at schools: according to the study, 81.5% of the interviewed teachers and 78.6% of students agree (in various degrees) with the following statement: “Everybody is free and equal despite their sexual orientation,” 74.9% of teachers and 72.9% of students fully or partly agree with opinion that “People of different sexual orientations pose a danger to the country and the public;” 47% of teachers and 40% of students maintains that different sexual orientation must be penalized by criminal law.

Obviously, it is impossible to plan and implement effective measures to prevent hate crimes in society, unless interfering homo/bi/transphobic environment at schools and terminating the ignorance of its influence on LGBTI youth.

6.2. Qualification of different professionals

As the educational system does not cover issues of SOGIE, it is essential that the trainings of the various professionals, such as law enforcement bodies, patrol inspectors, criminal police investigators, sitting judges, medical personnel etc., was a continual priority of the state.

Continual trainings have a vital importance in regard proper response to the hate incidents and crimes, as well as on the investigations and judicial examinations. As already mentioned the **qualification skills and the homo/trans/biphobic attitudes are still the challenge for the law enforcements officials.**

In 2018 WISG had the opportunity to integrate LGBTI issues in training modules of violence against women and girls (VAWG) and domestic violence for employees of the State Fund,⁷² patrol and district police, criminal police investigators, prosecutors, Georgian Bar Association lawyers,⁷³ employees of the National Probation Agency⁷⁴ and sitting judges. WISG conducted training for trainers for aforementioned groups of professionals. The project was implemented with the support of UNJP. Regarding comprehensive inclusive service provision, the major concern is that these temporary activities do not ensure access to justice and basic necessities for LGBTQI persons.

On behalf of medical professionals they often violate appropriate norms when working with LGBTI patients and show homophobic/transphobic attitude. LGBTI persons often report that **medical personnel display homophobic attitudes** towards them.⁷⁵ Primary reason for this is lack of knowledge about contemporary medical views on sexuality, etc. for instance that World Health Organisation no longer views homosexuality as illness. Despite the legislation, the study of practice, knowledge and attitudes of medical staff towards patients representing the LGBTI group, in which 352 respondents took part, showed that 13.8% of the respondents think that bisexuals are persons with “double biological sex” (e.g. due to genetic, hormonal, or anatomic characteristics). Only 73.8% of the interviewed medical professionals were able to select the correct definition of “transgender”. Hereby, 15.1% believe that a “transgender”/“transsexual” individual is “a person who has an unrestrained sex life and has simultaneous sexual relationships with several people of different sexes.” According to 39.3% of respondents, homosexuality is a disease, which can be cured. More than half of respondents either agree with this statement or do not have a fixed position: 27.7% believe that homosexuality can be cured; 33.0% do not know whether this is possible.⁷⁶

⁶⁹ Aghdgomelashvili E., From Prejudice to Equality: LGBT persons in Georgia (part II): LGBTI persons in Georgia, WISG, 2018.

⁷⁰ Tabatadze S., Gorgadze N., CCIR, Intercultural Education Research in Primary Classes of Georgia, Tbilisi, 2013.

⁷¹ Tabatadze S., Gorgadze N., CCIR, Intercultural Education Research in Primary Classes of Georgia, Tbilisi, 2014.

⁷² <http://atipfund.gov.ge/eng>

⁷³ <http://gba.ge/en/>

⁷⁴ <http://probation.moc.gov.ge/eng/>

⁷⁵ CEDAW shadow report concerning LBT women’s situation in Georgia, WISG, 2012.

⁷⁶ Serebriakova L., Study of Knowledge, Practice and Attitudes of Medical Staff towards LGBTI patients, 2015.

6.3. Homo/bi/transphobic hate speech

Hate speech and political homophobia remain a challenge in Georgia. Myths and stereotypes impacting the sharply negative societal attitudes towards issues related to equal rights have demonstrated that these issues are largely being considered through the lens of morals and traditions, rather than in the context of equal rights. Representatives of anti-gender far-right groups⁷⁷ are using social media actively to spread hate propaganda against LGBT persons. A significant role in the above is played by politicians, whose assessments and comments on cases of discrimination and violence are frequently saturated with moralistic rhetoric; instead of embracing the issue within a legal framework and examining it in the human rights context, they continue to appeal to the dominant cultural, traditional and religious values.⁷⁸ Open homophobic statements made by the public figures, even by the Members of Parliament, are dramatically reflected to the societal attitudes towards LGBTI persons and their rights.⁷⁹

