
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Sociological Report: Georgia

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A. Executive summary

1. Lesbian, gay, bisexual and transgender identities and practices are generally not accepted in Georgian society, which is highly influenced by, among others, those views expressed by the influential Georgian Orthodox Church.
2. There is one LGBT organisation, Inclusive Foundation, but at least two others were being formed during the drafting of this report. During the process of this study the Inclusive Foundation had their office searched by the police. Several NGOs and the Office of the Public Defender raised concern of the procedures and conduct of the police.
3. In the environment of general hostility and lack of gathering points, organisations and associations, LGBT persons are forced to use the Internet as a medium for meetings, experiences, knowledge sharing and communication etc. So far there have been no public LGBT events in the country.
4. Hate crimes related to sexual orientation or gender identity are not officially addressed in Georgian legislation (only ethnic and religious hatred are recognised as aggravating factors) and therefore there are no reporting, monitoring or handling mechanisms for dealing with this issue. There is no official data on the matter, but there is anecdotal evidence of several hate incidents against LGBT persons.
5. Georgian legislation does not foresee a possibility for formal registration of the relationship of same-sex couples. Same-sex couples therefore are not entitled to any family related social benefits. This also applies, however, to unmarried different-sex couples.
6. Attitudes to LGBT persons at schools and universities echo the general societal patterns and are under strong influence from traditional stigmas and values.
7. Though cases of discrimination in the work place most probably exist there is no official data. This is explained by the fact that few LGBT persons have come out in their work place, and victims of discrimination often do not want to risk the exposure that may come along with acting on a case.
8. The most important issue described by stakeholders when dealing with health care for LGBT community, is HIV/AIDS, where the stigma connected to being a part of LGBT community in Georgia, makes it more difficult to register and conduct HIV/AIDS prevention activities. Georgian legislation does not provide any guidelines for gender reassignment treatment, but a procedure exists and is based on practice. There are two of hospitals where surgery can be conducted.
9. Although media coverage of LGBT related issues have increased tremendously during the last decade, the tone in which the LGBT community is spoken of remains highly negative.
10. Changing of basic documents like birth certificate or diplomas in relation to gender reassignment is not possible. Changing one's first name in the local ID is assessed to be relatively easy.

B. Data collection

11. Data has been collected for this report through:
12. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Georgia.
13. Data collection through meetings in Georgia held in Tbilisi 8 - 11 March 2010 with:
14. Authorities:
 - Ministry of Foreign Affairs
 - Ministry of Justice
15. NGOs:
 - Tanadgoma
 - Inclusive Foundation
 - Georgian Young Lawyers Association
 - Women's Initiatives Supporting Group
16. National Human Rights Structures:
 - The Office of the Public Defender
 - The Parliamentary Committee on Human Rights and Social Integration

C. Findings

C.1. Public opinion and attitudes towards LGBT persons

17. Lesbian, gay, bisexual and transgender identities and practices are generally not accepted in the society that is highly influenced by, among others, those views expressed by the Georgian Orthodox Church. Various sources interviewed indicate that the general attitude towards LGBT persons is highly hostile and intolerant. Some sources mention the strong dominant, patriarchal church traditions and a very traditional approach to marriage and gender in Georgian society as a route to its hostility against LGBT persons.¹
18. In connection with the 2010 Ordinary Session of the Parliamentary Assembly of the Council of Europe the Patriarchate of Georgia initiated the signatures of a joint statement that was signed by the Patriarch himself as well as by the Ambassador Extraordinary and Plenipotentiary of the Holy See to Georgia, the Head of Georgian eparchy of Armenian Apostolic Church, the Acting Chief Rabbi of Georgia and the Plenipotentiary Representative of Caucasian Muslims' Organisation in Georgia with the following wording:
19. "It is impossible that Europe, which is a part of an ancient Christian world and its culture is imbued with religion, from the high tribune of the Council of Europe votes for the standardisation of such abnormalities as homosexuality, bisexuality and other sexual perversions, that are considered not only by Christianity but also by all other traditional religions as the greatest sin, causing degeneration, physical and mental illnesses."²
20. Opinions like this set the frames for the public attitude to LGBT persons in Georgia. Historically the aggression against LGBT persons is also explained by the fact that Georgia has been a part of the USSR, where same-sex sexual acts were officially stated as criminal offence. In Georgia homosexuality were decriminalised on 1 June 2000 meaning that only a decade has passed since the LGBT community got a chance to come out in public.³ The Parliamentary Committee on Human Rights and Civil Integration emphasised the historical legacy of criminalisation saying that one "cannot expect too rapid changes" even though "the level of tolerance is increasing".⁴ The Committee expressed a need for a change in societal attitudes.
21. An ILGA-Europe/COC report refers to a survey conducted in Tbilisi by the Institute of Policy Studies in 2003 among 430 people aged 17-50, made up of 250 women and 180 men. The survey revealed that 84% were negative toward homosexual persons, 14% were neutral, while only 2% responded positively. In relation to lesbian relationships the survey showed that 40% considered such relationships a disease, 34% viewed them as ugly, 20% as a sin. One percent considered lesbianism to be a temporary phase that women simply grow out of. When asked, just 1% of respondents, none of whom were women, indicated that they were in favour of organisations for lesbians.⁵
22. Tanadgoma is one of the major NGOs in the country focusing on HIV/AIDS. Staff of the organisation, which has close contact with LGBT persons, find that due to a general

1 Meetings with the Office of the Public Defender, Inclusive Foundation, Georgian Young Lawyers Association, Women's Initiatives Supporting Group, and legal expert Ana Natsvlishvili, 8 - 10 March 2010.

