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# A Commentary on the UK Home Office's *Country Policy and Information Note: Georgia: SOGIE*

September, 2024





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This publication was produced with the kind support of the Justice Together Initiative.



We would like to acknowledge Rainbow Migration, which has worked in partnership with Asylos to develop this project. We extend our particular thanks to Ayesha Aziz, Frankie Boon, Minesh Parekh and Carla Manso at Rainbow Migration who have generously shared their expertise and time. We would also like to extend our thanks to the following individuals for sharing their expertise and valuable feedback on a draft version of this commentary:

- Sonia Lenegan, immigration, asylum and public law solicitor and Editor at Free Movement
- Zoe Bantleman, Legal Director of the Immigration Law Practitioners' Association (ILPA)

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Design: Iris Teichmann

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## Introduction

This commentary identifies what Asylos considers to be key omissions and inconsistencies between available country of origin information (COI) on the situation of LGBTQI+ individuals in Georgia, and the conclusions reached in the December 2023 Country Policy and Information Note: [Sexual Orientation and Gender Identity and Expression, Georgia V1.0](#) (alternatively referred to as *Georgia: SOGIE CPIN* or *CPIN*).

This publication is intended as a guide for legal practitioners and decision makers in respect of identified inconsistencies and omissions in relation to the *CPIN*, and as a tool to signpost recent COI on the issues considered within this commentary.

The commentary is divided into three sections, addressing [Risk from state actors](#), [Risk from non-state actors](#), and [Protection](#). Each section sets out a critique of the *CPIN Assessment*, pointing to omissions and inconsistencies, in light of the COI presented in the *CPIN*. The three sections then point to additional COI published subsequent to the December 2023 *Georgia: SOGIE CPIN* that is pertinent to the issues considered. Where the commentary highlights COI material that was published after the December 2023 *CPIN*, this is clearly indicated.

**Disclaimer:** The inclusion of recent COI that was published subsequent to the December 2023 *Georgia: SOGIE CPIN* is for illustrative purposes and should not be considered exhaustive. For more comprehensive information pertaining to the situation of LGBTQI+ people in Georgia, readers may wish to:

- Consult Asylos' recent COI [report covering the situation of LGBTQI+ people in Georgia](#).
- Consider submitting a research request to Asylos' [free-of-charge COI research service](#) or consulting a country expert.<sup>1</sup>

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<sup>1</sup> For a list of experts, see Amera International's website: Amera International, '[Georgia COI](#)', undated

## Background

In November 2023, the UK government announced that draft regulations were being laid to add Georgia – along with India – to the list of ‘Safe States’ under section 80AA of the Nationality, Immigration and Asylum Act 2002 (as amended by section 59 of the Illegal Migration Act 2023).<sup>2</sup> According to the Act:

“80AA

*Safe States for the purposes of section 80A [...]*

*(3) The Secretary of State may add a State to the list only if satisfied that—*

*(a) there is in general in that State no serious risk of persecution of nationals of that State, and*

*(b) removal to that State of nationals of that State will not in general contravene the United Kingdom’s obligations under the Human Rights Convention.”<sup>3</sup>*

In December 2023, the Country Policy and Information Note: **Sexual Orientation and Gender Identity and Expression, Georgia V1.0** was published, and on 17th April 2024, Georgia – along with India – was added to the list of countries from where protection and human rights claims will be declared automatically inadmissible, in all but exceptional circumstances.<sup>4</sup> This change was made through statutory instrument; the new statutory instrument could impact claims made on or after the date that section 6 of the Illegal Migration Act (IMA) comes into force and before section 59 is in force, as well as those claims made after section 59 of the IMA is fully in force.<sup>5</sup>

A number of EU countries, including Czechia, Germany and Italy, have also recently added Georgia to their respective lists of countries that are considered ‘safe’.<sup>6</sup> However, the approach of EU Member States on this issue is not uniform.<sup>7</sup> For example, while some EU Member States added Georgia to their lists of ‘safe’ states in 2023, Belgium removed Georgia from its list of ‘safe’ states in the same year.<sup>8</sup> Meanwhile, the Netherlands has designated Georgia as a ‘safe’ state, but if an asylum applicant is L/G/B/T/Q/I+, then the designation of Georgia as a ‘safe’ state does not apply.<sup>9</sup>

The UK House of Lords Secondary Legislation Scrutiny Committee,<sup>10</sup> as well as civil society organisations in the UK and internationally, have expressed serious concern at the addition of Georgia to ‘safe states’ lists, highlighting that it raises the risk that individuals with well-founded claims may be sent back to ill-treatment or persecution.<sup>11,12,13</sup>

2 GOV.UK, ‘**Government expands list of safe countries allowing more removals**’, 8 November 2023

3 Legislation.gov.uk, ‘**Nationality, Immigration and Asylum Act 2002**’

4 Legislation.gov.uk, ‘**Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2024**’, 17 April 2024

5 Legislation.gov.uk, ‘**Illegal Migration Act 2023**’, 20 July 2023

6 European Union Agency for Asylum, ‘**Asylum report 2024, 3.3.2 Safe country concepts**’, 2024

7 For further information on EU Member States’ approaches to safe country concepts, see European Council on Refugees and Exiles’ Asylum Information Database (AIDA) reports: <https://asylumineurope.org/reports/>

8 European Union Agency for Asylum, ‘**Asylum report 2024, 3.3.2 Safe country concepts**’, 2024. The source indicate that Czechia, Germany and Italy added Georgia to their respective lists of ‘safe’ states in 2023

9 Overheid.nl, Immigration and Naturalization Service (IND), ‘**Dutch Government Gazette of the Kingdom of the Netherlands**’, Article 1, 1.2, 4 May 2023

10 UK Parliament, ‘**Lords Committee raises concerns over immigration law change declaring India and Georgia as ‘safe states’**’, 1 December 2023

11 ILPA/Rainbow Migration, ‘**Joint Briefing on Draft Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2024**’, 21 December 2023

12 Free Movement, ‘**India and Georgia to be added to the list of ‘safe’ countries**’, 9 November 2023

13 Lesben- und Schwulinnenverband (The Lesbian and Gay Federation), ‘**LSVD: Persecuting states cannot be safe countries of origin**’, 21 April 2023



## Key issues

- Asylos' analysis shows that the UK Home Office's assessment of the situation of LGBTQI+ persons in Georgia often fails to fully reflect the COI included in its December 2023 *Georgia: SOGIE CPIN*. In particular, the assessment:
  - does not fully acknowledge the normalised role of hostile rhetoric in encouraging societal violence towards LGBTQI+ people, not only 'occasionally' or in the context of Pride events, but in everyday life;
  - risks minimising COI that points to the existence of entrenched negative societal attitudes, and consistent reports of societal violence directed towards LGBTQI+ people;
  - fails to fully consider COI indicating failures in the Georgian authorities' ability to protect LGBTQI+ persons and hold perpetrators of violence to account - including, but not limited to the context of Pride events held in Tbilisi.

See [Risk from state actors](#), [Risk from non-state actors](#), and [Protection](#) for further exploration of the inconsistencies between the UK Home Office's assessment of the situation and the COI included in its *CPIN*.

- Recent COI published subsequent to the December 2023 *Georgia: SOGIE CPIN*, suggests no improvement in the situation of LGBTQI+ Georgians, in particular following the introduction of a proposed law on the 'Protection of Family Values and Minors' in March 2024.

The legislative package on the 'Protection of Family Values and Minors', was adopted by the Georgian parliament on 17th September 2024. It envisages far-reaching curtailments to the rights of LGBTQI+ Georgians, including a ban on same-sex marriage, prohibition on gender reassignment surgery and the possibility of legal recognition of a gender change, as well as a prohibition on public gatherings that promote same sex relationships or identification with other genders, and the sharing of information in schools and the media that could be perceived as 'LGBTQI+ propaganda'.<sup>14</sup>

See Recent sources – [State attitudes to LGBTQI+ people](#), Recent sources – [Law on the 'Protection of Family Values and Minors'](#), Recent sources – [Violence at Pride events](#), Recent sources – [Societal treatment – general](#), Recent sources – [Protection](#). For further information, see also Asylos' recent COI report [Georgia: Situation of LGBTQI+ people](#).

<sup>14</sup> Civil.ge, '[Parliament Adopts Anti-LGBT Legislation in Third Hearing](#)', 17 September 2024

# Recommendations

## To UK and European governments:

- Positions on the general safety of Georgia should be grounded in relevant, accurate and current country of origin information.
- The legislative package on the 'Protection of Family Values and Minors', was adopted by the Georgian parliament on 17th September 2024. The legislative package envisages:
  - same-sex marriage
  - gender reassignment surgery
  - legal recognition of a gender change
  - the possibility non-heterosexual people adopting children
  - public gatherings aimed at the promotion of same-sex relationships and / or identification with different genders
  - the sharing of any information in schools and in the media that could be viewed as 'LGBTQI+ propaganda'.

The adopted legislation in itself may be considered to reflect a deterioration in the environment for LGBTQI+ Georgians, and is a clear indicator that governments should continue to closely monitor developments to ensure that positions on the safety of Georgia fully reflect the realities facing LGBTQI+ Georgians on the ground.

## To legal representatives:

- Given the evolving situation in Georgia and the specific threats that LGBTQI+ Georgians may face, seek up to date and relevant information on the country situation. Legal representatives may wish to consult Asylor's [thematic sources' toolkit](#), which provides a list of sources that specifically cover the situation of LGBTQI+ persons, or consider submitting a research request to Asylor's [case-specific COI research service](#).

# 1. Risk from state actors

## Consistency of CPIN assessment with COI

There are a number of inconsistencies between the UK government's assessment of the risk from state actors in respect of LGBTQI+ people in Georgia, and the COI that is presented in the *Country Information section*. The *CPIN assessment* states [emphasis added]:

### Excerpt from the December 2023 Georgia: SOGIE CPIN

#### Executive summary [...]

Occasionally, political officials' anti-LGBTI rhetoric has fuelled violence and discrimination against the LGBTI community, particularly at public events such as Pride, and constitute the majority of incidents committed against LGBTI persons

#### Assessment [...]

#### 3. Risk

3.1.1 In general, **LGBTI persons do not face treatment from state actors which is sufficiently serious by its nature or repetition, or by an accumulation of measures, that amounts to persecution or serious harm.** The onus is on the person to demonstrate otherwise. [...]

