



Overview of Georgian Legislation in relationship to LGBT human rights

1. **Introduction** (short information on the country's legal system, culture of implementation and functioning of the laws and policies)

Georgia is part of the continental European legal system. Most part of the legislation from Soviet heritage has been reformed and incorporates western European, namely German, Dutch and French legal principles. Specifically, civil law, where main pillars are the Civil Code and Civil Procedural Codes of Georgia, have been closely modeled on German legislation. General Administrative Code and Administrative Procedural Codes were adopted mainly under the influence of German and Dutch schools of thought. Importantly, General Administrative Code of Georgian incorporates Freedom of Information Chapter, which provides regulations concerning provision of public information by state agencies and is modeled so that it incorporates almost all adequate US and European principles. As for criminal legislation, based mainly on the Criminal Code and Criminal Procedural Codes of Georgia, it is also established on the principles of continental European law. However, it has to be stressed that procedural legislation is currently in the process of reform, where draft Criminal Procedural Code was already approved through two parliamentary hearings. New draft is more of an exercise in balancing certain continental European and common law principles, bringing in traditional common law notions such as jury trials, stage and procedure of confirmation of charges etc.

Constitution of Georgia, adopted on August 24 of 1995, is the supreme law of state. Article 6 of the Constitution of Georgia provides for the hierarchy of legislation according to their legal force. Constitution of Georgia is the supreme law and all other legal acts should correspond to it. Moreover, it provides that Georgian legislation is in conformity with internationally recognized norms and principles. International agreement or contract of Georgia, if it is not in contradiction with the constitution of Georgia, has a prevalent power than internal legal acts.¹

Law of Georgia on Normative Acts further specifies the question of hierarchy of normative acts. According to their legal force, following hierarchy is established for normative acts enforced in Georgia:

- a) Constitution of Georgia
- b) Constitutional agreement
- c) International agreement of contract of Georgia

¹ Article 6, Constitution of Georgia;



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- d) Organic law of Georgia
- e) Law of Georgia, regulation of the Parliament of Georgia, Presidential Ordinance
- f) Presidential Decree
- g) Decision of the Parliament, Decision of the Government of Georgia
- h) All other sub legal acts, such as Order of the Minister, decision of the Chamber of Control etc.²

Moreover, there are series of provisions in the Constitution, which pertain to the study and might affect wide interpretation of certain provisions affecting human rights by the Georgian common courts.

Article 7 of the Constitution states, that "State recognizes and protects universally recognized human rights, as eternal and supreme human values. In governance, people and the state are restricted with these rights and freedoms, as by the directly applicable law."

This article is recognized as establishing Georgia as a monistic legal system i.e., system where international principles enshrined in international treaties have direct application and could be directly invoked before courts and administrative bodies, without the need for their translation into domestic legislation.

This provision is especially important, as there are many non-discrimination guarantees, which are part of international treaties to which Georgia is party, which have not yet been translated in the Georgian legislation. Under article 7 of the Constitution, lack of their existence in Georgian legislation cannot be a hindrance for their utilization in the jurisdiction of the Georgian state. Furthermore, article 39 of the Constitution provides that "Constitution of Georgia does not deny other recognized human and citizens rights and freedoms and guarantees, which are not mentioned here, but naturally evolve from the Constitutional principles."³

This is an additional guarantee, which is aimed at ensuring that those universally recognized principles, which have not been directly reflected in the Constitution, are recognized in the Georgian legal system.

As for level of implementation of laws and policies, it has to be said that Georgia is still far from being a rule of law State (rechtstaat). Although after the Rose Revolution, government initiated reform of public service and succeeded in making certain areas of public service effective,

² Article 19, Law of Normative Acts of Georgia;

³ Article 39, Constitution of Georgia



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implementation of laws in general is dissatisfactory. Moreover, despite of certain steps taken to reform Georgian judiciary, it remains largely dependent on the executive, which is mostly reflected in the criminal and administrative fields, where on the large-scale judgments and decisions are aligned with the position of the state party. Furthermore, awareness of judges on international legal principles, in particular international or European human rights standards is very low, and results in unsatisfactory level of conformity of Georgian jurisprudence to them.

2. Discrimination based on sexual orientation and gender identity

Article 14 of the Constitution states the basic protection from discrimination-

“Every human is are free by birth and is equal before the law despite of their race, skin color, language, sex, religion, political and other views, national, ethnic and social affiliation, origin, property or ranking status, place of residence.”

