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**Report on Gender, Sexual Orientation and Gender Identity**

Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

47th Session of The Human Rights Council



Equality Movement is a non-profit non-governmental organization that aims at creating equal rights and opportunities for lesbian, gay, bisexual, transgender, queer and intersex persons and women in Georgia; fostering their integration into society by the means of empowering LGBTQI+ community and women, carrying out awareness activities on LGBTQI+ and women rights issues, and advocating their interests. Equality Movement provides social, medical and legal services to empower and mobilize LGBTQ+ community and women, as well as public awareness rising and policy advocacy interventions.

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1. **Has the State adopted, in public policy, legislation or jurisprudence, working definitions of gender and related concepts (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming) aiming to address violence and discrimination based on sexual orientation and gender identity? If so, please give examples, with commentary as needed to explain context, scope and application.**

In 2014, Georgia adopted the law of Georgia on Gender Equality. Article 3 of the law, goes as follows: “Gender is a social aspect of relations between sexes which expressed in all spheres of public life and implies opinions formed about different sexes through socialization”.[[1]](#footnote-1) The law defines few terms, such as gender equality, discrimination, equal opportunities, equal treatment.

What’s more, the law of Georgia On the Elimination of All forms of Discrimination (anti-discrimination act), which was adopted in 2014, among other groups, prohibits discrimination based on gender, sexual orientation, gender identity and gender expression.[[2]](#footnote-2) Gender, sexual orientation, gender identity and gender expression were included as protected grounds that serve as aggravating circumstances in case they are motives for committing a crime (Criminal Code of Georgia, article 531). Gender, sexual orientation, gender identity and gender expression are also included as protected ground in the crime protects human rights equality (Criminal Code of Georgia, article 142).[[3]](#footnote-3)

1. **Has the State ratified, signed, or adhered regional or international human rights treaties, declarations, programs or policies or any other international instruments aiming to address violence and discrimination based on sexual orientation and gender identity that involve the implementation of a gender framework (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming)?**

In 2017, Georgia ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). As a result of the ratification, the state adopted a package of legislative amendments in order to harmonize national legislation with the Convention. However, current legislation doesn’t cover every aspect of gender and related concepts (for example, gender mainstreaming).

1. **What kinds of information and data are collected by States to identify forms of violence and discrimination faced by people based on sexual orientation and gender identity? Is the data designed to capture causes and patterns of violence and discrimination against lesbians, gay men, bisexual women, bisexual men, trans women, trans men, and gender diverse persons?**

The state collected information and data of hate crimes against LGBTQ+ people. However, as a result of non-existence of the high quality, timely and unified statistical data on hate crimes against LGBTQ+, it’s impossible to determine the real number of the sexual orientation, gender identity or gender expression-based hate crimes.

The official statistical data[[4]](#footnote-4) doesn’t take an intersectional approach or include information on the relationship between victims and perpetrators.

1. **Is comprehensive sexuality education taught in schools?**

Comprehensive sexuality education isn’t tough in public or private schools in Georgia. School curriculums don’t include any information about sexual orientation and gender identity perspectives.

1. **Are there examples where the concept of gender has been used in religious narratives or narratives of tradition, traditional values or protection of the family to hinder the adoption of legislative or policy measures aimed at addressing or eradicating violence and discrimination based on sex, gender, sexual orientation and gender identity?**

The Georgian Orthodox Church is the largest religious institution in the countries, which has a huge political and public influence. On May 17, 2013, the members of the Church led the violence against anti-homophobic rally.[[5]](#footnote-5) Also, in 2014, during the adoption process of the law On the Elimination of All forms of Discrimination, the Patriarch Ilia the second urged the parliament to delay the adoption of the law,[[6]](#footnote-6) because it was the spreading of “gay propaganda”

1. **Are there examples where a concept of gender has been used in religious, traditional, or indigenous narratives or values in a manner which promotes the acceptance of persons with diverse sexual orientations or gender identity, or protects LGBT individuals from violence and discrimination as well as covering a wider range of persons?[[7]](#footnote-7)**

There is no any relevant example.