3.1.4 Prime Minister Irakli Gharibashvili and other public officials occasionally make anti-LGBTI statements, including claims about gay 'propaganda', as part of a wider anti-European and anti-liberal rhetoric tied in with the promotion of 'traditional' Georgian values, which appeals to far-right voters and can exacerbate marginalisation [sic.] of LGBTI persons [...]

3.1.5 **There is no evidence to support that state actors systematically target LGBTI persons [...]**

The statement at 3.1.5 that '[t]here is no evidence to support that state actors systematically target LGBTI persons', bears initial consideration. As observed in a commentary by ARC Foundation and the University of the West of England, 'human rights violations do not have to be widespread to be serious enough to be considered persecutory.

A single act may be sufficiently serious by its very nature to amount to a severe violation of a basic human right.<sup>15</sup> The same commentary further highlights that the nature of state persecution can mean that reporting on such instances is limited, particularly where press freedom is curtailed, and suggests that information concerning state perpetrated violations against LGBTQI+ people is unlikely to be readily available, where being 'openly LGBTQI+ carries risks.<sup>16</sup>

The *CPIN Executive summary* observes that the 'anti-LGBTI rhetoric' of political officials has 'occasionally fuelled violence and discrimination 'particularly' at public events such as Pride. The *CPIN Assessment* recognises that the Georgian authorities occasionally make 'anti-LGBTI statements' that can 'exacerbate marginalisation of LGBTI persons', and concludes that in general 'LGBTI persons do not face treatment from state actors which is sufficiently serious by its nature or repetition, or by an accumulation of measures, that amounts to persecution or serious harm'. However, this generalised assessment understates the pervasive nature and severe consequences of such rhetoric, some of which may in its own right be considered to amount to persecution. In particular, COI indicates that the Georgian authorities' rhetoric has played an active role in legitimising violence and harassment against LGBTQI+ persons, not only 'occasionally' or in the context of Pride events, but in everyday life and in pre-election contexts [emphasis added]:

### Excerpt from the December 2023 Georgia: SOGIE CPIN

Country Information [...]

8. State attitudes [...]

8.1.2 The Commissioner for Human Rights of the Council of Europe (CoE) 2022 report stated: **'The Commissioner was informed of several instances of hate speech and manifestations of intolerance in the public sphere, and she was particularly struck by the manifestations of intolerance displayed by high-level officials, as well as by religious and community leaders.**

<sup>15</sup> ARC Foundation, University of the West of England, '[A Commentary on the use of quantitative assessments to determine risk in Country Policy and Information Notes \(CPINs\) issued by the UK Home Office](#)', 12 November 2021

<sup>16</sup> ARC Foundation, University of the West of England, '[A Commentary on the use of quantitative assessments to determine risk in Country Policy and Information Notes \(CPINs\) issued by the UK Home Office](#)', 12 November 2021



Certain media outlets, notably those associated with the above-mentioned ultra-conservative and far-right movements, have also reportedly engaged in hate speech or have contributed to its dissemination. **The Commissioner learned that while hate speech against LGBTI people used to intensify at election time in the past, it has now become part of everyday discourse. This is in part due to ultra-conservative and far-right groups placing increasing claims on the public space, increasing their access not only to privately owned, but also to public broadcaster media.**<sup>17</sup>

8.1.3 [...] **the Commissioner considers that some public statements made by certain politicians and government officials during the events of July 2021 served only to exacerbate this problem and to provide some legitimacy for attempts by ultra-conservative groups to prevent LGBTI people from expressing themselves in the public space.**<sup>18</sup> [...]

8.1.5 An April 2022 PDO report assessed: '[...] **In recent years, politicians' hate speech and their use of derogatory language toward the LGBT+ community have had dire consequences for society, legitimizing violence and increasing violence against the LGBT+ community. While politicians' hate speech does not contain an incitement to public violence, it aims to prioritize and dominate the will of the majority at the expense of minorities' oppression; indirectly, it establishes a solid foundation for reinforcing violence and perpetuating negative attitudes toward the LGBT+ community.**'<sup>20</sup> [...]

8.1.7 In May 2023, a joint statement was issued by the United Nations system in Georgia, the Delegation of the European Union to Georgia, the Embassies to Georgia of Austria, Belgium, Bulgaria, Canada, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Israel, Italy, Latvia, Lithuania, the Netherlands, New Zealand, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom and the United States, the European Investment Bank's Regional Representation for the South Caucasus, and the Head of the EU Monitoring Mission in Georgia, which noted that:

**'[...] Stigmatization, discriminatory language and hate speech by some public officials, politicians, media and religious figures incite further harassment against LGBTIQ+ persons and threaten their lives. [...]**'<sup>22</sup>

8.1.8 In June 2023, OC Media reported: 'In recent months, senior figures in the ruling Georgian Dream party have increased and intensified their homophobic rhetoric...

'Georgia's Prime Minister, ruling party chair, and parliamentary faction chair have all made pointed homophobic statements in recent months, warning against queer "propaganda" and accusing young people of having "messed-up orientations". **The number and frequency of these statements has increased since March, causing some activists to raise concerns that the government is intending to jeopardise Tbilisi Pride Week, which is set to take place in the first week of July. Others, however, believe that this is part of a broader pre-election strategy by the ruling party...**

'Speaking at a Conservative Political Action Committee (CPAC) conference in Hungary in April, [Prime Minister] Gharibashvili repeatedly emphasised the importance of "preserving traditional values" and the inadmissibility of "violence by the minority against the majority". 'A few days later, in his Independence Day speech, the prime minister claimed that "evil forces" were trying to destroy traditional values and "make lies a reality", while not specifying what those "forces" were...

'...Mariam Kvaratskhelia, one of Tbilisi Pride's co-directors, told OC Media that she saw the trend as part of a broader electoral strategy and not solely connected to Pride Week.

**"We believe that the ruling party [...] has chosen homophobic politics as a pre-election strategy to secure the votes of up to 15–20% [who are] radical conservatives in the upcoming 2024 elections", said Kvaratskhelia.**<sup>23</sup>

<sup>17</sup> Commissioner for Human Rights, '[Commissioner's report...](#)' (para 1.1.2), 15 July 2022

<sup>18</sup> Commissioner for Human Rights, '[Commissioner's report...](#)' (para 1.1.1), 15 July 2022

<sup>20</sup> PDO, '[The Rights of LGBT+ People in Georgia](#)', (page 15), 29 April 2022

<sup>22</sup> UN Georgia and others, '[...discrimination and violence against LGBTIQ+... Georgia](#)', 17 May 2023

<sup>23</sup> OC, '[Georgian Dream ramps up homophobic rhetoric as Pride Week approaches](#)', 27 June 2023

Aside from the issue of public statements and rhetoric, the *CPIN Assessment* omits to reflect two sources cited in the *Country Information* section – the US Department of State and Reuters – which indicate that the Georgian authorities actively colluded with 'anti-LGBT protesters' to cause violent disruption to Pride events. Such reports refer to alleged harmful actions by the authorities targeting the LGBTIQ+ community, and it is therefore surprising that the reports are not mentioned in the assessment [emphasis added]:

### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Country Information [...]

9.4 State response to Pride events

9.4.1 The USSD 2021 HR report noted:

‘[O]n July 5 [2021], police failed to take appropriate action to protect the right to freedom of peaceful assembly for individuals who had planned to participate in a Pride event. [...] LGBTQI+ activists described feeling hunted as the locations where they sought refuge were discovered by far-right groups. **Activists expressed concern that they were found due to government assistance.**<sup>47</sup>

[...]

9.4.15 Reuters reported on 8 July 2023 that:

‘Up to 2,000 anti-LGBT protesters broke up a Gay Pride festival in the Georgian capital Tbilisi on Saturday, scuffling with police and destroying props including rainbow flags and placards, though there were no reports of injuries.

**‘Organisers accused the authorities of actively colluding with the demonstrators to disrupt the festival, but a government minister said it was a difficult event to police as it was held in an open area, near a lake... [...]**<sup>61</sup>

<sup>47</sup> USSD, ‘2021 Country Reports on Human Rights Practices: Georgia’, (Section 2b), 12 April 2022

<sup>61</sup> Reuters, ‘Anti-LGBT protesters break up Pride festival in Georgia’, 8 July 2023

With regard to the issue of risk from state actors, the *CPIN assessment* also considers the legal framework, stating:

### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Assessment [...]

3. Risk [...]

**3.1.6 There is no provision in Georgian law for same-sex marriages or civil partnerships [...]**

3.1.7 There is no clear legal framework covering gender recognition. However, in practice, persons who undergo surgery can change their gender on their birth certificate and other legal documents.

**A 2022 ruling by the European Court of Human Rights (ECtHR) found that Georgia had violated Article 8 of the European Convention on Human Rights (ECHR) by refusing legal gender recognition for 3 transmen who had not undergone sex reassignment surgery [...]**

In *Asylos’* view, it would have been beneficial for the *CPIN Assessment* to include more detail from the *Country Information* section, explaining how current Georgian legislation may impede the possibility of gaining legal gender recognition [emphasis added]:

### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Country Information [...]

7.4 Transgender rights [...]

7.4.6 In December 2022 the ECtHR ruled on the case of **A.D and others v. Georgia**. The applicants were three transmen who argued that they had been unable to obtain legal recognition of their gender because they had not undergone sex reassignment surgery. The ruling stated:

‘The Court found that in particular that, despite the fact that the right to have one’s sex changed in civil status records had existed in Georgia since 1998, there had not apparently been one single case of successful legal gender recognition. **The imprecision of the current domestic legislation undermined the availability of legal gender recognition in practice, and the lack of a clear legal framework left the domestic authorities with excessive discretionary powers, which could lead to arbitrary decisions in the examination of applications. Such a situation was fundamentally at odds with the respondent State’s duty to provide quick, transparent and accessible procedures for legal gender recognition.**<sup>14</sup>

<sup>14</sup> ECtHR, *Judgement A.D. and Others v. Georgia...*, 1 Dec 2022

Furthermore, while the *CPIN* considers marriage and civil unions (see 7.3), it omits to include any COI on the situation of LGBTQI+ persons and adoption or surrogacy. The following sources were in the public domain at the time that the *CPIN* was published, and could have been included to shed light on this topic:

- “Ministry of Justice decree regulating civil acts restricts the right to surrogacy to heterosexual couples who have been married or living together for more than one year. Women and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) rights organizations considered the restriction an infringement on the ability of single women and LGBTQI+ persons to have a child.”