2 Joint Statement of Georgian Patriarchate and representatives of Traditional Religious Groups, January 2010.

3 "Me" magazine, Nr .8, 2008, Inclusive Foundation.

4 Meeting with the Parliament Committee for Human Rights and Civil Integration, 9 March 2010.

5 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

negative attitude in society, LGBTs are forced to keep their identity hidden, but the level of acceptance is higher in the capital and big cities and most difficult conditions for LGBT persons are found in the rural areas.⁶

23. Inclusive Foundation – the biggest LGBT NGO in Georgia – conducted a survey in 2006 among 120 members of the LGBT community, questioning them on various aspects of their life in Georgia. 57.5% of the respondents characterised the public attitude towards sexual minorities in Georgia as intolerant and only 10 % answered "normal".⁷ The ILGA–Europe/COC report indicates a very low level of openness. This is due to the fact that being lesbian, gay, bisexual or transgender is looked upon as very negative.⁸
24. The majority of Georgian society is described as being very heterosexually orientated and other forms of relationships, are stigmatised as “dirty”, “sick”, “not normal” or as a sin⁹. Societal hostility towards LGBT persons is seen as the norm, rather than a subject for critique or change. The ILGA-Europe/COC report quotes Salome Astiani, from the Department of Sociology at Tbilisi State University, for saying that: “...*discrimination [against homosexuals] is something taken for granted as a normal thing in Georgia. Hatred towards homosexuals and homophobia is common sense*”.¹⁰
25. Mr. David Bakradze, the then chairperson of the Parliamentary Committee for European Integration and currently the Head of the Parliament, when asked about the possibility of widening the constitution’s anti-discrimination clause to include sexual orientation, stated: “I think that there is no need for the constitution to cover this issue, as the constitutional equality provisions are designed to protect attributes a person acquires at the moment of birth and that cannot be changed. These are: race, skin colour and sex. When it comes to personal sympathies and taste [referring to sexual orientation] it is not necessary for the constitution to cover these”.¹¹
26. Another example of anti-LGBT discourse is the fact that Georgian officials use accusations of being homosexual as a means of public assault, which is enough to ruin an opponent’s reputation and career. There was an incident in parliament in 2003 during which the leader of the Socialist party accused the leader of the United Democrats of being gay and being Armenian. A bruising physical brawl ensued.¹²
27. The suicide of the former Chief of the Security Council of Georgia is believed to be related in some measure to a sustained campaign in the media that labelled him as homosexual.¹³
28. Mr Bacho Akhalaia, the then head of the Penitentiary Department of the Ministry of Justice, once responded to criticism with the following sentence: “Yesterday, my opponents called me an alcoholic, today they call me a drug addict, and tomorrow, perhaps, they will call me a homosexual”.¹⁴

6 Meeting with Tanadgoma, 9 March 2010, same assessment presented by Inclusive Foundation, 8 March 2010.

7 Inclusive Foundation, *Discrimination survey conducted among 120 LGBT in Georgia - February 2006*, www.inclusive-foundation.org/home/?page=publications&lang=en, accessed 10 January 2010.

8 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

9 Ibid.

10 Ibid.

11 TV company Rustavi 2. Weekly analytical programme, *Curier P.S.*, 12 November 2006, see video footage at: www.rustavi2.com/news/inserts.php?fr=video_progs&id_news=229&pr=CourierP.S.&l=16&ftp1=1&ftp2=0&ftp3=0, accessed 24 September 2010.

12 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

13 Ibid.

14 This comment was recorded and broadcast by Rustavi2, Imedi, Mze TVs and National Broadcaster, 27 March, when Mr. Akhalaia was commenting on prison riot brutalities and his alleged drunkenness during the special operation in prison. The archives are no longer accessible online, though they can be obtained from the TV archives.

29. The previous Public Defender (served in office till September 2009) acknowledged the existence of discrimination against gays and lesbians in Georgian society, but said that his office did not work on behalf of this group as only a couple of complaints have been registered.¹⁵
30. During recent elections of the Public Defender, the rights of LGBT persons were addressed in the political debates. A nominee from an opposition party stated openly that "the rights of LGBT persons will not be his highest priority, if elected".¹⁶ On 31 July in the same debate for the post, Mr Giorgi Tugushi (who was later elected and took the office on 16 September), said that discrimination on the basis of sexual orientation is unacceptable. Being elected he stated that the protection of LGBT groups and individuals will be among his priorities.¹⁷ The coming annual report of the Public Defender will for the first time in the history of the Public Defender's institution include discrimination on the grounds of sexual orientation.¹⁸
31. The situation of lesbians and bisexual women has to be described separately, as women in Georgia generally have a weaker, more economically dependent status and are denied their options to freely express their sexuality in public. For instance, they are often expected to be virgins when marrying, while men are often forgiven in cases of pre- or extra-marital exploits. Female sexuality is largely considered in terms of satisfaction of men's needs. This leads to a bigger isolation and marginalisation of lesbians and bisexual women, as they appear to be further forced to hide or suppress their sexual orientation.¹⁹
32. To sum up in the political situation, Inclusive Foundation describe some developments in recent years where the former silence and taboo has been lifted due to activities and lobbying from the LGBT community resulting in some debate and support. However, their impression is that the attention has also resulted in a certain backlash in the form of uncountered anti-LGBT discourse from conservative and Church representatives.²⁰