1. **Are there examples in which narratives or “gender ideology,” “genderism” or other gender-related concepts have been used to introduce regressive measures, in particular but not limited to LGBT persons or communities?**

There is no any relevant example.

1. **Are there initiatives taken by States in connection with the right to freedom of religion, belief or conscience (including the figure of conscientious objection) that have had the practical impact of limiting the enjoyment of human rights (including sexual and reproductive rights) of LGBT persons?**

There are not such initiatives.

1. **Have there been public expressions or statements by political and/or religious leaders that have led to indefinite extension, modification or suppression of actions, activities, projects, public policies or application of gender frameworks?**

There is no relevant example.

1. **Who are main actors who argue that the defenders of human rights of LGBT individuals are furthering a so-called “gender ideology”? What are their main arguments? Have they been effective in regressing the human rights of LGBT individuals? Have their strategies directly or indirectly also impacted on the human rights of women and girls?**

As it has already mentioned, the Orthodox Church is the most powerful institution, which argues the human rights defenders, especially when it comes to LGBTQ+ or women’s rights, or feminism. The leaders of the Church are known for their homophobic, sexist and hate-speeches.

1. **Can you provide examples of coalitions working together on resisting attacks on gender ideology? Please share examples of feminist and LGBT and other groups working together and with what kinds of frameworks, arguments and results?**

Equality Movement is the members of the Coalition for Equality. The coalition was established in 2014 in order to enhance the mandate and competences of anti-discrimination mechanisms and to sup-port the effective fight against all forms of discrimination.[[8]](#footnote-8)

1. **What policies, programs and/or practices has the State adopted to meet Sustainable Development Goals 5 (gender equality) and 10 (reduced inequalities)? Do these rely on gender frameworks inclusive to diverse sexual orientations and gender identities and/or aiming to address violence and discrimination based on sexual orientation and gender identity? Please identify relevant examples.**

In February, 2020, the Government of Georgia has adopted chapter 15 of the National Human Rights Action Plan 2018-2020.[[9]](#footnote-9) This chaplet aims to combat hate-motivated crimes against LGBTQ+ people, raising awareness on sexual orientation and gender identity and the improvement of SOGI-specific social and healthcare services. However, because of the pandemic and political crisis in Georgia, the goals and activities of the chapter are not fulfilled.

1. . The Law of Georgia on Gender Equality, <https://matsne.gov.ge/en/document/view/91624?publication=9> [↑](#footnote-ref-1)
2. . The Law of Georgia on the Elimination of All forms of Discrimination,

<https://matsne.gov.ge/en/document/view/2339687?publication=0> [↑](#footnote-ref-2)
3. . Criminal Code of Georgia, <https://matsne.gov.ge/en/document/view/16426?publication=209> [↑](#footnote-ref-3)
4. . Hate crimes statistics, 2020, <https://www.geostat.ge/media/36779/diskriminaciis-nishnit_2020_IV.pdf> [↑](#footnote-ref-4)
5. . <https://civil.ge/archives/122862> [↑](#footnote-ref-5)
6. . Role of The Orthodox Church in Georgia’s European Integration Process, [file:///C:/Users/User/Downloads/2520-Article%20Text-3462-1-10-20190206%20(1).pdf](file:///C%3A/Users/User/Downloads/2520-Article%20Text-3462-1-10-20190206%20%281%29.pdf) [↑](#footnote-ref-6)
7. For relevant examples, see para. 3 of the Independent Expert’s Report to the 73rd Session of the United Nations General Assembly, available at <https://undocs.org/A/73/152>. [↑](#footnote-ref-7)
8. . The Coalition for Equality, <http://equalitycoalition.ge/> [↑](#footnote-ref-8)
9. . Action Plan, <http://myrights.gov.ge/en/Policy%20Documents/action-plans-1/> [↑](#footnote-ref-9)