USSD, “2022 Country Reports on Human Rights Practices: Georgia” (section 6), 20 March 2023

- In its 2020 report on state-sponsored homophobia, ILGA observed that there is no legal provision for joint adoption.

ILGA, “*State-Sponsored Homophobia 2020: Global Legislation...*”, p.328, 15 December 2020

## Recent sources – risk from state actors

### State attitudes to LGBTQI+ people

COI published subsequent to the December 2023 *CPIN*, indicates that the LGBTQI+ community in Georgia continues to face hostility from public officials including anti-LGBTQI+ rhetoric and the political instrumentalisation of homophobia.

“The Political Council of the ruling party, **Georgian Dream**, issued a statement urging voters to turn out en masse on October 26 to create a ‘solid foundation’ for protecting **Georgia’s** national identity. [...] Georgian Dream also claims that achieving a constitutional majority will significantly strengthen ‘family values and the protection of minors.’ [...]”

The ruling party ‘Georgian Dream – Democratic Georgia’ stated that obtaining a constitutional majority would enable them to pass a constitutional bill on ‘Family Values and the Protection of Minors.’ This law aims to strengthen the protection of family values and the rights of minors at the highest constitutional level. The party explained why securing a constitutional majority in the upcoming elections is crucial:

‘Once the constitutional law is adopted, no one will be able to impose the legalization of so-called civil partnerships for same-sex couples, adoption by same-sex couples, gender reassignment surgeries, or the legal recognition of other so-called genders beyond male and female. Additionally, it will prevent the promotion of pseudo-liberal ideology in educational institutions and the media, along with other harmful practices that have already led many countries to very serious consequences.’ According to ‘Georgian Dream,’ this ideology has nothing to do with protecting human rights; its sole purpose is to completely strip individuals of dignity, morality, and any form of identity. ‘A person shouldn’t even know for sure whether they are a man or a woman. They shouldn’t know their roots, the history of their country, and they shouldn’t have any national, religious, or personal identity. The goal of pseudo-liberal ideology is to create a low-ranking slave who can be easily manipulated.’

The statement also mentioned that a constitutional bill on ‘Family Values and the Protection of Minors’ has already been initiated in the Georgian Parliament:

‘The opening ceremony of the Paris Olympics, which included very crude and outrageous elements of blasphemy, insults to Christian religious sentiments, and LGBT propaganda, once

again reminded us of the scale of the danger associated with the spread of pseudo-liberal ideology.”

JAM news, “[Elections in Georgia should be a “Nuremberg trial” for the National Movement – Ruling party](#)”, 20 August 2024

“In February [2024], Georgian Dream and an affiliated political party, People’s Power, began rolling out the idea of a law restricting what they called ‘LGBT propaganda.’ In a Facebook post, People’s Power listed a litany of recent episodes that painted the picture of a West that had lost its moral bearings. They included a memo by U.S. Secretary of State Antony Blinken, in which he encouraged State Department staffers to use ‘gender-neutral’ language and be attentive to gender pronouns, and a Pride parade in Spain, in which children participated. Georgia’s opposition and NGOs, it said, were working to import these same practices here.

‘For quite some time now, pseudo-liberal ideology and LGBT propaganda have been gaining strength and reaching new heights internationally,’ went the statement by People’s Power, which was founded by a group of Georgian Dream parliamentary deputies who broke away in 2022 but continue to work closely with the ruling party. ‘Processes that originate in the United States and Europe will definitely be embraced by the Georgian pseudo-liberal minority, to which the radical political opposition and associated NGOs and media belong.’ [...] Georgian Dream [Georgia’s ruling party] has in recent years been dabbling increasingly in socially conservative rhetoric, with a focus on queer Georgians in particular. [...]”

RFE/RL, “[How Georgia’s Ruling Party Is Using Laws On ‘Foreign Agents’ And ‘Gay Propaganda’ To Maintain Its Grip On Power](#)”, 18 April 2024

“15. A further serious concern related to the human rights strategy is the decision by the State to exclude any reference to the rights of LGBTQI persons, discrimination on grounds of sexual orientation and gender identity and LGBTQI rights defenders. [...]”

35. [...] Despite the affirmation by the State of its support for human rights defenders in meetings with the Special Rapporteur, other clear examples of attempts to stigmatize and delegitimize human rights defenders raise further questions regarding this stated commitment. [...]”

49. The continuing impunity for attacks against human rights defenders, and for human rights violations more broadly, is demonstrative of a lack of political will to address the issue. In the above case, this lack of will is reflected in the

damning failure to mention LGBTQI issues in the country's human rights strategy or action plan, as well as statements by high-ranking Government officials, including the Prime Minister, painting the promotion of equality and non-discrimination against the LGBTQI community as 'false freedoms' and 'propaganda'.<sup>27</sup>

<sup>27</sup> See <https://agenda.ge/en/news/2023/1769>."

UN Human Rights Committee, "[Visit to Georgia; Report of the Special Rapporteur on the situation of human rights defenders \[A/HRC/55/50/Add.2\]](#)", 19 March 2024

"[...] by leveraging political homophobia, both the authorities and far-right groups seek to consolidate their power and suppress LGBTI+ individuals. This agenda aims to bolster their privileged positions by presenting a distorted reality. The political instrumentalization of homophobia, together with the government, is also outlined in the agenda of the far-right violent group 'Conservative Movement/Alt-Info'.<sup>3</sup> The representatives of the mentioned group are attempting to weaponize irrational societal fears and transform sexism and homophobia into catalysts for polarization. In Georgia, the anti-gender discourse has legal, cultural, and religious characteristics, and in the political sphere, homophobia is often combined with anti-Western sentiments, creating fertile ground for mobilizing supporters for far-right, pro-Russian forces, as well as for the government. This factor helps explain the authorities' total shift towards the ultra-conservative orbit in recent years.

<sup>3</sup> "Conservative Movement/Alt-Info" was registered as a party on December 7, 2021, however, on April 12, 2024, according to the decision of the Public Registry, the party's registration was declared invalid. Nevertheless, the violent group does not intend on ceasing political activity and plans to participate in the [sic.] elections using the name of another party: "The Alliance of Patriots."

Democracy Research Institute<sup>17</sup>, "[Anti-gender rhetoric and gender stereotypes in social media](#)", 2024

The US Department of State, in its report on human rights practices, observed instances of violence and harassment by state actors against LGBTQI+ people and people reporting such abuse.

"There were instances of violence and harassment by state [...] actors against LGBTQI+ persons and

those reporting such abuse [...] The PDO stated that high-ranking officials, politicians, and public figures rarely made statements in support of equality."

US Department of State, "[2023 Country Report on Human Rights Practices: Georgia](#)", 23 April 2024

» For further information, see also Asylos' recent COI report [Georgia: Situation of LGBTQI+ people](#).

### Law on the 'Protection of Family Values and Minors'

According to sources published subsequent to the December 2023 *Georgia: SOGIE CPIN*, in March 2024, the ruling Georgian Dream party proposed a new law on the 'Protection of Family Values and Minors' that if passed, would see bans on same-sex marriage, gender reassignment surgery, adoption of children by non-heterosexual people, events that promote same-sex relationships and a prohibition on sharing of information in schools and in the media that could be construed as 'propaganda of same-sex relationships'.

In September 2024, Civil.ge reported that the Georgian parliament had adopted the legislative package on 'Protection of Family Values and Minors'.

"On September 17, the Georgian Parliament **adopted** the anti-LGBTQ+ **legislative package** in its third hearing with 84 votes in favor, 0 votes against. The package consists of a core bill 'On Protection of Family Values and Minors' and 18 related amendments to various laws of Georgia. The majority of opposition MPs did not attend the plenary session as they are boycotting parliamentary work following the adoption of the foreign agents law."

Civil.ge, "[Parliament Adopts Anti-LGBT Legislation in Third Hearing](#)", 17 September 2024

Reporting on a statement by the British Embassy in Georgia, Interpress News stated that:

<sup>17</sup> Democracy Research Institute describes itself as a "a public policy think tank" that was "founded on February 7, 2018 by Ucha Nanuashvili the former Public Defender of Georgia (2012-2017) and his team." Further information about its vision and mission can be found on the [Democracy Research Institute website](#).



“The legislative package on ‘family values and protection of minors’ undermines fundamental stigmatization and discrimination of part of the Georgian population, the British Embassy in Georgia has announced.

The embassy expressed its regret that the legislative package was adopted in disregard of the advice of the Venice Commission that it should be completely revised and its adoption should be suspended.

Great Britain expresses serious concern about the adoption of the legislative package on ‘family values and protection of minors’ by the Parliament of Georgia in the third reading. This legislative package undermines fundamental human rights, including freedom of expression and assembly, and creates the risk of further stigmatization and discrimination of part of the Georgian population. This legislative package will affect all citizens of Georgia. We regret that the legislative package was adopted in disregard of the Venice Commission’s advice that it ‘must be completely revised and its adoption suspended. We call on the Georgian authorities to review the legislative package “On Family Values and Protection of Minors”, which, together with the “Transparency of Foreign Influence” law, restricts the rights of both civil society and individual Georgian citizens and calls into question the long-standing relations between Britain and Georgia’, the statement said.”

Interpress News, [“British Embassy: ‘Family Values and Minors Protection’ package undermines fundamental human rights, including freedom of expression and assembly”](#), 17 September 2024

In August 2024, Agenda.ge reported that Georgian Dream had publicly emphasised that the party would need a constitutional majority in order to pass the bill on Family Values and Protection of Minors.