C.2. Freedom of assembly and association

33. There is one NGO that openly declares LGBT persons as the core target group in its Charter: Inclusive Foundation - founded in 2006.²¹ The NGO Tanadgoma (established in 2001) has LGBT persons in focus as a high risk group for HIV/AIDS. A transgender community is virtually non-existent.²² Also it is worth mentioning that, the NGO Women's Support Initiative Group focuses on women's rights.
34. Negative societal attitude towards the LGBT community has a huge impact on its options for gathering points, organisations and associations. The number of NGOs directly and openly addressing the LGBT community is thus limited. Some, though very few, organisations that are working de-facto with LGBT persons, do not declare them as the key target groups and do not work with them exclusively. Instead they promote tolerance more broadly and address LGBT related problems as one among other human rights issues. One reason for this is the strong societal stigma against homosexuality, including its

15 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

16 Ibid.

17 Meeting with the Office of the Public Defender, 8 March 2010.

18 The case of harassment from the police during the raid at *Inclusive Foundation* is described in the next chapter.

19 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007, and meetings with Inclusive Foundation, 9 March 2010 and Women's Support Initiative, 10 March 2010.

20 Meeting with Inclusive Foundation, 9 March 2010.

21 However, a new LGBT NGO was being established during the drafting of this report.

22 Meeting with Inclusive Foundation, 9 March 2010.

denunciation by the Georgian Orthodox Church. Another reason is the difficulties that have previously occurred in the process of registering an NGO with the Ministry of Justice.²³

35. On 15 December 2009, the office of Inclusive Foundation was searched by the police. The leader of Inclusive Foundation was arrested and charged with drug possession. Reportedly, during the raid officials used homophobic slurs, made unnecessary strip searches, unnecessarily damaged organisational posters, and unnecessarily ransacked office. The law enforcement officials were not wearing any uniforms and did not have a search warrant. They confiscated the staff's cell phones and did not allow contact with families and friends. The leader of Inclusive Foundation was arrested, charged with drug possession, and released after a few weeks.²⁴
36. The Ministry of Internal Affairs denied that any procedural violations took place and maintained that the profile of the organisation was irrelevant in terms of the law. The Ministry reported that its General Inspection Office gave one officer a reprimand at the "severe" level in accordance with the police code of ethics, as his actions were determined to be non-ethical and inappropriate for police officers. Two other officers were also given a reprimand at the "severe" level for not preventing the above-mentioned officer from making the unethical statements. Both the Public Defender and Georgian Young Lawyers Association expressed concern about the incident to the Ministry, but neither of them received any response.²⁵
37. The incident drew a wide response from the civic society, NGOs, international organisations and relevant governmental institutions. It was covered by numerous websites and discussion forums. An important impact of the case seems to be increased attention and communication regarding LGBT issues from the public, the Officer of the Public Defender, and responsible official and legal bodies - for good or bad.
38. In the environment of general hostility and few meeting points, organisations and associations the LGBT persons to a large extent use the Internet as a medium for meetings, experience and knowledge sharing, communication etc., which limits the amount of users to those with web access. Several websites have been established over the years (for example www.lesbi.org.ge and www.gay.ge).²⁶
39. Negative public attitudes, the strong influence of the Church, the traditional taboo in relation to sexual relations and especially to same-sex relations and gender minorities make open assembly and/or manifestation from the LGBT persons almost impossible - there have been no public LGBT events or demonstrations.²⁷
40. In summer 2007, several NGOs were involved in the preparation of an action under the Council of Europe sponsored international campaign against intolerance named "All different - All equal." The action envisaged a graffiti painting event not focusing on any particular social group. However the media chose to link up this campaign with LGBT persons. In July 2007 the newspaper "Alia" published an article by Irakli Mamaladze claiming that a gay parade was being planned to be organised in Tbilisi referring to the "All

23 Meeting with Tanadgoma, 9 March 2010.

24 This case is very much in the focus of Civil Society and Authorities. It was presented from various angles during meetings with Inclusive Foundation, Tanadgoma, Georgian Young Lawyers Association (GYLA), Women's Initiatives Supporting Group, Office of the Public Defender, Parliamentary Committee on Human Rights, Ministry of Justice. A number of documents were presented to the mission, among others communication between, GYLA, Public Defender and Ministry of Justice. Further information on the case, http://ilga-europe.org/europe/news/for_media/media_releases/police_raids_office_of_ilga_europe_s_member_organisation_in_georgia_and_arrests_ilga_europe_s_board_member, accessed 20 March 2010.

25 Meetings with Public Defender, 8 March 2010 and GYLA, 9 March 2010.

26 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

27 Meeting with Inclusive Foundation, 9 March 2010.

Different, All Equal” campaign action. The journalist claimed the government was supporting the organisers.

