

**Rule 9(2) submission to the Committee of Ministers of the Council of Europe concerning  
implementation of *Identoba & Others v. Georgia***

**By**

**The Human Rights Education and Monitoring Center, the Women's Initiatives Support Group  
And ILGA-Europe**

**7 August 2020**

**Introduction**

1. The case of *Identoba and others v. Georgia* (Application no. 73235/12), hereinafter the *Identoba* case, concerns the failure of the Georgian authorities to provide adequate protection against inhuman and degrading treatment inflicted by private individuals on Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI) activists who were attacked during a peaceful demonstration in May 2012 (substantive violations of Article 3 in conjunction with Article 14), as well to conduct any effective investigation into these events (procedural violations of Article 3 in conjunction with Article 14). In addition, the Court held that the authorities had breached their obligation to ensure that the march could take place peacefully by failing sufficiently to contain homophobic and violent counter-demonstrators (violation of Article 11 taken in conjunction with Article 14).
2. This submission is communicated by the Human Rights Education and Monitoring Center (EMC), the Women's Initiatives Support Group (WISG) and ILGA-Europe<sup>1</sup> as non-governmental organizations, under Rule 9(2) of the Rules of the Committee of Ministers (CM) for the supervision of the execution of judgments for consideration at the meeting CM-DH 1383<sup>rd</sup> (29 September – 1 October 2020)<sup>2</sup>. It responds to the Action Report of the Government of Georgia submitted on 29 June 2020<sup>3</sup> (hereinafter the Government Action Report). It addresses matters arising in relation to general measures in respect of the *Identoba* case rather than the *Identoba* Group as a whole.
3. This submission makes reference to previous Rule 9.2 submissions of 16 November 2016 (the 2016 CSO submission)<sup>4</sup>, 10 May 2018 (the 2018 CSO submission)<sup>5</sup> and 2 August 2019 (the 2019 CSO submission)<sup>6</sup>.

---

<sup>1</sup> EMC is a human rights organization working on equality policy, social rights and monitoring of the institutional reforms of the state ([emc.org.ge](http://emc.org.ge)), WISG is a feminist organization working on the rights of LBT women ([women.ge](http://women.ge)), ILGA-Europe is the European Region of the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, an umbrella organization for the global LGBTI movement ([ilga-europe.org](http://ilga-europe.org)).

<sup>2</sup> Consolidated indicative list of cases for the 1383rd meeting (29 September – 1 October 2020) (DH) adopted at the 1377th meeting, Supervision of the execution of the European Court's judgments

<sup>3</sup> DH-DD(2020)572

<sup>4</sup> DH-DD (2016) 1303

<sup>5</sup> DH-DD(2018)489

<sup>6</sup> DH-DD(2019)938

## Executive Summary

4. This submission provides an assessment of the implementation of the General Measures under the *Identoba* case.
5. It provides an assessment of (a) Georgia's National policy to combat discrimination and intolerance, (b) Investigation and prosecution of hate crimes, and (c) the status of implementation of the right to freedom of peaceful assembly of LGBTQI people.
6. The Submission sets out the main recommendations to be implemented by the State to achieve the significant progress towards the protection of the human rights of LGBTQI people in Georgia. The Submission asks the CM to request the State to take effective measures and demonstrate progress towards the implementation of the recommendations made by this submission.

### Main Findings

7. The government of Georgia made significant steps in fighting against the hate crimes in Georgia. However, addressing hate crimes requires comprehensive work on countering discrimination more widely. It is a matter of concern that successive human rights action plans have failed to address sexual orientation and gender identity (SOGI) discrimination adequately, and that the chapter in the current action plan addressing the rights of LGBTQI has been added with significant delays, only (see para. 7-8).
8. So far as freedom of assembly is concerned, the authorities' refusal to guarantee the safety of participants in the 2019 Tbilisi Pride March, and the consequent impossibility of holding this event, demonstrates that this aspect of the *Identoba* judgment is still far from being satisfactorily implemented (see para. 25-35). The failure of the authorities to face down threats of violence by the far-right groups, in effect acquiescing in those threats, is egregious. In short, the Georgian authorities failed in their obligation to uphold the right to freedom of assembly and expression.