“The party [Georgian Dream] also stressed that securing a constitutional majority - at least 113 votes in the 150-member Parliament – would allow it to pass the [bill On Family Values and Protection of Minors](#), which has already been introduced in the legislative body. GD [Georgian Dream] claimed the spread of alleged ‘pseudo-liberal ideology’ posed a ‘growing threat worldwide, as evidenced by the recent Paris Olympics’ opening ceremony’, which they claimed had included elements that ‘insulted Christian beliefs and promoted LGBT propaganda’.

This ideology seeks to erode human dignity, morality, and identity, turning individuals into easily manipulated subjects devoid of national, religious, or personal identity. A constitutional majority will empower the GD to pass this bill, ensuring the protection of family values and minors at the highest constitutional level’, it said. Once adopted, the party claimed the law would prevent recognition of same-sex marriage, legalisation of civil partnerships, adoption by same-sex couples, gender reassignment surgeries, and ‘propagation of pseudo-liberal ideologies’ in educational institutions and the media, which it said had already caused ‘severe consequences in other countries’.”

Agenda.ge<sup>18</sup>, [“Ruling party urges voter election participation to ‘ensure protection of peace, national values’”](#), 20 August 2024

A number of sources reported that the draft law passed its first reading on 27 June 2024.

“[...] On Thursday, June 27, the Tbilisi parliament passed its first reading of a draft law on the ‘Protection of Family Values and Minors,’ as well as amendments to 18 laws designed to deprive sexual minorities of their rights. [...] The new law bans same-sex marriage, the adoption of children by non-heterosexuals and by ‘those who identify themselves as different from their sex,’ as well as gender reassignment surgery. It also bans public gatherings ‘aimed at promoting homosexual relations and the identification of a person with a different gender,’ the dissemination of information on the subject, likened to ‘LGBT propaganda,’ and any reference to or positive image of same-sex relations in the media, films and schools. Offenders will be fined up to 5,000 laris (around €1,660), a colossal sum in this Caucasus country, where the average monthly wage is 1,300 laris. Repeated violations will result in criminal prosecution.”

Le Monde, [“In Georgia, LGBT people are the government’s new scapegoat: ‘It’s persecution on a massive scale’”](#), 29 June 2024

“Georgia’s parliament on Thursday [27 June 2024] gave its initial approval to a set of bills containing sweeping curbs on LGBT rights, including bans on the ‘propaganda’ of same-sex relationships and gender reassignment surgery. The package, which was proposed by the ruling Georgian Dream party and which could outlaw Pride events and public

<sup>18</sup> Agenda.ge describes itself as ‘an English-language news platform, created for people who don’t speak Georgian but want to know the country of Georgia better. The platform was launched by the Administration of the Government of Georgia in December 2013.’ See [‘About Agenda.ge’](#)



displays of the LGBT rainbow flag, was approved by a majority of deputies. It must pass two more readings before becoming law.

Parliamentary speaker Shalva Papuashvili said earlier this month that lawmakers would only vote on the bills' second and third readings during the autumn parliamentary session, in the immediate run-up to a general election scheduled for Oct. 26. He has said the bills are necessary to control 'LGBT propaganda' which he said was 'altering traditional relations'.

The legislation would also ban non-heterosexual people from adopting children and prevent people from changing their gender on ID documents. Public gatherings promoting same-sex relationships would not be allowed either. If approved, 'LGBT propaganda' in the education system would be outlawed and broadcasters banned from showing intimate scenes involving same-sex relationships."

Reuters, "[Georgian parliament gives initial approval to sweeping curbs on LGBT rights](#)", 28 June 2024

In June 2024, the Council of Europe published an opinion on the bill by the Venice Commission, which recommended that Georgia not proceed with the adoption of the proposed legislation.

"[...] 102. In the first place, the Venice Commission regrets that a legislative initiative aimed at integrating the Georgian Constitution and touching upon highly sensitive issues is launched in a period of time characterised by vigorous and prolonged mass protests and strong political and societal tensions, all the more so in circumstances where this is happening only a matter of months before the elections, disregarding the concerns raised by several international observers.

103. The Venice Commission, further, recommends carrying out a thorough and well-substantiated analysis of the impact of the new provisions on the national system, prior to their adoption, involving all segments of society and especially the representatives of sexual and gender minorities, as well as experts and professionals in the relevant sectors (law, health, education, social care, etc.). Such analysis should be made public and be carried out in a period of time that is propitious for a genuine and unbiased consultation, allowing for an honest and impartial assessment of the issues at stake.

104. As to the legal assessment of the draft Constitutional Law, in light of the well-established ECtHR case-law on the matter and previous Venice Commission opinions, the Commission considers that the compliance of the provisions at stake with European and international

standards cannot be established for the reasons set out above and the mere proposal of adopting this text risks to (further) fuel a hostile and stigmatising atmosphere against LGBTI people in Georgia. The Commission thus recommends the Georgian authorities to reconsider this legislative proposal entirely and to not proceed with its adoption. [...]"

Council of Europe, "[GEORGIA OPINION ON THE DRAFT CONSTITUTIONAL LAW ON PROTECTING FAMILY VALUES AND MINORS Adopted by the Venice Commission at its 139th Plenary Session \(Venice, 21-22 June 2024\)](#)" 25 June 2024

In March 2024, following the announcement of the proposed law, Amnesty International raised concern at the impacts that the law would have on LGBTQI+ Georgians.

"[...] Georgia's ruling party has proposed a discriminatory constitutional bill that, among other restrictions, bans any public expression of opinion or public gatherings that could be regarded as 'promoting same-sex relationships,' [...] On 25 March, a senior member of Georgia's ruling party announced a plan to pass the bill to counter what they describe as 'LGBT propaganda.' The bill envisages a long list of homophobic and transphobic measures, including an explicit ban on sharing information or holding public gatherings that can be regarded as 'promoting same-sex relationships,' prohibition of adoption by same-sex couples, prohibition of sex change and of recognition of any non-binary gender, among others."

Amnesty International, "[Georgia: Halt legislative assault on LGBTI rights](#)", 26 March 2024

» For further information, see also Asylos' recent COI report [Georgia: Situation of LGBTQI+ people](#).

## 2. Risk from non-state actors

### Consistency of CPIN assessment with COI

#### Societal violence

The assessment that, '[i]n general, LGBTI persons do not face treatment from non-state actors which is sufficiently serious by its nature or repetition, or by an accumulation of measures, that amounts to persecution or serious harm', is not fully supported by the COI set out in the *Country Information* section of the *CPIN*. The *Georgia: SOGIE CPIN* states that [emphasis added]:

#### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Executive summary [...]

Occasionally, political officials' anti-LGBTI rhetoric has **fuelled violence and discrimination against the LGBTI community, particularly at public events such as Pride, and constitute the majority of incidents committed against LGBTI persons.** [...]

The state has been criticised for its failure to pursue perpetrators of violence against the LGBTI community, particularly those responsible for violence at public Pride events. [...]

Assessment [...]

3.2 Risk from non-state, including 'rogue' state, actors

3.2.1 **In general, LGBTI persons do not face treatment from non-state actors which is sufficiently serious by its nature or repetition, or by an accumulation of measures, that amounts to persecution or serious harm.** The onus is on the person to demonstrate otherwise.

While the *Executive summary* briefly acknowledges societal violence perpetrated towards LGBTQI+ in the context of Pride, it fails to fully reflect the multiple types of violence, harassment and discrimination experienced by LGBTQI+ people in this context, including the physical injury of more than 50 people, including journalists, at 2021 Pride, and the consistent nature of the violence targeted toward annual Pride events over successive years [emphasis added]:

#### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Country Information [...]

9.3 Protection – LGBTI [...]

9.3.5 In July 2022, following a visit to Georgia, the Commissioner for Human Rights of the Council of Europe reported:

**'There is a persistent failure to address violent attacks led by ultra-conservative and far-right groups against participants at events held in the context of the yearly International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT) and Pride Marches.** [...]

9.3.6 [...] In particular, in its 2015 judgment in the case of *Identoba and Others v. Georgia*, the Court [ECHR] found that the domestic authorities did not ensure that the Pride March organised in May 2012 could take place peacefully by failing to sufficiently contain homophobic and violent counter-demonstrators, thereby falling short of their positive obligations under Article 11 (freedom of assembly and association) taken in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights. [...] **Events in many ways similar to those in 2012 and 2013 also occurred in 2019 and 2021** [...]

9.4 State response to Pride events

9.4.1 The USSD 2021 HR report noted:

[...] **'[O]n July 5 [2021], [...] Approximately 3,000 far-right demonstrators violently rioted through Tbilisi, destroying an opposition protest site at parliament, attacking NGO offices, and assaulting more than 50**

**journalists and others** following statements from Prime Minister Garibashvili that called the planned Tbilisi Pride event, March for Dignity, inappropriate and described it as a plot by "Saakashvili and the radical opposition" aimed at sparking tension and destabilization in the country. [...] **The group attempted to storm parliament but was unable to do so and tore down the EU flag flying in front of parliament. One Polish tourist was stabbed, allegedly for appearing to be associated with the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community.** <sup>47</sup> [...]

9.4.8 The Commissioner for Human Rights of the CoE reported in July 2022 that:

'At the time of drafting this report, leading civil society organisations involved in the preparation of the IDAHOBIT events announced **that the planned March for Dignity will not be held in 2022, due to repeated failures by competent authorities to guarantee security and ongoing threats and incitement to violence by members of ultra-conservative and far-right groups involved in the 2021 attacks.** This decision shows that unfortunately, the exercise of the right to freedom of assembly and expression by LGBTI people in Georgia remains as challenging as it was a decade ago, despite initial signs of

optimism in 2018.’<sup>54</sup> [...]

9.4.12 The PDO 2022 Special Report noted that **following the violent events at Tbilisi Pride 2021, organisers did not hold a public march in 2022 and opted to hold Pride events indoors. However, after the information spread, ‘ultranationalist and extremist groups became active again, threatening with violence and preparing for counter-demonstrations. Among them, the leaders of the violent, homophobic and pro-Russian Conservative Movement/Alt-Info party openly expressed their aggression towards Pride Week and announced “full mobilization” against them.’**<sup>58</sup> [...]