41. This media news was followed by harsh reactions from several politicians and the Patriarchate of Georgia. The Patriarchate issued a public statement saying "The nation that does not ban incorrect sexual orientation and lifestyles is always condemned by God" and calling the event an "exhibition of the sins of Sodom and Gomorrah".²⁸
42. Despite the efforts of the Council of Europe Secretary-General's Special Representative to explain the situation, there followed what the Parliamentary Assembly's Reporters described in their recent monitoring report as "ferocious media attacks labelling the event as a gay pride".²⁹ Unable to guarantee the safety of the participants, the organisers cancelled the event. Reportedly organisations sponsoring the parade received numerous threats, including those of physical violence.
43. The Georgian LGBT community commonly echoes this statement and refers to the incident as the "The Pride Scandal".³⁰ According to local reports, public officials never criticised this occurrence.³¹

C.3. Freedom of expression

44. Inclusive Foundation publishes a magazine "Me" targeted at the LGBT community and describing the issues and updates relevant to its members.
45. There are no reports of limitations in the freedom of expression of LGBT persons, but the Office of the Public Defender notes that in practice the possibilities to speak freely about LGBT issues and against anti-LGBT hate speech is limited, even though not restricted by law or public authorities:
46. *"We know of LGB persons among MPs, pop singers, doctors, etc. But it is not popular to talk about problems related to LGBTs", says the representative of the Public Defender. "When somebody publishes homophobic articles or publicly insults someone representing a sexual minority there should be a reaction that reaches the whole society, but the reactions are usually limited to the Internet, which only reaches a few, mainly young people."*³²
47. Also see the following chapter Hate crime - hate speech.

C.4. Hate crime - hate speech

48. Hate crimes related to sexual orientation and gender identity are not officially addressed through Georgian legislation (only ethnic and religious hatred is recognised as aggravating factors) and there are no reporting, monitoring or handling mechanisms for dealing with this

28 Meeting with the Council of Europe Representative in Georgia, 10 March 2010. The incident also described in: OSCE/ODIHR, 2008, *Hate Crimes in the OSCE Region - Incidents and Responses*. Annual Report for 2007. See also, Me Magazine: #2 (5) 2007, p.8: www.inclusivefoundation.org/home/files/me/me_magazine_2007_2.pdf, accessed 3 August 2010.

29 *Honouring of obligations and commitments by Georgia* - Doc. 11502 rev - Para. 268 - 23 January 2008 Report - Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe; Kamushadze, A., *Georgian Media Invent Gay Pride Rally*, The Messenger, 27 July 2007.

30 E-mail from the Inclusive Foundation to Global Rights, 29 August 2007, (on file with author), meetings with Inclusive Foundation and Council of Europe representatives.

31 Meeting with Inclusive Foundation, Tbilisi, 8 March 2010.

32 Meeting with the Office of the Public Defender, 8 March 2010.

issue. In 2006 Inclusive Foundation conducted a survey among 120 LGBT persons and one of the questions was related to discrimination issues. The results reveal that (despite the fact that only a few respondents are officially out to their friends and family) almost 25% of them have experienced being threatened with physical violence because of their (assumed) sexual orientation or gender identity, 25% of the respondents reported experiencing name calling on same grounds. The majority of incidents have occurred on the street, in cruising areas or by e-mail/text messages.

49. The Office of the Public Defender has had four cases of discrimination of LGBT persons during the last five years - of which two were incidents involving policemen. The Office acknowledge that there are most probably more cases of discrimination and hate crime, but that LGBT persons most often do not want to bring the cases forward.³³
50. In 2007 a gay man was verbally assaulted by a policeman during a criminal procedure related to a fight in a restaurant. The policeman called to the scene discovered that the person involved in the fight was gay and conducted verbal assault. "*I believe these things can happen*", says a representative of the Public Defender who formally addressed the Ministry of Internal Affairs in connection to the incident. The address was, however, not related to the fact that a person involved was gay- the victim did not want that - but to the general case of assault. One police officer was fired, another reprimanded as result of this incident. Another case was of the same character – a gay man was assaulted by a policeman who was called in connection with a street fight. The general perception and experience of the Office of the Public Defender is that LGBT persons most often do not want to report cases of assault or discrimination because they do not want the exposure that might come along with a case. The Office of the Public Defender further states that "*we know that verbal assaults take place, but to our knowledge there are not many cases of physical assaults*".³⁴
51. This statement is challenged by the information collected by Tanadgoma, who in 2007 conducted a survey among 140 men who have sex with men (MSM). Approximately one in five MSM, 18% of the youngest and 24% of the oldest age groups, have been a victim of violence because of their sexual orientation. Among the MSM who have experienced violence, in order of frequency the types of violence they have experienced are: 66% have experienced physical (beating, cutting), 57% have experienced verbal insults, and 33% have experienced rape. A large majority (60%) of these MSM identified the perpetrator as a stranger, with less than 10% mentioning family members and friends. It is remarkable that the percentage of MSM reporting having experienced violence because of their sexual orientation has increased from 10% in 2005 to 21.4% in 2007.³⁵
52. Also see the chapter on Asylum for the case of the murder of a gay man in 2006.
53. On 7 May 2010, the private TV company "kavkasia" organised a live talk show about LGBT related issues. Members of two radical orthodox groups raided the studios and physically assaulted participants and the head of the TV company. One of the anti-LGBT participants told the opponents several times: "Your are not liberals; you are *liberasts*." He used a term which apparently is wordplay of *liberals* and *pederasts*; the latter is used in Georgia as a derogatory term for gays. Only after this did police intervene and put eight perpetrators in custody and Tbilisi city court sentenced them to two months of pre-trial detention. They are charged with hooliganism and preventing journalists from carrying out their duties.