#### a. National policy to combat discrimination and intolerance

9. Any assessment of the measures needed to implement the *Identoba* judgment must take account of the situation of the LGBTQI community in Georgia. In a recent report the UN Independent Expert on sexual orientation and gender identity summarised the position as follows: "*violence and discrimination based on sexual orientation and gender identity are pervasive in Georgia: beatings are commonplace, harassment and bullying constant, and exclusion from education, work and health settings appear be the norm. Although lesbian, gay, bisexual and trans and gender diverse persons are among the most vulnerable individuals in society, a recent Council of Europe survey revealed that only 33% of people in Georgia think that it is right to protect their rights.*"<sup>7</sup> Homophobic and transphobic attitudes continue to prevail in Georgian society, and the findings of the Independent Expert are still valid and relevant.

---

<sup>7</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity on Georgia, A/HRC/41/45/Add.1, para. 31

The National Human Rights Strategy and the accompanying action plans (2014 – 15, 2016 – 2017, 2018 – 20)

10. As noted in the 2016, 2018 and 2019 Civil Society Organisation (CSO) submissions, no effective measures to combat sexual orientation or gender identity discrimination were implemented under the 2014 – 2015 action plan.<sup>8</sup> The 2016 – 2017 action plan contained only five main tasks addressing directly sexual orientation/gender identity discrimination. Most of them were not fully implemented.<sup>9</sup>
11. The current action plan for 2018-2020 was approved on 17 April 2018.<sup>10</sup> However until February 2020 the National Action Plan (NAP) did not address the rights of LGBTQI people. In 2020 the Human Rights Secretariat, as a responsible agency on NAPs, has drafted the separate chapter 15 on SOGI. Draft version was open for comments from civil society; and some of the suggestions from EMC, WISG, other partners have been included. Chapter 15 of the Action Plan includes three goals and aims to combat hate-motivated crimes, raising awareness on sexual orientation and gender identity and the improvement of SOGI-specific social and healthcare services. However, as it was adopted on 17<sup>th</sup> of February 2020, the delay of nearly two years in carrying out the NAP indicates that there exist risks that it cannot be implemented duly and timely.

**b. Investigation and prosecution of hate crimes**

12. The measures taken by the Georgian authorities to address hate crime and discrimination, as highlighted in the Updated Action Report (paras. 28-47) is to be welcomed, however, the frequency and brutality of homo/bi/transphobic hate crimes and incidents remain challengeable affirming that much more has to be done.
13. According to the Action Report, the consideration of the bias motive has increased in relation to the previous years. Under the 2019's statistics, criminal prosecution has been launched in 32 homo/transphobic hate crime cases.<sup>11</sup> However, it should be noted that the victims usually refrain from reporting to law enforcements because of the fear of forcible outing and re-victimization that affects the real number of concerned victims, and results in a gap between the official and NGO statistics.<sup>12</sup> The latter exceeds multiple times to the former (for instance N=226 respondents of the research have been the victim of hate crimes/incidents during the time period of 2015-

---

<sup>8</sup> DH-DD (2016) 1303 – paras 31 - 32.

<sup>9</sup> See Government's Report on the implementation of the action plan (2016-2017), goal 13.3, <http://myrights.gov.ge/uploads/files/docs/6971Report2016-2017.pdf>

<sup>10</sup> The Government Decree N182, April 17, 2018 on the approval of the Government's Human Rights Action Plan for 2018-2020 years, chapter 15. See only in Georgian: <https://matsne.gov.ge/ka/document/view/4153833>

<sup>11</sup> Response letter of 31.01.2020 from the Office of the Prosecution General of Georgia.