<sup>47</sup> USSD, ‘**2021 Country Reports on Human Rights Practices: Georgia**’, (Section 2b), 12 April 2022

<sup>54</sup> Commissioner for Human Rights, ‘**Commissioner’s report...**’ (para 1.1.5), 15 July 2022

<sup>58</sup> PDO, ‘**2022 Special Report on Combating...**’, (page 16), April 2023

Furthermore, the *CPIN’s assessment* concerning risk from societal actors, does not appear to consider the fact that Pride events have taken place behind closed doors in recent years, a fact which in itself is indicative of the existence of the threat of non-state actor violence faced by LGBTQI+ people participating in Pride [emphasis added].

### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Country Information [...]

9.4 State response to Pride events [...]

9.4.5 The PDO 2022 Special Report stated that: **‘...compared to 2021, the Pride Week was held in a much safer environment and with fewer obstacles in 2022. However, it should be noted that this was not due to the development or improvement of relevant mechanisms for the rights of LGBT+ people or their safety, but mostly by holding the events in closed spaces/private areas instead of public spaces.’**<sup>51</sup>

9.4.6 The Commissioner for Human Rights of the CoE reported in July 2022 that:

**‘At the time of drafting this report, leading civil society organisations involved in the preparation of the IDAHOBIT events announced that the planned March for Dignity will not be held in 2022, due to repeated failures by competent authorities to guarantee security and ongoing threats and incitement to violence by members of ultra-conservative and far-right groups involved in the 2021 attacks.’**<sup>52</sup> [...]

9.4.14 On 2 June 2023, Civil Georgia, a local news organisation, reported that the **NGO Tbilisi**

**Pride had announced that Pride Week 2023 would ‘include closed events of a political, cultural and academic nature, including an international LGBTQI conference and the Pride Festival.’**<sup>60</sup> [...]

9.4.17 On 8 July 2023, the British Ambassador to Georgia, Mark Clayton, tweeted: **‘Shocked and saddened to see that despite the planning & preventive measures, @Tbilisipride festival was cancelled due to safety risks for participants.** I call on authorities to ensure that all who broke law & aggressively disrupted a peaceful gathering will be brought to justice.’<sup>63</sup>

<sup>51</sup> PDO, ‘**2022 Special Report on Combating...**’, (page 16), April 2023

<sup>52</sup> Commissioner for Human Rights, ‘**Commissioner’s report...**’ (para 1.1.5), 15 July 2022

<sup>60</sup> Civil Georgia, ‘**Tbilisi Pride Events to Take Place Indoors on July 1-8 – Civil Georgia**’, 2 June 2023

<sup>63</sup> Clayton, ‘**@MarkClaytonFCDO**’ on Twitter’, 8 July 2023

While the *CPIN Assessment* briefly mentions societal violence towards LGBTQI+ people specifically in the context of Pride, it omits any reference to broader societal violence described by sources within the *Country Information* section of the *CPIN*. For example, the US Department of State’s annual report on human rights practices covering 2022 describes LGBTQI+ individuals as experiencing ‘systemic violence’, while a number of other sources point to violence targeting transgender people in Georgia, with one reporting on the murder of a foreign transgender woman [emphasis added]:

### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Country Information [...]

11. Societal treatment

11.1.1 In July 2022, following a visit to Georgia, the Commissioner for Human Rights of the Council of Europe reported that **‘Transgender people in Georgia are exposed to high levels of social exclusion and violence.’**<sup>91</sup> [...]

11.1.2 The USSD 2022 HR report stated: **‘The PDO reported LGBTQI+ individuals continued to experience systemic violence, oppression, abuse, intolerance, and discrimination.’**<sup>92</sup>

11.1.3 The 2022 USSD report noted that: **‘In May a mob of approximately 30 men attacked five transgender women at their home in Chughureti District, Tbilisi. Tbilisi Pride, a local NGO, stated that the attackers, armed with stones and bricks, assaulted the women as well as their landlord, damaged their house, and made death threats.**

The Ministry of Internal Affairs launched an

investigation, and Tbilisi Pride called on the Prosecutor's Office to consider aggravating circumstance [sic.] for the alleged hate crime. **Similarly, in June, approximately 20 men attacked several transgender women on Tamar Mepe Avenue in Tbilisi, and two persons were injured. The Ministry of Internal Affairs launched an investigation. In October, one person killed a foreign transgender woman in Tbilisi and injured another transgender woman. Police detained the accused and launched a murder investigation.**<sup>93</sup>

11.1.4 Human Rights Watch in its annual report covering events in 2022 noted:

**'Lesbian, gay, bisexual, and transgender (LGBT) people in Georgia continue to face harassment, discrimination, and violence. In May, a group of some 30 men attacked five transgender women in their home in Tbilisi.** The attackers, armed with stones and bricks, assaulted the women and their landlord, damaged their house, and made death threats. An investigation was pending at the time of writing.<sup>94</sup>

11.1.5 The EMC research 2020 considered the LGBTQ community's experience of violence and made a key finding that **'52% of respondents have been victims of violence at least once in their lives, in whole or in part, because of their sexual orientation and/or gender identity.'**<sup>95</sup>

11.1.10 In June 2020, privately funded JAM News spoke to LGBT persons and their parents about their experience of living in Georgia. **One individual - a lesbian who moved to the USA - said: 'Nobody has thrown stones at me on the street, nobody has torn my hair out in public transport, didn't give me slaps in nightclubs, didn't splash my face with drinks in bars, nobody has tried to rape me because of my sexual orientation. Nor has anyone refused me as a tenant or kicked me out of an office or apartment, and no one tried to kill me because I've participated in a peaceful demonstration. And all this really happened to me in Georgia, I experienced all this the hard way, and more than once.'**<sup>102</sup>

<sup>91</sup> Commissioner for Human Rights, '[Commissioner's report...](#)' (para 1.1.6), 15 July 2022

<sup>92</sup> USSD, '[2022 Country Reports on Human Rights Practices: Georgia](#)' (section 6), 20 March 2023

<sup>93</sup> USSD, '[2022 Country Reports on Human Rights Practices: Georgia](#)' (Section 6), 20 March 2023

<sup>94</sup> HRW, '[World Report 2023](#)' (Georgia), January 2023

<sup>95</sup> EMC, '[Social Exclusion of LGBTQ Group in Georgia](#)' (p.74), 2020

<sup>102</sup> JAM News, '[Living surrounded by hate. LGBT individuals and their parents...](#)', 24 June 2020

In support of its conclusion that '[i]n general, LGBTI persons do not face treatment from non-state actors which is sufficiently serious by its nature or repetition, or by an accumulation of measures, that amounts to persecution or serious harm', the *CPIN Assessment* repeatedly refers to a 2020 study by Human Rights and Education Monitoring Centre (EMC), '[Social Exclusion of LGBTQ Group in Georgia: Quantitative research Analysis](#)', which was based on data from 320 interviews carried out in 2019 with individuals identifying as 'lesbian, gay, bisexual, transgender or any other gender'.<sup>19</sup> The *CPIN Assessment* cites figures from the study indicating a majority of LGBTQI+ in the study had never experienced homelessness, had no experiences of discrimination in healthcare and a majority were in employment. Furthermore, the assessment indicates that a 'minority' of respondents in the sample experienced physical violence in the previous two years and 'slightly less than half had experienced psychological violence [emphasis added]:

#### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Assessment [...]

3.2 Risk from non-state, including 'rogue' state, actors [...]

3.2.3 Whilst based on a relatively small sample, a study by the Human Rights Education and Monitoring Centre (EMC) based on 320 LGBTI participants in 2020 aged 18 to 29 found that 52% of respondents reported being victims of 'violence' at some point in their lives due to their sexual orientation or gender identity. [...] Generally, the study showed that LGBTI people continue to face physical and psychological violence at home, in public and on online platforms. Specifically however, it **showed a minority of 29.4% of respondents having experienced physical violence within the 2 years preceding the study and slightly less than half (48.4%) of respondents reported experiencing psychological violence in the form of verbal abuse, humiliation, ridicule, emotional manipulation and the restriction of gender expression. Despite these findings, the study also found that only 19% of respondents reported social isolation from friends and family [...]**

3.2.4 The Constitution of Georgia outlines that all citizens have the right to property, employment, education and healthcare. Sources such as

19 EMC, '[Social Exclusion of LGBTQ Group in Georgia: Quantitative research Analysis](#)', p.39, 2020



the Coalition for Equality noted that the LGBTI community face discrimination when accessing accommodation, healthcare and employment. However, whilst a minority of LGBTI respondents in the 2020 EMC study detailed their experiences of homelessness due to 'coming out' and leaving their family homes, the study overall showed that **the majority of respondents (65.7%) had never faced homelessness**. LGBTI persons can face discriminatory treatment when accessing healthcare, with the EMC highlighting a minority of respondents who had experienced instances of 'mocking attitudes', inappropriate questions, service refusal, insults, ignorance of specific needs and breaches of confidentiality. However, overall, **85.6% of respondents reported no experiences of discrimination in accessing healthcare. The study showed that employment opportunities appeared to be influenced by openness and expression of sexuality but highlighted that of the respondents, a majority of 68.8% were employed [...]**

3.2.5 The 2020 EMC study found varying degrees of happiness and openness among LGBTI respondents [sic.], with transgender respondents reporting the lowest happiness levels and bisexual men reporting the highest.