33 Meeting with the Office of the Public Defender, 8 March 2010.

34 Ibid.

35 The STI/HIV Prevention (SHIP) Project Characteristics, High-Risk Behaviors and Knowledge of STI/HIV/AIDS, and Prevalence of HIV, Syphilis and Hepatitis Among MSM in Tbilisi, Georgia, 2007.

Although the police reacted, their intervention was not timely, and the element of homophobia was not included in the court proceedings and sentencing.³⁶

54. According to a report by the US Department of State, there is a relatively low level of police corruption at the patrol level in Georgia. As a result of reforms, the relatively high salaries for police officers provided an incentive to refrain from using their positions to extort money from citizens and from the mistreatment or abuse of detainees.³⁷ This may have had a positive influence on the incidence of cases of hate crimes involving patrol police and LGBT persons. Another factor contributing to the relatively low reporting of hate crime/speech incidents might be the stigma attached to being an LGBT person making some victims fear issuing a complaint if abused or harassed.³⁸
55. In the detention facilities and prisons in Georgia, as in many other post-Soviet states, homosexual prisoners are facing humiliating treatment and are kept in isolation. Insults from the other prisoners and the segregation of homosexual prisoners is a common practice and is more or less openly admitted by the authorities of detention institutions who would otherwise fail to ensure safety in the institutions.³⁹ There are 18 detention institutions in the country. The Office of the Public Defender carried out more than 500 visits to these institutions only in 2009 - both regular and ad hoc- and collected written (anonymous) reports from the prisoners. Despite the above - not a single case of maltreatment of LGBT persons was ever reported.⁴⁰

C.5. Family issues

56. One of the most significant family issues for LGBT persons in Georgia seems to be the reaction one gets from the family when (if) coming out to them. Several sources indicate that coming out in Georgia takes not only a lot of courage but also resources in terms of financial and social independence because in many cases, LGBT persons are rejected by their family.⁴¹
57. Reactions in families vary from most dramatic to relatively tolerant. Family connections are generally very strong and in many cases after the first shock, an LGBT member of a family would be allowed to stay with the family, on the condition, however, that a low profile about sexual orientation is kept. It would largely be unthinkable to have a situation where a same-sex partner is allowed to join the family (in many families several generations share the same house/apartment).⁴²
58. In particular, women are subject to the social control of their families and the Women's Initiatives Supporting Group note a high frequency of domestic violence from different family members.⁴³
59. A survey, conducted by Inclusive Foundation in 2006 among 120 LGBT persons from both urban and rural areas, shows that 86.67% were not out to their families yet, while only 13.33% had revealed their sexuality to the family.⁴⁴ The survey also shows that 66.39% of

36 Information received via email from Inclusive Foundation.

37 US Department of State, *Human Rights Report: Georgia*, Bureau of Democracy, Human Rights, and Labour, 2009.

38 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

Meetings with the Office of the Public Defender, Inclusive Foundation and GYLA, 8-9 March 2010.

39 Meetings with the Office of the Public Defender, GYLA, Inclusive Foundation, Parliamentary Committee on HR and Civil Integration, 8-9 March 2010.

40 Meeting with the Office of the Public Defender, 8 March 2010.

41 Meeting with Inclusive Foundation, 9 March 2010.

42 Meeting with Tanadgoma – Centre for Information and Counselling on Reproductive Health, 9 March 2010.

43 Meeting with Women's Initiatives Supporting Group, 10 March 2010.

44 Inclusive Foundation, *Discrimination survey conducted among 120 LGBT in Georgia - February 2006*, www.inclusive-foundation.org/home/?page=publications&lang=en, accessed 10 January 2010.

those surveyed were out to their friends, indicating that the level of trust is much higher among friends than family members.

60. The same survey shows that if LGBT persons were to choose to whom they would come out in the family, over 60% would choose their mother. Only six persons (out of 120) would come out to their father.⁴⁵

C.6. Asylum and refugee issues

61. There are no known cases of asylum claims on the basis of persecution on grounds of sexual orientation or gender identity.
62. In 2009 Inclusive Foundation consulted two gay men from Turkey and arranged legal counselling. They were considering Georgia as transit country. Legal experts advised them not to claim asylum, because Georgia has only ever given individual asylum in two cases.
63. There are several Georgian LGBT persons who have claimed asylum abroad. These were mostly in the US and Western Europe. One case is that of a 40 year-old gay man who applied for asylum in Norway in 2005, but was denied asylum. Upon his return to Georgia he was stabbed to death in his apartment in the city of Gori.⁴⁶