<sup>12</sup> According to the recent study of 2018, among the LGBT respondents, 88.3% (N=226) have been victim of hate crimes/incidents since 2015. The psychological/emotional violence has been experienced by 85.5% of respondents, 61.7% sexual violence and harassment, while 29.7% of respondents reported experience of physical violence. Despite such destructing number, only 16.8% of hate crime victims have reported to the police. (submission to the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity available online at: <https://women.ge/en/publications/194/>)

18).<sup>13</sup> From 2019 August to July 2020 Identoba’s regional offices have documented nine cases of homo/transphobic crimes and incidents, while Equality Movement has documented 22 hate crime cases.<sup>14</sup> The difference in statistics gathered by NGOs and discrimination studies and official statistics affirm that the majority of such incidents remain undocumented and unreported because of the ineffectiveness of police, fear of forcible “coming out” and homo/bi/transphobic treatment by police officers, etc.<sup>15</sup> Given the lack of integrated and comprehensive statistical data on hate crimes, it is impossible to determine the real number of the SOGI and Expression (SOGIE) based hate crimes, which is far higher than the official statistics.

14. According to the Public Defender under her 2019 parliamentary report, discrimination based on SOGIE is still a challenge and the right to equality of LGBTQI persons is infringed at every instance of social life. Societal stigmas and phobias are reflected in the hate incidents against LGBTQI individuals.<sup>16</sup>
15. An illustrative example is the series of events taken place during the screening of the film “And then We Danced” (labeled as “LGBTQI movie”) in November 2019 in Tbilisi. Far-right groups held a rally to disrupt the premiere and endangered the physical integrity of the visitors of the theatre. Police was neither able to prevent the illegal behavior of the violent group, nor respond properly by legal means towards their aggressive behavior. Therefore, the group was able to approach the entrance of the cinema that endangered the safety of the place and the people gathered to attend the premier.<sup>17</sup>
16. The Ministry of Internal Affairs had an obligation to respond in a preventive manner days before the premiere and to initiate investigation on overt threat statements spread by the leaders of the hate groups. However, the police did not start the investigation beforehand and the law enforcing authority failed to provide proper cordon/police wall during the premiere evening in order to prevent the extensive stream of the violent groups to occupy the surrounding territory of movie theatre. The activity of this mobilized group went beyond the borders of a peaceful gathering on several occasions.
17. The day after the incident the police announced that 27 people had been arrested for administrative offences: disobeying a lawful request of a law enforcement officer and hooliganism. At the same time a criminal case was brought against the assault on policemen, as well as on damage to the police car and on violent act toward the politician and an activist.<sup>18</sup>
18. However, investigation of a single case and arresting individual persons is not a proper response to the long ongoing aggressive and deliberately hateful activities. It is usually coordinated by the

---

<sup>13</sup> Ibid.

<sup>14</sup> Documented cases by community organizations does not indicates the real numbers of violence against LGBTQI group; it is recorded based on the reporting number before the organizations itself.

<sup>15</sup> Aghdgomelashvili E., From Prejudice to Equality (part II): LGBTQI persons in Georgia, WISG, 2018.

<sup>16</sup> Office of the Public Defender of Georgia, annual parliamentary report, 2019, pg. 177

<http://ombudsman.ge/res/docs/2020040215365449134.pdf>

<sup>17</sup> More info available here: <https://wisg.org/ka/news/detail/261>

<sup>18</sup> Available online at: <http://www.tabula.ge/ge/story/158975-shss-tbilisisa-da-batumis-kinoteatrebtan-gamartul-aqciebze-27-piri-davakavet>

same hate groups and its leaders, Levan Vasadze and Georgian March Movement, in a permanent manner, and on many occasions threatens peaceful gatherings of various civil groups, especially those of LGBTQI activists (the case of the Tbilisi Pride in 2019, as provided in our previous communication).