**The same study found that the majority of respondents felt either 'very comfortable', 'comfortable' and 'partly comfortable, partly uncomfortable' living in Georgia [...]**

The data concerning violence and psychological violence experienced in the two years prior to the study bears further consideration. While the *CPIN's assessment* frames violence and psychological violence as issues experienced by a minority, it is worth noting the fact that almost a third of respondents experienced violence and almost half experienced psychological violence, which are substantial proportions of the sample, particularly in light of the fact that only 21.8% of the respondents for whom data was available reported being open about their sexual orientation, meanwhile 76.7% were 'partially open', disclosing to only a few people, and 1.5% were not open at all.<sup>20</sup>

The study further observed that a majority avoid disclosing their sexual orientation:

*'[...] it should be emphasized that openness about one's identity is not always absolute and depends on various situational and environmental factors. Given this, it is not surprising that a large percentage of respondents – 63.9% – avoid disclosing their sexual orientation, while 31.3% do not avoid it. [...]'<sup>21</sup>*

Beyond consideration of individual statistics, it is paramount that CPIN users recognise that while data from the EMC study can provide illustrative information regarding the situation of research respondents at the time of the study, there are important caveats to the interpretation of these statistics, which the *CPIN assessment* neglects to mention. Primarily, as the study itself observes, a person's gender identity or sexual orientation is self-defined, and no data exists to indicate the size of the LGBTQI+ population in Georgia,<sup>22,23</sup> meaning that use of a sampling method that would result in generalisable findings is not possible. The study itself notes:

*'... the study uses a non-probabilistic, targeted sampling method, which makes it difficult to talk about the results of the study in general and to generalize the data presented in the report to the entire population of the LGBTQ community in Georgia.'<sup>24</sup>*

Presenting these statistics without clearly providing a cautionary note that they are not generalisable could imply that they represent complete and accurate information on the general situation of LGBTQI+ people in Georgia, and could therefore encourage undue weight to be placed on these findings. The *CPIN Assessment* further notes that the definition of violence used by the EMC study encompasses a 'wide range' of physical and psychological forms [emphasis added]:

<sup>20</sup> EMC, '[Social Exclusion of LGBTQ Group in Georgia: Quantitative research Analysis](#)', p.61, 2020

<sup>21</sup> EMC, '[Social Exclusion of LGBTQ Group in Georgia: Quantitative research Analysis](#)', p.66, 2020

<sup>22</sup> EMC, '[Social Exclusion of LGBTQ Group in Georgia: Quantitative research Analysis](#)', p.40, 2020

<sup>23</sup> It should be noted that self-defining as being lesbian, gay, bisexual, transgender, queer, intersex, or other gender identities, is likely to be particularly challenging in an environment in which social attitudes towards LGBTQI+ people are predominantly unsupportive.

<sup>24</sup> EMC, '[Social Exclusion of LGBTQ Group in Georgia: Quantitative research Analysis](#)', p.41, 2020



### Excerpt from the December 2023 Georgia: SOGIE CPIN

Assessment [...]

3.2 Risk from non-state, including 'rogue' state, actors [...]

3.2.3 Whilst based on a relatively small sample, a study by the Human Rights Education and Monitoring Centre (EMC) based on 320 LGBTI participants in 2020 aged 18 to 29 found that 52% of respondents reported being victims of 'violence' at some point in their lives due to their sexual orientation or gender identity. **However, 'violence' encompassed a wide range of behaviours, including both physical and psychological forms.**

However, without context, this statement could inadvertently minimise the harms described in the research. The types of violence referred to in the EMC study conform to the definition of violence used by the World Health Organization, which makes clear that 'neglect and all types of physical, sexual and psychological abuse, as well as suicide and other self-abusive acts' are included within its definition.<sup>25</sup>

In Asylos' view, it would have been helpful to list the specific types of violence considered in the study so that CPIN users can decide the relevance and weight to attach to the information. The acts cited within the research include: blackmail and the threat of outing the person; distribution of personal data without consent; forced visit to clergy; forced medical treatment; restriction of communication with the outside world; illegal restriction of freedom of movement; psychological violence; economic violence; sexual harassment; sexual violence; verbal abuse; death threat; threat of physical violence and bullying.<sup>26</sup>

### Societal attitudes

The *Georgia: SOGIE CPIN's* assessment relating to societal attitudes towards LGBTQI+ persons appears to be contradictory, indicating that they are 'multifaceted' and at the same time, acknowledging that 'negative attitudes towards LGBTI persons are strong and widespread' [emphasis added]:

#### Excerpt from the December 2023 Georgia: SOGIE CPIN

Assessment [...]

3.2 Risk from non-state, including 'rogue' state, actors [...]

3.2.2 **Societal attitudes towards LGBTI persons in Georgia are multifaceted**, and the state's lack of recognition of homophobia as an issue contributes to societal polarisation. Quantitative and qualitative research conducted in Georgia between 2016 and 2021 found that **negative attitudes towards LGBTI persons are strong and widespread**, but that these negative perceptions have decreased. **Research undertaken by the Women's Initiatives Support Group (WISG) indicated a positive shift in societal attitudes, with decreasing indices of homo/bi/transphobia and growing support for rights such as gay marriage and adoption.** [...]

The *CPIN* refers to a study published by Women's Initiative Supporting Group (WISG) '**From Prejudice to Equality. Vol. 2 Study on Public Knowledge, Awareness and Attitudes Towards LGBT(Q)I Community and Legal Equality**', which indicates that homo/bi/transphobia decreased between 2016 and 2021. In Asylos' view, it would be helpful to contextualise this point by providing further information.

<sup>25</sup> WHO, '[World report on violence and health](#)', 3 October 2002

<sup>26</sup> EMC, '[Social Exclusion of LGBTQ Group in Georgia: Quantitative research Analysis](#)', p.75, 2020

The *CPIN Assessment* could, for example, have cited additional statistics from this study set out in the *Country Information* section, which show a high level of uniformity in negative societal attitudes present still among research participants in 2021, on issues including gay marriage, the right to assemble and adoption rights for gay and lesbian people [emphasis added]:

**Excerpt from the December 2023 Georgia: SOGIE CPIN**

Country Information [...]

10. Societal attitudes [...]

10.1.7 The WISG 2022 quantitative research was conducted via survey with 1,610 respondents. Of them, 29.3% were residents of the capital, 28.0% were residents of other urban settlements, and 42.7% were residents of rural settlements.<sup>83</sup>

10.1.8 The WISG 2022 quantitative study looked at attitudes toward the civil rights of LGBTI persons: 'Compared to 2016, the public is more positive about LGBT(Q)I rights activists and more accepting of the group's legal equality issues.

Among society's views:

- **The percentage of opponents of gay marriage decreased by 14.4% (from 88.8% to 74.6%),** while the number of supporters increased from 4.7% to 10.3%.

- **'Opposition to the right of adoption for gay/lesbian couples fell from about 82.3% to 67.6% and 66.9%, respectively;** the number of those who did not agree with the ban increased by 15%.

- **'Attitudes toward activists have also changed. The share of respondents who evaluated their activities negatively decreased by almost 20% (from 74.5% to 56.8%),** while the number of supporters almost doubled. However, as in 2016, respondents have a more negative attitude toward activists than toward homosexuals in general.

- **'Fewer respondents perceive talking about the legal equality of the LGBT(Q)I group as "gay propaganda" and "imposing their lifestyle on others" (76.5% in 2016 versus 55.9% in 2021).**

- **'Although more than half (53%) of respondents still support the view that LGBT(Q)I people should be barred from the right to assemble** and express themselves by law, compared to 2016 [when the equivalent figure was 78.1%], the percentage of such respondents has decreased by almost 25%; and the share of those respondents who consider such a restriction unacceptable have doubled: only 14.6% in 2016 versus 27.1% in 2021'<sup>84</sup>

<sup>83</sup> WISG, 'From Prejudice to Equality...' (page 141), 6 May 2022

<sup>84</sup> WISG, 'From Prejudice to Equality...' (page 88), 6 May 2022

## Recent sources – risk from non-state actors

### Violence at Pride events

Sources published subsequent to the December 2023 *CPIN*, report on violence in the context of Pride events. In a statement published in Georgian and English on Facebook in June 2024, Tbilisi Pride explained that it had cancelled physical events in 2024 due to a number of reasons, including anticipated physical violence.

"In June, democratic and free countries celebrate Pride Month. This month is dedicated to the dignity, equality, and visibility of queer people. Last fall, the Tbilisi Pride team decided not to plan physical events for this summer. We anticipated that the summer before the 2024 parliamentary elections would be filled with physical violence encouraged by the government and rhetoric filled with hate and hostility. Now, after 'Georgian Dream' adopted the Russian-style law on 'foreign agents' and announced a hate-based anti-LGBTQ legislative package alongside constitutional changes, we are even more confident in our decision. We are demonstrating the highest civic responsibility and recognize that the fight for queer rights today is inseparable from the broader people's struggle against the Russian-style regime. This fight will inevitably end in favour of the people on October 26! We will use the coming months to bring the message of queer people to more hearts than ever before! We will explain to everyone that homophobia is a Russian political weapon against Georgian society, against the statehood of Georgia! [...]"

Tbilisi Pride, [Facebook post](#), posted on 14 June 2024

A number of recent sources reflect on the violent disruption that occurred during Pride 2023, with one source naming the far-right group Alt-Info as organisers. Drawing on Georgian language primary sources, a report to the UN Human Rights Committee by the Special Rapporteur on the situation of human rights defenders stated:

"45. Pride Week events were generally able to go ahead peacefully in 2022, when they were organized in private locations. In 2023, however, there was a further serious attack against LGBTQI defenders in Georgia; on the 8 July 2023 an open-air festival was violently disrupted by an organized far-right group.

46. In advance of the event, the far-right group, Alt-Info, as was the case in 2021, began to mobilize people against the festival, publicly calling for people to assemble on 8 July. Announcing that they were raising money to provide transport for people to the venue,<sup>22</sup> representatives of the group stated that the counter-demonstration would not 'fall short' of the events of 5 July 2021 and would be the 'last nail in the coffin' of what was started in the past.<sup>23</sup> In response to those calls, counter-demonstrators began to gather at a preannounced location on midday on 8 July, where leaders of the group made further public statements of their intention to disrupt the LGBTQI festival. The group then proceeded to march 4 kilometres to the festival site, unopposed by police, who merely followed them. Upon reaching the area of the festival, where LGBTQI organisers and journalists had been present before being evacuated by police, the group proceeded to break through the police cordon that had been put in place and to destroy the site, pulling down installations, burning Pride flags and raiding equipment and supplies for the festival. Several members of the Georgian Orthodox Church were present in the group. [...]"