C.7. Social security, social care and insurance

64. In general, issues related to social security and social care stand on a low level in Georgia and legislation regulating this field does not appear to be discriminatory to LGBT persons in particular. LGBT persons receive the same social benefits as any other people. However Georgian legislation does not foresee a possibility for formal registration of the relations of same-sex couples. Same-sex couples are therefore not entitled to any family related social benefits. This goes, however, also for the different-sex couples that are not registered in the official way.⁴⁷

C.8. Education

65. There are no studies on homophobia and transphobia in a school setting. According to Inclusive Foundation, derogatory terms referring to LGBT persons are frequently used for bullying and this is one of the reasons why practically no pupils or students come out as LGBT.⁴⁸
66. A school's curriculum is defined under the National Education Plan. As defined in the law, it is composed of the following subjects: Georgian language and literature, Georgian history, geography and social sciences, math, natural sciences, foreign languages, physical, labour and aesthetical education. The curriculum in public schools does not include sexual education or life skills, and LGBT identities and practices are not represented in the curricula.⁴⁹

45 Inclusive Foundation, *Discrimination survey conducted among 120 LGBT in Georgia - February 2006*, www.inclusive-foundation.org/home/?page=publications&lang=en, accessed 10 January 2010.

46 Jansen K., *Kameraten drebt etter avslag på asylsøknad*, in *Bergens Tidende*, Bergen, 2 February 2006. Story confirmed by Inclusive Foundation.

47 Meetings with Ministry of Justice and Inclusive Foundation, 9 March 2010

48 Meeting with Inclusive Foundation, 9 March 2010.

49 Ibid.

67. Attitudes to LGBT persons and issues at schools and universities echo general societal patterns and are under strong influence from traditional stigmas, taboo and values promoted by the Georgian Orthodox Church. However, these patterns are less seen among young people in big cities that have access to the Internet and are more exposed to the Western views.⁵⁰

C.9. Employment

68. While the non-discrimination Article of the Georgian Labour Code makes specific reference to sexual orientation, the Code contains serious weaknesses in relation to the prohibition of discrimination generally:
- Article 5.8 gives the employer the right to reject a person's application for a job without any reasoning.
 - Article 38 would appear to allow an employer to dismiss an employee at will, again without providing any reasoning.
 - There is no protection from discrimination during the recruitment process.
69. The Labour Code provides no specific protection from discrimination on the ground of gender identity, and there is no Case Law interpreting provisions prohibiting discrimination on the ground of "gender" as including "gender identity".
70. Though cases of discrimination at the work place may exist, it would be difficult to record or prove them. Sexual orientation or gender identity would hardly be used as a formal ground for the dismissal of an employee, and the reason that there are no complaints may be because it is difficult to prove cases of such a nature and/or that many LGBT persons prefer to keep a low profile in the workplace.⁵¹
71. Even though there are no studies on discrimination in employment there is anecdotal evidence of cases of harassment and of LGBT persons being fired when outed.⁵² Such cases, although not substantiated, seem plausible due to the general attitudes towards LGBT persons identified in this study.
72. The procedures governing the issue of academic diplomas make no provision for reissue following a gender reassignment. This constitutes a barrier to employment for transgender persons. In such a situation, according to established practice concerning the change of a name and a surname, a person should add to the diploma a document issued by a court which would certify that the two people named are in fact the same person. However, in the case of transgender persons this solution might be useless, moreover – it can even harm and become a basis for discriminatory decisions in employment.⁵³

C.10. Housing

73. The negative attitudes towards LGBT persons also influence the opportunities in the access to housing. It is quite common that young people of the same sex, most often students, share an apartment.

50 Interview with Tanadgoma, 9 March 2010.

51 Meeting with Inclusive Foundation, Tanadgoma, Office of the Public Defender, and the Women's Support Initiative, March 2010.

52 Meeting with Inclusive Foundation, 9 March 2010.

53 Legal expert Ana Natsvlshvili, The South Caucasus Network of Human Rights Defenders.

74. A landlord most often announces the preferences when advertising the rent of a property – most often girls would be preferred due to the general perception that girls would be more neat and careful and potentially less troublesome. However if a landlord discovers a sexual relation between the tenants there is a big risk that an agreement with the couple will be terminated. However, sexual orientation is a very seldom used as a formal ground for rejection. A generally negative public attitude and all but transparent procedures of renting a private apartment make placing formal complaints impossible.⁵⁴