As it is seen above, Constitution does not specifically list sexual orientation as a ground based on which discrimination is prohibited. Moreover, unlike European Convention, article 14 gives an exhaustive list of grounds, on which discrimination is prohibited. Unfortunately, the Constitutional Court of Georgia, highest agency for constitutional control, did not yet have a chance to pronounce on the question as to whether the ground “sex” includes prohibition of discrimination based on sexual orientation.

The previous Labour Code of Georgia, adopted in 1973, contained an anti-discrimination provision. Among other rights and duties of workers, article 2 of the Code provided for the rights of workers to receive equal remuneration in the circumstance of equal working conditions, in accordance to workload and quality without any discrimination, but no less than substance minimum established by the legislation.

Article 17 of the Labour Code stated conditions for hiring for employment:

1. Unjustified refusal to employment is prohibited.
2. During admission for employment direct or indirect restriction of human rights and freedoms as well as giving privileges according to race, skin color, language, sex, religion, political or Other views, national, ethnic or social origin, orientation, property or ranking, or place of residence is prohibited.



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3. Exceptional conditions, which are envisaged for a special category of workers, in accordance with the rules established by this Code and legislation of Georgia are not considered as restriction.”

It is noteworthy that the previous Labor Code of Georgia was one of those exceptional pieces of legislation, which was not changed after Georgia gained independence until very recently. Hence, there were many provisions in the Code, which were obsolete and almost impossible to implement in the contemporary reality. To remedy the situation, there were several draft Codes that were initiated in the Parliament at the end of 2005. The Government of Georgia (prepared by the Ministry of Health) and the Legal Committee of the Parliament of Georgia presented two competing drafts. Because the draft initiated by the Government of Georgia was of very poor legal quality and in clear contradiction with international standards, including Labour Conventions to which Georgia is a party, it caused severe discontent of the Georgian civil society. Therefore, discussion and hearings on this subject were postponed until the spring session of the Parliament in 2006, when eventually the new Labour Code was adopted (May 2006).

The new Labour Code of Georgia bans discrimination on the ground of sexual orientation: Paragraph 3 of Article 2 provides that: Any type of discrimination due to race, skin colour, language, ethnic and social belonging, nationality, origin, property and ranking status, residence, age, sex, sexual orientation, disability, membership of religious or any other affiliation, family conditions, political or other opinions are prohibited in employment relations.

There is a concern that article 2.1 would appear to limit the application of the anti-discrimination provisions to existing employees. If so, discrimination during the recruitment process – often a significant problem for LGBT people who are open about their sexual orientation - would not be covered. But this provision is generally interpreted as being used during the recruitment process as well.

As for the anti discrimination guarantees of the current labor legislation it has the substantial flaws:

Code provides for a declaratory statement concerning prohibition of discrimination, with no procedural mechanisms for preventing such instances or ex post facto remedies. Hence, it follows that when the candidate alleges that his candidacy was turned down discriminatively, one can appeal such a decision by common procedure, in the civil chamber of the court having jurisdiction following a standard civil procedure.

However, the issue of preserving and presenting evidence of discriminatory treatment appears to be problematic. Perhaps, because of this factor, inter alia, there is very little practice of appealing such decisions to the courts, and case law, where courts would interpret this provision, on this subject is unknown.



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Article 38 of the Code gives the right to the employer to disengage unilaterally from the employment contract. It would be advisable that the Code contain an explicit statement that discriminatory attitude cannot serve directly or indirectly as a ground for employee dismissal.

4. Penal code / Penal procedure code

a) Retention and detention of LGBT people: legal principles and practice

Article 18 of the Constitution provides for basic principles for arrest and detention of individuals. Arrested individual has to be presented to the court of jurisdiction within 48 hours after the arrest. If within next 24 hours the Court will not adopt a decision on detention of the individual or restriction of his/her liberty in any other manner, one has to be immediately set free.⁴ Arrested or detained person has to be immediately informed of his/her rights and cause of arrest. S/he has the right to request council upon arrest, which

has to be met.⁵ Violation of the requirements of this provision constitutes a punishable crime according to the law. Unlawfully arrested or detained person has the right to compensation.⁶