<sup>22</sup> See <https://www.youtube.com/watch?v=FYYMZpjQhjo> (in Georgian).

<sup>23</sup> See <https://fortuna.ge/fortuna/post/video-8-ivlisi-iqneba-5-ivliss-dadgmul-kuboze-bolo-lursmnis-dachedeba-morgoshia> (in Georgian).

UN Human Rights Committee, "[Visit to Georgia; Report of the Special Rapporteur on the situation of human rights defenders \[A/HRC/55/50/Add.2\]](#)", 19 March 2024

Drawing on a Georgian language statement by Civil Society organisations, the Human Rights Centre reported:

"On July 8, 2023, the Pride Festival was planned to be held in the closed event format near the Lisi Lake. On July 7, the Ministry of Internal Affairs issued a statement regarding the announced

event, that the relevant police units would maintain law and order and security at this event. However, on July 8, hate groups broke through the police cordon and ransacked the surrounding area.<sup>163</sup> [...]"

<sup>163</sup> Statement of civil organisations – the Ministry of Internal Affairs continues to have a tolerant policy towards hate groups, 07.08.2023 (last seen: 22.12.2023); see: <https://www.hrc.ge/526/geol/>; Also, Radio Liberty – Possible Damages as a result of ransacking the Pride Festival.... 09.07.2023 (last seen: 22.12.2023)

Human Rights Centre<sup>27</sup>, "[State of human rights in Georgia, 2023](#)", 2024

Drawing on a number of media sources, Human Rights Watch, in its annual report covering events during 2023, stated:

"The Tbilisi Pride Festival, planned for July 8, was abruptly **cancelled** after far right-wing hate groups violently stormed the venue. They **looted and vandalized festival property** in the presence of police and journalists."

HRW, "[World Report 2024 – Georgia](#)", 11 January 2024

» For further information, see also Asylos' recent COI report [Georgia: Situation of LGBTQI+ people](#).

## Societal treatment – general

Sources published subsequent to the December 2023 *CPIW* point to LGBTQI+ experiences of violence and discrimination more generally within Georgian society, including one source which describes violence directed at a family member of the director of Tbilisi Pride.

"In May, the 73-year-old father of former Tbilisi Pride director Ana Subeliani was assaulted outside his home. What marked the attack out as different from **the wave of state violence** that has gripped the **Georgian** capital in recent months, over the passing of the 'foreign agents' law, however, was that it was carried out not by police or masked assailants, but by a neighbour.

<sup>27</sup> [Ecoi.net](#) describes the Human Rights Centre as follows: 'The Human Rights Centre (HRC) is a non-profit, non-governmental organisation in Tbilisi, Georgia, which aims to protect and promote human rights, rule of law and peace in Georgia. (HRC was formerly known as HRIDC).'

‘It’s a sign of the hatred and polarisation that [the ruling] Georgian Dream [party] want to create within society,’ Tamar Jakeli, one of Tbilisi Pride’s current co-directors, told Byline Times.”

Byline Times, “[Having Outlawed Foreign Influence, Georgian Dream Initiates Anti-LGBTQ+ Law](#)”, 24 June 2024

“There were instances of violence and harassment by [...] non-state actors against LGBTQI+ persons and those reporting such abuse [...] The PDO reported LGBTQI+ individuals continued to experience systemic violence, oppression, abuse, intolerance, and discrimination. [...] LGBTQI+ activists said discrimination in the workplace based on gender identity and sexual orientation remained widespread and underreported.”

US Department of State, “[2023 Country Report on Human Rights Practices: Georgia](#)”, 23 April 2024

“Members of the LGBT+ community still face violence, discrimination, and harassment, and this is caused by homophobic attitudes, hate crimes, and other discriminatory attitudes in society. Persons with far-right ideology, by their actions and statements, contribute to the spread of homophobic sentiments, incite discrimination and, at the same time, commit actions that are often manifested in serious violations of the rights of LGBT+ people.”

Public Defender of Georgia (PDO), “[Combating and preventing discrimination and the situation of equality](#)”, 2024

“Although Georgia has a law on the elimination of all forms of discrimination, [...] [LGBT+] community representatives continued to be victims of discrimination, violence and stigma [...]”

Human Rights Centre, “[State of human rights in Georgia, 2023](#)”, 2024

» For further information, see also Asylos’ recent COI report [Georgia: Situation of LGBTQI+ people](#).

## 3. Protection

### Consistency of CPIN assessment with COI

The *CPIN Executive Summary* states the following with regard to the availability of protection for LGBTIQ+ people in Georgia [emphasis added]:

**Excerpt from the December 2023 Georgia: SOGIE CPIN**

Executive summary [...]

**[T]he LGBTI community are generally mistrusting of law enforcement and inconsistent handling of cases, which has led to underreporting of hate crimes. The state has been criticised for its failure to pursue perpetrators of violence against the LGBTI community, particularly those responsible for violence at public Pride events. [...]**

**In general, the state is both willing and able to offer sufficient protection from non-state actors, including 'rogue' state actors.**

The conclusion that the state is willing and able to provide protection from non-state actors appears to be inconsistent with the COI set out in the *Country Information* section of the *CPIN*. While the *CPIN Assessment* acknowledges the disruption of annual Pride festivals in 2021, 2022 and 2023, it falls short of fully illustrating the persistent failure of the authorities to provide a protective environment for those participating in the Pride marches stretching back at least a decade.

For example, the *CPIN assessment* omits to mention an important judgment by the European Court of Human Rights in the case of **Identoba and Others v Georgia**, which held that during a Pride march in 2012, the domestic authorities fell short of upholding their positive obligations under the European Convention on Human Rights to provide for freedom of assembly and association, ensure the prohibition of discrimination, and uphold the prohibition on torture and ill-treatment.

Following a 2022 visit to Georgia, the Commissioner for Human Rights of the Council of Europe pointed to the **Identoba and Others v Georgia** judgment, drawing parallels with events that occurred during the Pride festival in 2019 and 2021, and made a direct link between the failure of the authorities to punish incitement of hatred and calls to violence

in 2019 and the violence that occurred in 2021 [emphasis added]:

**Excerpt from the December 2023 Georgia: SOGIE CPIN**

9.3 Protection – LGBTI [...]

9.3.5 In July 2022, following a visit to Georgia, the Commissioner for Human Rights of the Council of Europe reported:

**'There is a persistent failure to address violent attacks led by ultra-conservative and far-right groups against participants at events held in the context of the yearly International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT) and Pride Marches. Since 2012, these events have been repeatedly interrupted by these groups or cancelled by organisers due to violent attacks and/or serious threats of violence coming from these groups. The fact that the authorities fail to ensure safety and protection in this context only exacerbates these attacks.'**<sup>39</sup>

9.3.6 The same report noted that:

**'This spiral of violence and impunity against LGBTI people has also been reflected in important judgments of the European Court of Human Rights against Georgia. In particular, in its 2015 judgment in the case of Identoba and Others v. Georgia, the Court found that the domestic authorities did not ensure that the Pride March organised in May 2012 could take place peacefully by failing to sufficiently contain homophobic and violent counter-demonstrators, thereby falling short of their positive obligations under Article 11 (freedom of assembly and association) taken in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights. The court also established a violation of Article 3 (prohibition of torture and ill-treatment)...**

**'Events in many ways similar to those in 2012 and 2013 also occurred in 2019 and 2021... The failure by the authorities to punish those who were inciting hatred and calling for violence against the LGBTI activists and supporters involved in the organisation of the 2019 Pride March reportedly contributed to a perception of impunity and resulted in vicious attacks and other acts of violence carried out by ultra-conservative and far-right groups in July 2021. 55 people, including 53 journalists and camera operators working for various media outlets who gathered to cover the events, were injured. One of them was found dead several days later, reportedly due to unrelated causes. While the police arrested and charged 27 persons for**



their participation in these acts in the aftermath of these events, the Commissioner understands that the organisers of these acts were never prosecuted.<sup>40</sup>

<sup>39</sup> Commissioner for Human Rights, 'Commissioner's report...' (para 1.1.2), 15 July 2022

<sup>40</sup> Commissioner for Human Rights, 'Commissioner's report...' (para 1.1.2), 15 July 2022

The CPIN's assessment relating to protection acknowledges that public parades during Pride were cancelled and replaced by 'closed-door' events in 2022 and 2023:

**Excerpt from the December 2023 Georgia: SOGIE CPIN**

Assessment [...]

4. Protection

4.1.1 [...] **In 2022 and 2023, the public parade was cancelled and replaced by 'closed-door' events.** [...]

While the replacement of public parades with closed-door events was acknowledged in the CPIN's assessment on protection, it omits to mention that preceding the violent attacks during the 2021 Pride festival, the Georgian authorities had pressured organisers of the March for Dignity to cancel the march because, by the authorities' own acknowledgement, they were unable to protect the right to assembly.

**Excerpt from the December 2023 Georgia: SOGIE CPIN**

9.4 State response to Pride events

9.4.1 The USSD 2021 HR report noted:

'[O]n July 5 [2021], police failed to take appropriate action to protect the right to freedom of peaceful assembly for individuals who had planned to participate in a Pride event.[...]

**Weeks in advance, ministry officials pressured organisers to cancel the March for Dignity, stating they could not protect the right to assembly because they expected between 20,000 and 50,000 counter-demonstrators.'**<sup>47</sup> [...]