C.11. Health care

75. The information available shows that the most important issue mentioned in dealing with health care for men who have sex with men is HIV/AIDS. Before the independence mass screening, prevention of and education on HIV/AIDS were not practiced at all. Although sex education and HIV prevention education are still neglected and non-existent in schools, testing and anonymous counselling is possible at the National AIDS Centre and its regional offices.⁵⁵
76. As of 9 October 2007 there was a total of 1,406 HIV registered cases; 1074 are males and 332 are females, the vast majority of infected persons are 29 to 40 years of age. The actual number of persons living with HIV in Georgia may be closer to 3,500 persons. IDUs account for 60.7% of the registered HIV cases in Georgia; heterosexual contacts for 32.3% (1/3 of these heterosexual contacts were with known IDUs); homo/bi-sexual contacts for 2.8%; 0.8% were blood recipients; 2.0% was from vertical transmission; and 1.4% was from unknown causes.⁵⁶
77. According to a survey, conducted by Inclusive Foundation in 2006, 35 % of the LGBT respondents identify HIV/AIDS prevention as a first priority need for the LGBT community in Georgia. This comes before a need for meeting places, psycho-social support, raising awareness in the general population and other important LGBT related issues addressed by this report. This indicates that HIV/AIDS prevention is highly needed and missing at the time being.⁵⁷
78. There is very little attention to the health care of LGBT persons according to Tanadgoma – Centre for Information and Counselling on Reproductive Health. There is an urgent need of *“non-coercive, anonymous, ethical and systematic surveillance of MSM (and other high risk groups), both behavioural and of selected biological markers throughout Georgia and repeated on a regular basis to provide early warning of a possible dramatic increase in the prevalence rate”*.⁵⁸
79. There are some programmes funded by the Global fund (funding is provided on request of the Georgian Government) offering free tests and medical assistance. The biggest gap in the health sector is still raising awareness and targeted education for the high risk groups.⁵⁹

54 Meeting with Inclusive Foundation, 9 March 2010.

55 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

56 Infectious Diseases, AIDS and Clinical Immunology Research Center, http://aidscenter.ge/epidsituation_eng, accessed 24 September 2010.

57 *Discrimination Survey Conducted among 120 LGBT in Georgia – February 2006*, www.inclusive-foundation.org/home/?page=publications&lang=en, accessed 10 January 2010 .

58 *Characteristics, High-Risk Behaviours and Knowledge of STI/HIV/AIDS, and Prevalence of HIV, Syphilis and Hepatitis Among MSM in Tbilisi, Georgia, 2007*, The STI/HIV Prevention (SHIP) Project.

59 Meeting with Tanadgoma, 9 March 2010.

80. Georgian legislation does not provide a clearly described guideline for gender reassignment treatment. There is a procedure used that requires carrying out a psychological test. There are two hospitals where surgery can be conducted.⁶⁰
81. Inclusive Foundation, having inquired about the procedures in 2007, describes the following.⁶¹
82. Usually those who want to undergo surgery go to clinics. Clinics can do surgery without any limitation, but they ask to apply to commission on Bioethics. Commission sends them to medical institutions that have endocrinology lab and a psychologist and a psychiatrist. They undergo tests and observation for 1 year. If they get a statement diagnosing “true transsexualism” they can pursue the surgery. This procedure is not written or otherwise legally regulated.

C.12. Access to goods and services

83. There is little data on the situation regarding (lack of) access to goods and services. Inclusive Foundation report incidents of LGBT persons being denied service, or being thrown out, from restaurants or bars, but generally LGBT persons are aware of where to go in order to minimise the risk of harassment.⁶²

C.13. Media

84. Although media coverage of LGBT related issues has increased tremendously during the last decade, the tone in which the LGBT community is spoken of remains negative. According to the study, conducted by Eka Aghdgomelashvili, who has been monitoring media coverage of sexual minorities in Georgia since 2006, after the Rose Revolution the negative assessments of the LGBT community, homosexuality and sexual minorities’ issues have increased.⁶³
85. According to the study, aimed at analysing the representation of homosexuality and homosexual persons in the Georgian media in 2006, 65% of the statements made in the public media subjected to the analysis, were negative; while 35% were neutral. The amount of positive statements about homosexuality and/or homosexual persons was 0%.⁶⁴ The same study gives an overview of exactly which groups are covered by the media. The statistics are as follows: Homosexuality 76%; Bisexuality 12%; Transsexuality 10%. Gay men are mostly covered by the press whereas lesbians are practically not spoken of.⁶⁵
86. When talking about media coverage of the LGBT community in the Georgian media, the historical background of the issue is also interesting to have in mind. Eka Aghdgomelashvili’s study describes how media attitudes towards LGBT related issues have changed over the past 20 years: Homosexuality was first mentioned in the context of AIDS and prostitution in the 1990s. During that period, the papers also ran features in the show business section, which were usually copied from foreign magazines.

60 Meeting with Tanadgoma, 9 March 2010, and legal expert Ana Natsvlishvili, The South Caucasus Network of Human Rights Defenders.

61 Meeting with Inclusive Foundation, 9 March 2010.

62 Ibid.

63 Human Rights, www.humanrights.ge/index.php?a=article&id=3647&lang=en, accessed 16 January 2010.

64 Representation of homosexuality/homosexuals in Georgian Media February 2006, Inclusive Foundation, <http://inclusive-foundation.org/home/?page=publications&lang=en>, accessed 13 January 2010.

65 Inclusive Foundation, *Representation of homosexuality/homosexuals in Georgian Media*, 2006, www.inclusive-foundation.org/home/files/media_analysis_en.pdf, accessed 13 January 2010.