Detailed regulation of the procedure of arrest and detention is provided in the Criminal Procedural Code of Georgia. Article 12, Chapters XI and XIX contain provisions concerning fundamental rights of the suspects, accused, and relevant procedures. Nowhere differentiation based on sex or gender identity is made, besides the provision related to pre-trial detention. Article 159 states, "that pre trial detention, as a measure of restriction, as a rule is not used for [...] elderly (women from 60 years of age, men- 65) woman pregnant for more than 12 weeks and having infants (under 1 year of age)[..]."⁷ As for relevant practice, unfortunately statistical information on the practice of detention of LGBT people is unknown. Moreover, because the issue is surrounded with taboo and associated with disgrace, official or unofficial complaints about mistreatment during detention on the basis of discrimination are unknown.

b) Rights to visit same-sex partner condemned for imprisonment

The Law of Georgia on Imprisonment, adopted in 1999, provides for basic regulations

⁴ Article 18(3), Constitution of Georgia;

⁵ Article 18(5), Constitution of Georgia;

⁶ Article 18(7), Constitution of Georgia;

⁷ Article 159(3), Criminal Procedural Code of Georgia;



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concerning visits to prisoners. The law differentiates between common, strict regimes and jail.⁸

Article 47 provides for the obligation of the administration of the prison to support relation of the prisoner to his family, relatives or other close persons.

2. Complete isolation of the prisoner is prohibited. 3. Control by the administration over the relations with the persons envisaged by the law should be exercised without breaching the dignity of the prisoner.”⁹

Article 48 (amended in April 2006) regulates the issue of visits to the prisoner.

Visits may last for up to 1 hour. The first paragraph of article 48 presents general list of people who are given the right of visits: “spouse, parents, grandfather and grandmother, child, grandchildren, adopted child, sister and brother, and those persons with whom the prisoner lived and conducted household during 2 years prior to imprisonment.” The second paragraph of the article additionally lists family members and also close relatives of the prisoner as persons entitled to visits.¹⁰

As it is seen above, the law does not provide for an explicit ban on same sex partner visits. Moreover, same sex partners can enjoy visits to prisoners under the clause of close persons, with whom the prisoner has lived and conducted household prior to imprisonment. This provision does not appear discriminatory to LGBT persons, especially taking into account the fact that the legal requirement of prior living together is not strictly enforced. The question here is rather of indiscriminate implementation of this provision and of its implementation so that the dignity of the prisoner and the visitor is not injured.

Unfortunately, due to low level of awareness of prison personnel and general appalling conditions in Georgian prisons, fair and objective implementation of this provision for LGBT is less likely. Article 22 provides for the list of those prisoners that have to be stationed separately. Those are women, underage, prisoners for the first time, prisoners serving lifetime sentence, and former workers of State Protection Service. In the medical unit of the Prison, persons infected with HIV/AIDS and other unmanageable infectious diseases have to be put separately¹¹.

c) Rape / sexual harassment legislation

Chapter XXII of the Criminal Code of Georgia deals with crimes

⁸ Article 6, Law of Georgia on Imprisonment;

⁹ Ibid, article 47(2,3);

¹⁰ Ibid, article 48(1;2);

¹¹ Ibid, article 22(2);



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against sexual liberty and integrity.

Article 137 defines the crime of rape. Rape is defined as “sexual contact with force, threat of force or using the helplessness of the victim[.]” Hence, it is not gender specific. Article 138 deals with forceful sexual action and provides that “homosexuality, lesbianism or other sexual contact in the perverted form, concluded with force, threat of force or using the helplessness of the victim is punished with deprivation of liberty from 3 to 7 years.” Same action committed to the victim who has not turned 14 years of age is an aggravating circumstance and is punished from deprivation of liberty from 10 to 20 years.

Article 139 covers the crime of sexual harassment. “Forcing to have sexual contact, homosexual, lesbian or any other form of contact, with the threat of spreading damaging information or damaging the property, or using material, work or any other form of dependency” is defined as a crime and punished by a fine, correctional work for up to a year or imprisonment for up to two years. Article 140 provides for a ban on sexual contact with a person of under 16 years of age. Crime is defined as “sexual contact of an adult, homosexuality, lesbian contact or other form of contact in the deviated form with the person, who is known to the offender to be of under 16 years of age.” Such action is punished by restriction of freedom of up to 3 years, strict imprisonment for up to three months, or imprisonment of up to 3 years. Therefore, it stems that the Georgian legislation does not discriminate on age of consent, providing a flat ban of sexual contact with persons under 16 years of age, despite of the character of such contact. Furthermore, article 141 punishes indecent action without using force to persons under 16 years of age.