9.4.5 The PDO 2022 Special Report stated that: '...compared to 2021, the Pride Week was held in a much safer environment and with fewer obstacles in 2022. However, it should be noted that this was not due to the development or improvement of relevant mechanisms for the rights of LGBT+ people or their safety, but mostly by holding the events in closed spaces/private areas instead of public spaces. **Tbilisi Pride refused to effectively enjoy freedom of assembly in public space**

**due to the experience of 5-6 July 2021, when the law enforcement officials did not use positive measures against the violent actions committed by radical violent groups.'**<sup>51</sup>

9.4.6 The Commissioner for Human Rights of the CoE reported in July 2022 that:

'At the time of drafting this report, leading civil society organisations involved in the preparation of the IDAHOBIT events announced that **the planned March for Dignity will not be held in 2022, due to repeated failures by competent authorities to guarantee security** and ongoing threats and incitement to violence by members of ultra-conservative and far-right groups involved in the 2021 attacks. **This decision shows that unfortunately, the exercise of the right to freedom of assembly and expression by LGBTI people in Georgia remains as challenging as it was a decade ago, despite initial signs of optimism in 2018.'**<sup>52</sup>

<sup>47</sup> USSD, **2021 Country Reports on Human Rights Practices: Georgia**, (Section 2b), 12 April 2022

<sup>51</sup> PDO, **'2022 Special Report on Combating...'**, (page 16), April 2023

<sup>52</sup> Commissioner for Human Rights, 'Commissioner's report...' (para 1.1.5), 15 July 2022

The CPIN Executive summary and Assessment further comment on the experiences of LGBTQI+ people seeking police protection, with the Assessment stating that 'a reluctance to seek protection does not mean that protection is unavailable':

**Excerpt from the December 2023 Georgia: SOGIE CPIN**

Executive summary [...]

**The state has been criticised for its failure to pursue perpetrators of violence against the LGBTI community, particularly those responsible for violence at public Pride events. However, official statistics show that hate crimes are being reported and are addressed by the criminal justice system, with 106 criminal investigations initiated on the basis of intolerance on the grounds of sexual orientation, gender identity, and expression (SOGIE) in 2021, of which there were 20 convictions. In 2022, there were 76 investigations and 40 convictions. The Ombudsman's office also actively investigates complaints made by LGBTI persons.**[...]

Assessment [...]

4. Protection

4.1.2 **Police reportedly sometimes use abusive terminology and aggression towards LGBTI persons when they have been called upon to protect them. LGBTI persons lack trust in the police, resulting in the underreporting of**

**hate crime incidents. However, a reluctance to seek protection does not mean that protection is unavailable. Additionally, data on hate crimes indicates that LGBTI persons can, and do, report hate crime incidents to the police.** Data is only available from October 2020, with 2 full years of data for 2021 and 2022, making it difficult to verify trends. In 2021, 106 criminal investigations were initiated on the basis of intolerance on the grounds of SOGIE, and there were 20 convictions. In 2022, there were 76 investigations and 40 convictions [...]

4.1.3 Whilst the Ombudsman's decisions have been criticised by LGBTI activists for their lack of reasoning and failure [sic.] to always contain a proper analysis of all the circumstances of a case that may indicate discrimination, **LGBTI persons can, and do, submit complaints to the Ombudsman if their rights have been violated.** The Ombudsman investigated 11 SOGIE-related cases of alleged discrimination in 2021 and 17 cases in 2022, although the outcome of the cases and any redress provided to complainants is unknown. [...]

While the *CPIN Executive summary* acknowledges criticism of the Georgian authorities for failure to pursue perpetrators of violence at Pride events, and the *Assessment* duly notes that '[p]olice reportedly sometimes use abusive terminology and aggression towards LGBTI persons when they have been called upon to protect them', there is a lack of reflection on how these factors may affect the willingness of LGBTQI+ people to seek protection. For example, there is no acknowledgement of the fact that a lack of trust may be justified, including due to significant previous failures in protection by the Georgian authorities, which are set out in the *Country Information* section.

The *CPIN Executive summary* and *Assessment* imply the existence of functioning accountability mechanisms for LGBTQI+ people seeking redress. For example, the *Executive summary* observes that 'official statistics show that hate crimes are being reported and are addressed by the criminal justice system', meanwhile the *Assessment* states that 'data on hate crimes indicates that LGBTI persons can, and do, report hate crime incidents to the police', and that 'LGBTI persons can, and do, submit complaints to the Ombudsman'. Whilst the *Assessment* refers to a number of shortcomings in the Ombudsman's decisions relating to cases concerning LGBTQI+ people, in *Asylos'* view, it would have benefitted from

more fully setting out the multiple factors that hinder investigation of and accountability for crimes against LGBTQI+ persons, according to the COI. The sources in the *Country Information* section set out these issues, including the fact that presenting relevant evidence is controversial, witnesses and victims fear testifying, investigations are protracted, perpetrators receive lenient punishments, there is a lack of government enforcement of laws and a failure to identify and correctly qualify hate crimes [emphasis added]:

#### **Excerpt from the December 2023 Georgia: SOGIE CPIN**

Country Information [...]

9. State treatment [...]

9.3 Protection – LGBTI [...]

9.3.8 ECOM, Equality Movement and Tbilisi Pride 2022 'alternative report' provided as commentary for the 135th Session of Human Rights Committee Review of the third periodic report by Georgia noted:

**'While private persons commit the majority of violations, the State stays inactive and does not fulfil its positive obligations.** Even when the victim has contacted the authorities and a formal investigation has begun, the fact that, **in most cases, presenting evidence is controversial,** gives rise to a fear of retaliation, and that there is a lack of trust in law enforcement bodies, witnesses and victims fear testifying. **In most cases, witnesses are pressured or otherwise abused during the process of interrogation, thus the attendance of a lawyer is very important at the initial stage.** The problems hindering the access of victims to justice also include obstacles in representing their interests on the part of human rights defenders and LGBT+ activists, and the unwillingness of the authorities to cooperate with civil society organizations. **'Conducting investigation in a timely manner has remained problematic. Investigations initiated by investigative authorities are usually protracted without an outcome for years...** It is also necessary to highlight the problem of the adequacy and proportionality of punishments, there are examples when attackers get off with a small fine.'<sup>42</sup> [...]

9.3.10 The USSD report 2022 noted: 'The law makes acting on the basis of prejudice because of a person's sexual orientation or gender identity an aggravating factor for all crimes. According to NGOs, however, the government rarely enforced the law. [...]'<sup>44</sup>

9.5.4 In July 2022, following a visit to Georgia, the Commissioner for Human Rights of the Council of

Europe reported:

'According to information provided to the Commissioner by civil society organisations, **there is a significant gap between the number of hate crimes and incidents documented by the Prosecutor's Office and the Ministry of Internal Affairs and the number of cases documented by the organisations advocating for the rights of LGBTI people...** [...]

The same report noted that, '**One of the challenges identified in relation to the investigation and prosecution of hate crimes in Georgia relates to the failure by the authorities to identify and correctly qualify hate motives.**'<sup>71</sup>

<sup>42</sup> ECOM, Equality Movement, Tbilisi Pride, '[Human Rights Violations...](#)', May 2022

<sup>44</sup> USSD, '[2022 Country Reports on Human Rights Practices: Georgia](#)' (Sec 6) 20 March 2023

<sup>71</sup> Commissioner for Human Rights, '[Commissioner's report...](#)' (para 1.1.2), 15 July 2022

some individuals prosecuted for their participation in the violence committed on the day, including attacks against journalists, none of the organizers or leaders of the violence, most notably leaders of far-right groups, have been brought to justice.

44. This impunity has played a key role in continued attacks against LGBTQI defenders and has greatly contributed to the climate of insecurity they face in the country. [...]

49. The continuing impunity for attacks against human rights defenders, and for human rights violations more broadly, is demonstrative of a lack of political will to address the issue. [...]

50. Compounding the issue is that the failure to protect the LGBTQI community when exercising their right to freedom of assembly, as well as impunity for attacks against them, is a historical problem for the Georgian authorities [...]"

UN Human Rights Committee, '[Visit to Georgia; Report of the Special Rapporteur on the situation of human rights defenders \[A/HRC/55/50/Add.2\]](#)', 19 March 2024

## Recent sources – protection

The following sources published subsequent to the December 2023 *CPIN* highlight ongoing concerns regarding access to protection and justice for LGBTQI+ people, including in the context of violence at Pride events.

"Occasionally, police or other government agents failed to adequately respond to instances of violence or harassment against LGBTQI+ individuals."

US Department of State, '[2023 Country Report on Human Rights Practices: Georgia](#)', 23 April 2024

"[...] 1. LGBTQI Rights Defenders"

40. In July 2021 and July 2023, there were major disruptions at events organized in Tbilisi to celebrate the country's LGBTQI community. In both instances, events planned by LGBTQI rights defenders were attacked by far-right and ultraconservative groups exercising extreme violence and well-organized aggression. There has been total impunity for the instigators of these attacks, which, while not being the sole incidents involving retaliation against LGBTQI rights defenders, merit attention in detail. [...]

43. In response to the events of 5 July 2021, an investigation was launched by the Ministry of Internal Affairs, with 56 individuals granted victim status, including 47 journalists and camera operators, but not the Tbilisi Pride or the Shame Movement. While 31 persons were arrested and

Drawing on a number of other sources, including Georgian language sources, the Human Rights Centre reported that:

"On July 8, 2023, the Pride Festival was planned to be held in the closed event format near the Lisi Lake. On July 7, the Ministry of Internal Affairs issued a statement regarding the announced event, that the relevant police units would maintain law and order and security at this event. However, on July 8, hate groups broke through the police cordon and ransacked the surrounding area.<sup>163</sup> The actions were preceded by the announcement of a counter-demonstration by various groups and calls to go to the counter-demonstration through social networks. As a result, it can be said that the state's positive obligation to protect the festival participants from the aggressive actions of the counter-demonstrators was not fulfilled.<sup>164</sup>[...]"

<sup>163</sup> Statement of civil organizations - the Ministry of Internal Affairs continues to have a tolerant policy towards hate groups, 07.08.2023 (last seen: 22.12.2023); see: <https://www.hrc.ge/526/geo/>; Also, Radio Liberty - Possible Damages as a result of ransacking the Pride Festival.... 09.07.2023 (last seen: 22.12.2023); see: <https://shorturl.at/iwRT6>

<sup>164</sup> Monitoring Report regarding the Amount of Police Force and Unidentifiable Law Enforcement Officers Mobilized at Protest Demonstrations, 2023; p.13; See: <https://www.hrc.ge/554/geo/>

Human Rights Centre, '[State of human rights in Georgia, 2023](#)', 2024

» For further information, see also Asylus' recent COI report [Georgia: Situation of LGBTQI+ people](#).



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