87. The type and volume of coverage changed dramatically during the period of political transition beginning in 1999. Politicians seemed so pre-occupied with the fight against homosexuality that it became almost an election slogan. Newspapers reflected the growing demonisation of homosexual persons, who were portrayed as the number one enemy to national traditional values.⁶⁶
88. Although in 2003 the tone in which the media discussed LGBT related issues, changed from being politically oriented to focusing more on the LGBT community as “material” for the popular press and tabloids. The attitude though remained the same. The study identifies for instance the specific myths about LGBT persons written by the newspapers; these ranged from the image of homosexuality as a precondition for demographic disaster, the notion that changing one’s sexual orientation is a thing of fashion, homosexuality as a sickness, the existence of a gay mafia in show business and politics, and the notion that lesbians are women who have never met a real man.⁶⁷
89. The study also looks into the issue of self-representation of LGBT persons in the Georgian media. The analysis showed that from the community itself 50% of the voices represented in the media were lesbians, 36% - gay men and only 14% were bisexuals. According to Aghdgomelashvili’s findings, the majority of those who talks about LGBT related issues are journalists themselves or so-called experts (Psychologists, sexologists, venerologists). A general picture of LGBT persons is as those “traumatised, lonely personalities or well concealed couples.” They do not discuss coming out, the existence of a community or the necessity for the protection of their rights or the legitimisation of their relationships.⁶⁸
90. A study by The Media Diversity Institute, based in London, looked at the coverage given to minority groups by the leading newspapers in Armenia, Azerbaijan and Georgia over a given time period. The minority groups were ethnic, religious, refugees and IDPs, people with disabilities and sexual minorities. The study was first carried out in 2004 and repeated in 2005. The data for 2005 show that 2.5% of the articles during the month monitored were fully concerned with the topic of minorities groups. Georgian newspapers had the greater share of coverage compared to the other two countries in Caucasus, and this was explained in terms of the newsworthiness of ethnic minorities in Georgia.
91. Almost 82% of the coverage of minorities in Georgia was about ethnic minorities. In sharp contrast, articles on sexual minorities constituted just 1.4% of the total coverage on minority groups. The study shows that those marginalised populations have little or no access to the press. Observing the placement of the articles as a measure of their newsworthiness, a conclusion of the study is that, on the whole, news about minorities, with the exception perhaps of ethnic minorities in Georgia, is not considered very newsworthy.⁶⁹
92. On 28 May 2006, the Inclusive Foundation facilitated a TV programme on International Day against Homophobia. The TV journalist agreed to treat the subject as a serious human rights issue and fulfilled this commitment by introducing homophobia as very closely connected to other forms of inadmissible social behaviour such as xenophobia, racism and anti-Semitism. As part of the programme the journalist interviewed the then Ombudsman, Mr. Subari who stated that, while he was ready to protect the rights of any citizen of Georgia, he did not think it necessary for him to support demands for equality for LGBT

66 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

67 Ibid.

68 Inclusive Foundation, *Representation of homosexuality/homosexuals in Georgian Media*, February 2006, <http://inclusive-foundation.org/home/?page=publications&lang=en>, accessed 13 January 2010.

69 Quinn, S., *Forced out: LGBT people in Georgia – a report on ILGA-Europe/COC fact-finding mission*, August 2007.

persons.⁷⁰ However, a position of the new Ombudsman is different, who declared to make LGBT issues one of his priorities.

93. Recently a number of TV channels have opened, although sporadically, for presenting cases related to LGBT persons thus slightly lifting the traditional taboo of discussing that topic in public.⁷¹

C.14. Transgender issues

94. Changing basic documents like passports and birth certificates in relation to gender reassignment requires going to court as there is no legal regulation. Changing one's first name in the local ID is assessed to be relatively easy, whereas changing diplomas seems to be more problematic.⁷²
95. Georgian ID does not have a gender marker. According to a simplified procedure one can change the first name without giving any specific reason to the national registry service. Inclusive Foundation has tested this mechanism by sending a person, who succeeded in changing a male name to a female. When it comes to passports, it is more complicated, because it includes gender. There is no procedure in the law regulation this.⁷³ Inclusive Foundation reports of one case in 2007 when a post-operative transgender person was granted permission to receive new documents (excluding diplomas) consistent with the newly recognised gender. But the decision emphasised that this permission was granted because the person had undergone the necessary surgery.
96. The case was also described by the Office of the Public Defender: The Office received a complaint from a person who had undergone a gender reassignment treatment from female to male but was still carrying a diploma with a female name.⁷⁴ Discrepancy in the papers prevented the person from applying for a job in line with the education diploma. Despite a court decision on the change of name, the person was refused a new diploma – he was advised by state institution to include the court decision together with the diploma in his job applications. Besides the difficulties in finding a job, the lack of proper documents was problematic because the person did not want to reveal the gender change to a future employer. The Office of the Public Defender could not assist the person and will not include the case in the annual report, because the person did not want the publicity that might come along with running the case.

C.15. Data availability

There is very little official data on LGBT issues and rights violations in Georgia. However, assessments by the Office of the Public Defender and similar accounts made from several NGOs active in the field of human rights or other LGBT related fields, together with some elaborate reports also from civil society actors makes it possible to outline a substantiated analysis in various areas of the situation regarding homophobia, transphobia and discrimination.

70 Rustavi 2 TV, *currier P.S.*, weekly programme, 28 May 2006.

71 Meetings with the Office of the Public Defender, 8 March 2010 and Tanadgoma, 9 March 2010.

72 Meetings with Inclusive Foundation and Tanadgoma, 9 March 2010.

73 Meeting with Inclusive Foundation, 9 March 2010.

74 Meeting with the Office of the Public Defender, 8 March 2010.