19. Consequently, continual mobilization of the far-right groups is a result of their impunity during their previous violent rallies and the approach used by the State authorities. As a result same legal means are applied to the threat derived from the hate groups seeking to restrict the expression and the rights of the LGBTQI individuals, and the freedom of expression of LGBTQI people voicing the protection of their rights and calling for equality. Thus, such approach is ambiguous and fails to demonstrate the holistic view on protecting fundamental rights and guaranteeing equality, as well as sanctioning the threat spread by the hate groups in the society.
20. When assessing the consideration of homo/bi/transphobic hate crimes, the Office of the Public Defender highlights the obstacles towards procrastinated investigation, low number of cases when the certain persons had been accused or recognized as a victim and failure of the State to fulfill its positive obligation to prevent the threats by private individuals or groups.<sup>19</sup>
21. As indicated in the Updated Action Report (paras. 43-46), concerning steps to combat hate crimes, Ministry of Internal Affairs has created the Human Rights Protection and Investigation Quality Monitoring Department,<sup>20</sup> which *inter alia* monitors investigations of hate crimes.<sup>21</sup> Establishment of the new department is to be welcomed, however, it should be noted that the Department has a different remit than the unit proposed by UPR<sup>22</sup> and the Committee of Ministers<sup>23</sup>. Moreover, it's a centralized, coordinating body, tasked to determine concerns that it may not be able to address adequately with due consideration to problems at the local level, nor, for example, addressing specific issues arising in the investigatory process.
22. Similar concerns on the creation of the aforementioned Department referred to in the Action Report (para. 43) was noted in the conclusions on the Implementation of the Recommendations in Respect of Georgia subject to Interim Follow-Up by the European Commission against Racism and Intolerance (ECRI). In particular it noted that "such a department is not a substitute for a specialized investigative unit within the police, as recommended by ECRI. The new department was created to review hate crime investigations, not to carry them out. It therefore does not

---

<sup>19</sup> Available online at: <https://www.facebook.com/OmbudsmanofGeorgia/videos/320468625754867/> [25:00]

<sup>20</sup> Order of the Minister of Internal Affairs N1 of January 12, 2018, see: <https://matsne.gov.ge/ka/document/view/3999709>

<sup>21</sup> Details about the department: <https://police.ge/en/adamianis-uflebata-datsvis-departamentis-mandati-gafartovda/12477>

<sup>22</sup> Report of the Working Group on the Universal Periodic

Review – Georgia, II cycle, 2015, Recommendation para 118.10 – "Establish a specialized police unit for investigating hate crimes, closely collaborating with the LGBT community and organizations in order to create a trusting relationship (Sweden)", see: [https://www.upr-info.org/sites/default/files/document/georgia/session\\_23\\_-\\_november\\_2015/a\\_hrc\\_31\\_15\\_e.pdf](https://www.upr-info.org/sites/default/files/document/georgia/session_23_-_november_2015/a_hrc_31_15_e.pdf)

<sup>23</sup> ECRI REPORT ON GEORGIA (fifth monitoring cycle) Adopted on 8 December 2015 Published on 1 March 2016, Para. 68 and <https://upr-info-database.uwazi.io/en/entity/vo24uyjenx?searchTerm=Establish%20a%20specialized%20police%20unit%20for%20investigating%20hate%20crime>

constitute a dedicated reinforcement of hate crime investigation capacity at law enforcement level”.<sup>24</sup> A comparable recommendation has been also addressed by the UN Independent Expert on sexual orientation and gender identity.<sup>25</sup>

