



## NGOs release joint statement on the May 17 event

The 17th of May is the International Day against Homophobia and Transphobia (IDAHO) officially recognized by the European Parliament and number of European countries.

It is a form of protect against stigmatization and violations of human rights under the sign of sexual orientation and gender identity. Analysis of human rights situation in Georgia reveals that violation of LGBT rights on the ground of sexual orientation is frequent, whereas state's response on the problem insufficient. Georgian legislation and its implementation practice is discriminative in number of cases in terms of LGTB and deprives them of the opportunity to exercise fundamental rights comprehensively, including the right to family and privacy, protection of health and labor rights. Moreover, investigations carried out on violation of LGTB rights are ineffective. Appropriate application of paragraph 3 1 of Article 53 of Penal Code of Georgia, recognizing as aggregating circumstance committing of offence under the motive of intolerance to sexual orientation and gender identity, is also problematic. Along with ineffective state policy, current social and cultural structures also lead to isolation and stigmatization of LGBTs, namely they are treated as group of diseased, aliens and rivals. This construction makes LGBT individuals especially vulnerable and sets upon the state positive obligation to carry out complex measures for LGBT integration in public and for promotion of their unrestricted development.

On IDAHO day "Identity", "Women Initiative Support Group" and other organizations announced peaceful rally in front of the former building of the Parliament. LGBT activists and their supporters plan silent protest against discrimination and violation of LGBT's human rights. In opposition to this event, different groups are also going to have a counterdemonstration near the former building of the Parliament. They treat

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the May 17 event as immoral, promoting LGBT issue and condemn it.

Counterdemonstrators have announced wide scale rally at the Rustaveli Avenue. It should be noted that right to counterdemonstration is also incorporated in human rights law, yet it should preserve the peaceful nature and be within the scope of legislation. Even though counterdemonstrators allege that their assembly is peaceful, in social network participants of counterdemonstration claim that they will not allow LGBT representatives to have a rally on May 17. Furthermore, the statements are frequently intimidating and contain language of hatred.

International standards on freedom of assembly oblige states to ensure peaceful conduct of manifestation. Restriction of the right is not justified under the ground that majority of population is against anticipated manifestation and it might be followed by violence. Even in such conditions, state should ensure adequate security measures for effective realization of the right to assembly.

In view of the scale and context of counterdemonstration planned on May 17, police should work out effective security strategy in advance and take all possible measures for conduct of the event in a peaceful and secure environment. To this effect, police should keep distance between participants of the rally and restrict possibility of their physical contact. In addition, security measures are also important in the moment of assemblage and dissolution, when the risk of aggression might be especially high. Furthermore, police should curb possible provocateurs at the place of manifestation.

Notwithstanding the last year's negative experience, we believe that the Police will manage to protect right of assembly effectively and will observe its obligations with protection of LGBTs' rights and their respect. Such expectation is reinforced by the positive statements of high officials on the issue.

We, however, call on the organizers and participants of the rally to observe requirements of the law and maintain peaceful nature of the action and tolerant conduct, which is pre-condition for development of democratic and pluralistic society.

Undersigned organizations, with special observation mission, will monitor the May 17 event from the morning in a coordinated manner and will submit to public comprehensive information about the rally and fulfillment of state's obligation. If

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required, the organizations, within their resources, with apply relevant legislative mechanisms for protection of victims.

*Transparency International-Georgia*

*Georgian Democracy Initiative (GDI)*

*Human Rights Education and Monitoring Center (EMC)*

*Georgian Young Lawyers' Association*

*Article 42 of the Constitution*

*International Society for Fair Elections and Democracy*