Studies on hate speech show that homosexuality is highly politicised in Georgia. Attitudes towards LGBTQI community are the subject of political speculations and exploited to fragment the political spectrum into “pro-Western” and “pro-Russian” factions. Certain groups intentionally refer to the Soviet myth of the “Western origins of homosexuality” to fuel anti-Western sentiment. On the other hand, negative attitudes towards LGBTQI community are used to label political opponents as “pro-Russian”. Viewing the subject through such a politicised lens has a negative effect on the condition of the LGBTQI community and further impedes the achievement of equal rights. Media researches show that the coverage of LGBTQI issues is often inadequate and straightens existing stereotypes against LGBTQI persons. According to different surveys, LGBTQI hate speech is a dynamic process and is especially used during the pre-election period.⁸⁰ During the 2016 election period invoking homophobic and transphobic hate speech became dramatically frequent. Under the report prepared by Media Development Fund (MDF) among 454 homophobic expressions was covered by the media 459 times.⁸¹ Hence, as mainstream media and television are effective ways to raise public awareness they need to acknowledge their role due regard spreading values of equality and prohibition of discrimination on the ground of SOGIESC.

Moreover, it has to be noted that upon the initiative of the Legal Committee of the Parliament the Code of Ethics of the Members of Parliament has been drafted in 2017.⁸² According to the draft the deputy shall respect fundamental rights and freedoms and recognise equal rights and opportunities for man and woman. Moreover, the Code obligates deputies not to address hate speech toward minorities based on any ground and also envisages relevant disciplinary sanctions upon the violations. Unfortunately, the adoption of the code has been terminated.

7. Freedom of expression

Another crucial issue related to LGBTQI community is their enjoyment to freedom of expression. The public articulation of any issues related to the equal rights of the LGBTQI group is automatically perceived as “gay propaganda.”⁸³ **In particular, LGBTQI persons in Georgia are not free to examine following rights and state still fails to guarantee risk free exercise of their freedom of information, expression and assembly.**

⁷⁷ Neo-Nazi groups the Nationalist Socialist Movement — National Unity of Georgia, available online at: <https://bit.ly/2L4ukGy> [accessed 25.07.2018]

⁷⁸ Aghdgomelashvili E., From Prejudice to Equality (part II): LGBT persons in Georgia, WISG, 2018.

⁷⁹ Homophobic remarks by the MPs: Available online at: <https://bit.ly/2IN3xB8>; <https://bit.ly/2z2ksuY> [accessed 25.05.2018]

⁸⁰ Aghdgomelashvili E., From Prejudice to Equality: Attitudes, Knowledge and Information Regarding the LGBTQI Community and Their Rights, WISG, Tbilisi, 2016.

⁸¹ Kintsurashvili T., Hate Speech, MDF, Tbilisi, 2016.

⁸² Available online at: <https://bit.ly/2MkCPgB> [25.06.2018]

⁸³ Over half (54.9%) of the respondents surveyed within the frames of the quantitative study recognise that “the LGBT group is one of the most discriminated against in the country”. However, 85.6% of said respondents believe that “the rights of LGBT persons should be protected, but it is unnecessary for them to impose their lifestyle on others”.

In regard freedom of expression and peaceful assembly, LGBTQI community always faces high risks and obstacles. The clearest example of such infringement is IDAHOT event in 2017. Despite the prior consultations with the MIA and the representatives of Administration of Government, peaceful assembly celebrating May 17, was limited in time and space; respectively, LGBTQI community was not able to choose freely the place and the format of their event. Similarly, **IDAHOT was not properly celebrated either in 2015, 2016 or 2018.** The full enjoyment of freedom of assembly and expression of LGBTQI community has been always opposed to the risks and threat coming from the third party forces. Taking into consideration all mentioned cases we may say that even if the authorities does not explicitly restrict the freedom of expression of LGBTQI persons, their indirect actions, unwillingness or inability to protect LGBTQI assemblies, are causing the same results and disproportionally limit fundamental rights.

As shown the exercise of the freedom of expression of the LGBTQI persons is challengeable in Georgia that *a priori* excludes the chance of their participation in the decision/policy making process.