23. Herewith, in response to the para. 47 of the Action Report, it's crucial to ensure that the services for the victims of hate crimes are accessible together with the increased number of the coordinators. LGBTQI survivors are having emotional, material and social needs after experiencing the hate crime. According to the study conducted by WISG in 2018, 69% of the victims noted that they needed an assistance of psychologists (23% applied to the service); 20.8% were in need of medical assistance (8% applied); 47.8% needed legal assistance (11.9% applied); 31% - social assistance (6.2% applied), 9.7% were in need of shelter (only 2 person (0.9%) applied).<sup>26</sup> Hence, the needs of victims of hate crimes are special and different from the general supportive system because of their belonging to a marginalized group. With regards to LGBTQI persons the situation is more striking, taking into account the combination of strong homophobic attitudes, stigmas and reluctance of “coming out”. Thus, it is important that the State does not limit itself to the reaction to such a crime, but that it also provides special services for the victim.
24. Such services of protection and support to victims must also include support in the aftermath of the investigation. This is crucial as in every individual case the victim may have special needs and these services must be based on individual evaluation (for example, ensuring involvement of specialists such as psychologist and social workers; ensuring shelter, etc.). Georgian legislation does not ensure adequate protection of the victim from secondary victimization during criminal justice.
25. Nowadays, the victims of hate crimes can access the Offices of Protecting Witness and Victim within the Prosecutor’s Office and the Ministry of Internal Affairs (MIA) system, which have a limited number of coordinators throughout Georgia. One of the responsibilities of the coordinators is to offer victims the services available at different State agencies and civil society organisations. The biggest shortcoming is that the State doesn't offer relevant services for the victims of hate crimes itself and the coordinators of the Prosecutor’s and MIA’s are seeking those services outside the system, mainly by approaching civil society organizations. Because of the limited capacity of services by NGO, it's crucial that the State provides such guarantees as part of the fight against hate crimes itself. As it was mentioned in Public Defender’s Office’s annual report of 2017: “the law enforcement agency lacks an effective strategy of regulating hate-motivated violence, limits itself to responding to separate incidents alone and fails to deal with the systemic nature of the problem,”<sup>27</sup>and still remains relevant.

---

<sup>24</sup> see: [https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680934a7e?fbclid=IwAR3LpX9rD6dS9J8MZwZ-ZGq\\_eS0LDaRrVYO8kxFPR6gnTKU7D04r\\_czH3yA](https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680934a7e?fbclid=IwAR3LpX9rD6dS9J8MZwZ-ZGq_eS0LDaRrVYO8kxFPR6gnTKU7D04r_czH3yA)

<sup>25</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity on Georgia, A/HRC/41/45/Add.1, para. 99.

<sup>26</sup> Aghdgomelashvili E., From Prejudice to Equality (part II): LGBTQI persons in Georgia, WISG, 2018.

<sup>27</sup> Annual report of the PDO, on the Situation of Protection of Human Rights and Freedoms in Georgia, 2017.

26. This perspective is shared by the UN Independent Expert on sexual orientation and gender identity who conducted meetings and interviews with LGBTQI community members in most regions of Georgia. In his report the Independent Expert indicates that there is a low level of trust towards the law enforcement officials: *“Victims report being unwilling to refer incidents to the police – the first link in the chain of justice. Among the reasons are the stigma associated with the community and the fear of having to disclose a diverse sexual orientation or gender identity; the lack of trust in the authorities and the fear of phobic behavior and attitudes from police officers; and even the feeling of shame due to internalized phobia.”*<sup>28</sup> This evaluation continues to be relevant.

**c. Exercise of the right to freedom of peaceful assembly**

27. The enjoyment of the right to freedom of assembly and manifestation still remains a challenge for LGBTQI groups despite the fact that the Georgian legislation fully guarantees freedom of assembly and manifestation for all persons without discrimination. Any form of presentation in public spaces by LGBTQI groups is “perceived as propaganda of homosexuality” resulting in the exclusion of the community members from public areas.

