



## Coalition for Equality Statement Regarding May 17

Coalition for Equality reflects upon the restriction of freedom of assembly of LGBT community members and activists on May 17 International Day Against Homophobia and Transphobia (IDAHO) and urges the state to review its ineffective and discriminatory policy.

After May 17, 2013 violent counter-demonstrations and attacks, this is the third year already LGBT community members and activists are not able to exercise their right to freedom of assembly on May 17<sup>th</sup>, which is essentially the result of the state's inefficient, discriminatory and non-secular policy. State fails to oppose various political, social and religious groups' efforts to monopolize public space with adequate policy based on equality and understanding of human rights, which encourages xenophobic and homophobic groups and ideas in the society.

After year 2013, May 17, International civil protest day against violence and discrimination of LGBT community members, was made by the church the national holiday honoring the sanctity of the family. This was an attempt to take over public space and make IDAHO subdued in the political and civil arena. On May 17 2014, LGBT activists were not even able to gather. May 17, 2015 small demonstrations, under strict Police control, at politically not important places, cannot be considered as a real opportunity to exercise the right to freedom of assembly.

On May 17th, LGBT activists public statements regarding IDAHO show that the vast

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majority of the organizations and activists, due to state's lack of safety guarantees and prevention of further escalation of political groups' anti-gay discourse and LGBT rights instrumentalisation, abstained from public gatherings. Independent initiative group activists' communication with the Ministry of the Interior shows that State did not give tangible guarantees of safety for gathering at Rustaveli Avenue and was limited to discussing general obligations under the law and considering inadequate alternatives.

Requested information from Tbilisi City Hall shows that in beginning of February already, several religious organizations appealed to the mayor's office and notified them about holding an assembly at all of the central locations in Tbilisi (Deda Enis Baghi, April 9 Square, Round Square, territory near Baratashvili Statue, the Tbilisi Concert Hall and the Rustaveli Avenue, territory near the parliament in Tbilisi, territory in front of the presidential palace). Patriarchy and other political groups have also joined World Family Congress event.

A far-right anti-gender statements regarding family protection, within the framework of the World Congress, coincide with Russian authorities' and the Russian Orthodox Church rhetoric, which tries to establish its own ideological domination over LGBT and gender issues and spread its ideology to other countries. Existing context indicates to the politicization problem of LGBT issues in Georgia and cannot be considered only as a problem of homophobia at the social level.

When the state has not provided effective investigation of May 17, 2013 violent assaults and the court acquitted the perpetrators in the criminal case, it promoted the environment of impunity towards homophobic crimes. This encourages different extremist groups' violence and hatred. In this regard, the police active and repressive politics against civil activists has to be emphasized. Last night, police arrested 10 LGBT activists near the Patriarchate building, under Article 173 (disobedience to the police) and Article 150 (the distortion of the image of self-governing unit) of Administrative Offences Code. According to the arrested activists, the police officers were not wearing uniforms and, therefore, they were difficult to be identified as police officers, therefore the "disobedience to the police" accusation has no legal grounds.

The LGBT community in Georgia is suffering from structural discrimination and oppression, which is expressed by physical and psychological abuse and discriminatory treatment in terms of employment, service industry, health care and

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educational places. Considering the state's ineffective anti-discrimination policy, the community member's trust towards state institutions is low and in reality they are alone and defenseless in the face of violence and oppression. Politicians' and, in some cases, public officials' homophobic statements deepen hatred and intolerance against members of the LGBT community.

Considering the above-mentioned, Coalition for Equality urges the government to:

- Ensure access to freedom of assembly for LGBT activists and unequivocal fulfillment of obligations based on the assessment of European Human Rights Court regarding the case of " Identoba and others v. Georgia“;
- Provide timely investigation of May 17, 2013 violent counter-demonstrators' interference with the freedom of assembly and other violent incidents and impose adequate legal responsibilities on specific persons;
- Develop and implement an effective strategy to combat hate crimes and include international and regional instruments, such as the Universal Periodic Review, the recommendations of the European Commission against Racism and Intolerance effective, in national politics;
- Enforce effective anti-discrimination policy, which includes strengthening of existing legal remedies and executive branch implementing positive, special anti-discrimination policy;

**Georgian Young Lawyers' Association (GYLA);**

**Human Rights Education and Monitoring Center (EMC);**

**Article 42 Of The Constitution;**

**Partnership for Human Rights (PHR);**

**Open Society Georgia Foundation**

**Sapari;**

**Identoba;**

**Women's Initiatives Supporting Group.**