8. Penitentiary and caring institutions

8.1. Situation at Penitentiary Institutions

The situation of LGBT persons in the penitentiary remains difficult: according to the Report of the National Preventive Mechanism 2017 **“there are certain challenges in the penitentiary establishments, among others, the stigma attached to those associated with LGBT+ community, subjecting them to psychological violence, isolation and marginalisation in prison life.”**⁸⁴

As it was mentioned in the special report of PDO on HR situation in close type institutions: “The monitoring results demonstrated that the persons involved in the prison maintenance work, responsible for cleaning do not constitute self-identified GBT persons. However, they are identified with GBT persons by the other prisoners and due to the influence of the criminal sub-culture are discriminated on this ground. Persons responsible for cleaning are referred with the offensive terminology by the other inmates. Unfortunately, it should also be noted that some personnel of the administration also refer to those prisoners with the offensive language.”⁸⁵ Herewith, under its annual report PDO in 2017 highlighted the problem and underlined that violence between prisoners, criminal subculture and informal governance still remains problematic. In order to create environment free from violence, he noted, on the one hand, it is crucial to establish proper mechanism to expose, document and report cases of violence and on the other hand, to eradicate high risk practices.⁸⁶

8.2. State shelters

The Georgian legislation guarantees to everyone the right to liberty of movement and freedom to choose his/her residence throughout the territory of Georgia. However, a lot of LGBTI persons, in particular young persons, are rejected by their own families and may find themselves homeless; moreover, no state programmes exists to offer them temporary accommodation and neither specific shelters are provided for LGBTI persons.

Recommendations developed by the initiative of Gender Equality Council of the Parliament of Georgia states that Georgian policy should foresee an expansion of the number of shelters and crisis centers for victims of gender-based violence, as well as their accessibility to vulnerable groups such as, *inter alia*, LBT women. **Standardized protocols should establish risk and needs assessments, in order to secure the necessary protection and robust multi-sectional services, including access to legal aid.**⁸⁷ It has to be noted that in 2017 and 2018 WISG with the support of UNJP conducted special trainings and revised guideline for the staff members of

⁸⁴ Available online at: <https://bit.ly/2Li6DaS> [15.07.2018]

⁸⁵ State of human rights in closed type institutions (report of the national prevention mechanism), available online at: <https://bit.ly/2KvLawz>

⁸⁶ Annual report of the PDO, on the Situation of Protection of Human Rights and Freedoms in Georgia, 2017.

⁸⁷ Gender Equality in Georgia: Barriers and Recommendations, Gender Equality Council of the Parliament of Georgia, Volume 1.

the state shelters on service provision for the victims/survivors of sexual violence and victims of VAWG/DV in order to mainstream LGBTI persons' special needs. However, WISG does not have information about the reflection of its recommendation in training programmes and guidelines. Herewith, there are cases documented when LGBTI communities were denied the possibility to rent a real estate because of their SOGIE. Such cases have been examined by the PDO, despite revealed discriminatory practice its recommendation does not have binding force and problem remains open.

Therefore, it is crucial that adequate and effective legal or other appropriate remedies were available to those claiming to be victims of discrimination based on SOGIE, with respect to their rights to access housing, especially when "coming out" is often followed by exhausting from houses by their parents.

9. Limited checks and balances

In order to solve above mentioned problems **cooperation with other relevant institutions and NGOs is highly recommended**. Human rights NGOs have more experience dealing with the cases regarding LGBTQI persons, they see much realistic scenario and feel the necessity of their empowerment.

At present the cooperation is more of a one-sided process. It is mostly LGBTQI organisations who send their proposals and suggestions to state institutions; in particular, it includes proposals, policy papers or recommendations prepared by NGOs in order to evaluate challenges faced by trans people for changing their documents, co-sponsorship of gender reassignment procedures, combating homophobic hate speech, etc.⁸⁸ Unfortunately, most of the proposals does not get any feedback from the state. Thus, despite the willingness and readiness of nongovernmental sector to participate in public policies reflecting LGBTQI persons, in general they are not involved. WISG has prepared a number of policy papers and relevant recommendation, which unfortunately have not been taken into account by the public authorities.

To sum up, it may be concluded that the State has no holistic vision how to address discrimination and violence against LGBTI persons in Georgia. Government is mostly focused on an institutional reforms without educational and awareness raising activities; hence, social inclusion of LGBT persons and protection of their fundamental rights remains critical. Thus, eliminating discrimination against LGBTI persons constitutes a complex issue and overcoming it calls for the combined efforts and coordination work of various stateactors in close partnership with professional groups, the media and the civil society. Only such cooperation and implementation of scrutinized action plans may guarantee the effectiveness of the policy to eliminate discrimination and violence against LGBTI persons.

WISG welcomes the upcoming visit of the UN Independent Expert on SOGI to Georgia and hopes for the further recommendations in regard key aspects faced by the LGBTI community in the country.

⁸⁸for example: Policy paper, Legal Situation of LGBTQI People in Georgia, WISG, 2015.