28. On May 17 in 2012 and 2013, on the IDAHOT, the State failed to respond to the dispersal of peaceful demonstrations of LGBTQI people by orthodox clergy and other aggressive groups. Despite the available evidence, government failed to adequately address violence against LGBTQI people, which has created the feeling of impunity and encouraged homo/transphobic violence in the society.<sup>29</sup>

29. After the grave experience of 2013, LGBTQI activists and their supporters were not able to hold public demonstration in the capital’s main street without special protection from the police. Despite the fact that the attitudes towards LGBTQI groups are changing and there can be seen positive signs, surveys show that there is still widespread opposition to the exercise of this right by LGBTQI persons. According to a WISG study<sup>30</sup> the statement “LGBTI rallies should be banned by law” was fully (66.4%) or partly (14.1%) supported by 80.5% of respondents who answered the question (N=1938), 4.3% remained neutral. Only 15.1% of respondents did not agree with this statement.

30. Negative experience described above identifies the scale of limitation of the fundamental human rights of LGBTQI people in Georgia.

31. Thus, it is clear that the LGBTI community does not enjoy the right to freedom of assembly even after 2013<sup>th</sup> experience; accordingly, further general measures are required to comply with Georgia’s obligation to implement the *Identoba* judgment in this respect.

**Call to form vigilante group to attack Tbilisi Pride in 2019**

32. As indicated in the previous NGO rule 9.2 submission attempts to hold a Pride March in Tbilisi in June/July 2019 failed when the authorities refused to guarantee the safety of participants in the

---

<sup>28</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity on Georgia, A/HRC/41/45/Add.1, Para 40

<sup>29</sup> ECHR judgment *Identoba and Others v. Georgia* (2015)

<sup>30</sup> Aghdgomelashvili E., *From Prejudice to Equality* (part II): LGBTQI persons in Georgia, WISG, 2018.

face of threats of a violent counter-demonstration organised by a vigilante group.<sup>31</sup> Despite the fact that homophobic groups had formed “civil guard” unit equipped with wooden clubs to attack participants and were publicly inciting the violence, neither the leaders nor the members of this violent groups have faced any charges.<sup>32</sup>

33. In June 2019 one of the leaders of a homophobic group declared he was forming a “civil guard” unit equipped with wooden clubs to attack participants in the Tbilisi Pride march planned for later in June. Despite the fact, his actions contained clear signs of a criminal offence - publicly calling for violence - the authorities have merely initiated an investigation under the article of the criminal code addressing the creation of illegal formations (Article 223).
34. On July 7 leader of one of the far-right violent groups in Georgia - Levan Vasadze called on his male supporters to gather at 10am to obstruct “the propaganda of filth” and an “offense to the country”, threatening to “drag away” the Pride March participants and oppose police if necessary. “It doesn’t matter to us, whether they [LGBTQI activists] will be accompanied by poor drug addicts, poor foreigners, non-governmental workers or any person which is transgressing the rules and offends our traditions – we will drag all of these people out of there,” Vasadze stated in the public video posted online.<sup>33</sup> Vasadze suggested that LGBTQI activists plan to bring arms and “stage provocations”, but, that his supporters were “distancing themselves” from “all murder, shooting, knives or violence” and place full responsibility for “any casualties, any tensions” that would “happen there” on the Ministry of Interior.<sup>34</sup>
35. On 19 June three of the Pride organizers, received death threats on their mobile phones<sup>35</sup>. EMC has asked the Ministry of Internal Affairs to provide detailed information on the criminal proceedings addressing the above-mentioned offences. **However, to date, no reply has been received.**
36. Despite the extensive availability of evidence, (including video footage) none of the alleged offenders was detained.<sup>36</sup> EMC has asked for public information about the development of this case, however organization has not received any information from MiA. This fact shows the failure of the authorities to condemn an extreme organisation conducting illegal activities, and thus allowing this organisation to prevent the LGBTQI community from exercising the right to freedom of assembly.

---

<sup>31</sup> Threats of the counter-demonstrates: <http://go.on.ge/14kv> also see: <http://www.tabula.ge/ge/story/150531-vasadze-praidis-tsinaaghmddeg-razmebs-vqmnit-iaraghi-iqneba-qamrebi-amit-shevukravt?fbclid=IwAR2Bu4S4rAjPYihg5W4NQ-RldyuoZW-3IIlLeAuQZ8L6R4633ckvnLjk-Qsg>

<sup>32</sup> Despite the extensive availability of evidence, (including video footage) none of the possible offenders was detained. Generally, despite plenty homo/bi/transphobic public threats by ultra-conservative and far-right groups, there have been no cases where perpetrators have been prosecuted, despite the grave nature of the possible offences committed. see the Response of the Human Rights Organizations: <http://equalitycoalition.ge/en/post/koalicia-tanastorobistvis-ganckhadeba-14-ivnissa-da-16-ivniss-ganvitarebul-movlenebis-shesakheb>

<sup>33</sup> See: <https://www.facebook.com/wcf10/videos/1375123525961137/?v=1375123525961137>

<sup>34</sup> Ibid

<sup>35</sup> See: <https://www.facebook.com/photo.php?fbid=2896637113696315&set=a.760312563995458&type=3&theater>, Also see: <https://www.facebook.com/photo.php?fbid=2896637113696315&set=a.760312563995458&type=3&theater> Also, See: <https://www.facebook.com/photo.php?fbid=2263998970348827&set=a.173439766071435&type=3&theater>

<sup>36</sup> See: <https://emc.org.ge/en/products/adamianis-uflebebeze-momushave-organizatsiebi-14-ivnissa-da-16-ivniss-ganvitarebul-movlenebis-ekhmianebian>



37. Accordingly, due to safety reasons, the absence of guarantees from Ministry of Internal Affairs and threats directed from far-right groups, Tbilisi Pride was not able to hold the gathering at the planned place and time. However, on the same date, Tbilisi Pride, without prior announcement, gathered before the Ministry of Internal Affairs office in the evening. The small gathering was highly secret with the participation of about 15 persons, and lasting about only 30 minutes, due to the information that extremist groups were on their way to disperse the protesters.<sup>37</sup>

## Recommendations

With a view of adequately addressing general measures under the *Identoba* case, EMC, WISG and ILGA-Europe submit the following recommendations:

- Together with civil society actors, the State to establish measures necessary to enable the safe and peaceful gatherings of LGBTQI activists and take preventive measures to deter violence, hatred and discriminatory attitudes and behavior.
- Georgian authorities should properly investigate violence and incitement of violence against LGBTQI people directed from the ultra-conservative violent groups in Georgia, accordingly, the State should develop effective preventive measures and counter rhetoric of violent ultraconservative groups;
- Georgian authorities should establish a hate crime investigation unit within the law enforcement system in order to strengthen the investigation/prosecution/prevention of hate crimes based on SOGIE and should work towards the elaboration of the effective preventive policies against hate crimes/incidents by close cooperation with other state institutions;
- Georgia to work towards elaboration of victim-based approach by strengthening its services, including social workers, psychologists, shelter services and others;
- Georgia should ensure the availability of high quality, timely and reliable disaggregated unified statistics in regards to hate crimes that shall enclose data of the Ministry of Internal Affairs, Prosecutors Office of Georgia and General Courts in a way that the processing of the single case was visible.

## Conclusion

Government of Georgia has made significant and important steps to fight against homo/transphobic hate crimes. However, it is not accompanied with the systemic approach, as the right to LGBTQI group to enjoy their right to freedom of assembly and expression is not properly protected; There are profound gaps at the policy level, as the significant progress was not achieved regarding the organization of pride marches/assemblies after 2012, contrary to Moldova for example, where important changes were made towards the implementation of general measures in the case of *GENDERDOC-M v. MOLDOVA*<sup>38</sup> delivered by the European Court of Human Rights in 2012.

---

<sup>37</sup> See: <http://go.on.ge/15of>

<sup>38</sup> *GENDERDOC-M v. MOLDOVA*, Application no. 9106/06, judgment delivered 12/06/12.