5. Private and family life

a) Right to private life

The Constitution of Georgia protects Right to private life. Article 20 states that “1. private life, place of personal activity, personal writings, correspondence, conversation through telephone and other technical equipment, as well as message received through other equipment are inviolable. These rights can be restricted by the court decision or without, in case of pressing necessity. 2. Nobody has the right to enter living flat or other property without the will of the owners, as well as conduct search, if the court decision or the pressing necessity is not present.”

Article 36 of the Constitution relates to marriage. Protection given by the Constitution is not gender specific. Constitution provides that “marriage is based on free will of the spouses and equality in their rights. State supports wellbeing of the family.”

However, further definitions are given in the Civil Code of Georgia. Article 1106 defines



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marriage as “union of a woman and man based on the free will, which is registered at the entity of public law subordinate to the Ministry of Justice, territorial service of the Agency for Civil Registry.”

b) Inheritance rights

Book 6 of the Civil Code of Georgia regulates the issues of inheritance, providing for inheritance by law and inheritance by will, however, none of the provisions of the Book are gender specific.

c) Adoption

Chapter 6 of the Civil Code deals with the issues of adoption.

Article 1245 provides for the definition of adopter- “Any fully capable adult can be adopter, except the person, whose parenthood rights have been revoked or those that have adopted in the past, but the adoption was annulled because of his/her inadequate performance of obligation of adopter. At the same time, those persons, who due to illness, moral or other personal characteristics cannot exercise the rights of parents also cannot serve as adopters.”

The broad definition of those people, that are not given the right to adopt might be abused and misinterpreted against the interest of LGBT by the Georgian authorities, especially taking into account the fact that the Agency for Patronage and Care (currently relevant department of the Ministry of Education) should give a preliminary conclusion on the propriety of the adoption, which will serve as the basis for the court decision¹². Considering the Georgian culture, there is a danger that being LGBT might be interpreted by the Agency as having “moral or other characteristics” that hinder the exercise of parental rights.

Furthermore, article 1246 of the Code contains a specific ban on adoptions by same sex couples. Article states, “two persons cannot adopt a child, unless they are a married couple.”

6. Right to health / sexual and reproductive rights

6.1. Artificial insemination. Surrogate motherhood.

¹² Article 1242, Civil Code of Georgia;



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Article 141 of the Law on Healthcare deals with issues of artificial insemination. Circumstances for lawful artificial insemination are listed: due to infertility, risk of transferring genetic disease from the husband or for fertilization of a lonely woman artificial insemination can be used. In case of childbirth, infertile couple or lonely mother are considered as lawful parents with evolving rights and obligations. Donor does not have the right to be recognized as a father of the child born as a result of artificial fertilization.

Article 143 of the Health law deals with the question of surrogate motherhood. Conditions for extracorporeal fertilization are also listed- for curing infertility or risk of transferring a genetic disease, with the use of egg from the couple or donor, whereas the written consent from the couple is necessary. In addition, in the case when a woman does not have a uterus, with the implantation of a fertilized egg in the body of a surrogate mother.

6. 2. National strategies on HIV/AIDS and other STI's prevention

Article 82 of the Law on Health Care establishes that "the Ministry of Health of Georgia conducts steps for prevention and control of spearing of STIs in accordance with contemporary standards, taking into account the epidemiological situation, through public education and provision of adequate information to the public. The State should formulate its policy towards prostitution and takes steps according to the situation prevalent in the country."

It has to be noted that no such strategy or policy paper regarding the question of prostitution has yet been elaborated.

Hereby, article 83 of the law states that the Law of Georgia on "Prevention of HIV/AIDS" of 1995 regulates major issues concerning the prevention and treatment of HIV/AIDS as well as questions concerning the status of medical personnel working with HIV/AIDS infected patients.

Article 2 of the Law on Prevention of HIV/AIDS provides for the functioning of the State Commission presided by the President of Georgia tasked with the creation of National Program for Combating HIV/AIDS. Moreover, it establishes a specialized service at the Ministry of Health with the function of implementing medical activities to battle the spear of HIV/AIDS.

Article 2.4. of this law provides that there be a special department in the judicial service of the Ombudsman taking care of the rights of HIV/AIDS infected people. But such department has not been created yet.

Blood check for identification of the virus is voluntary in general, however it is obligatory for blood and sperm donors¹³.

¹³ Article 3, Law of Georgia on Prevention of HIV/AIDS;



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Information concerning the health state of the HIV/AIDS infected person, status of treatment and prognosis is confidential and can be revealed only with the written consent of the patient. Information should be kept confidential even after the death of the patient or in any other case envisaged by the law. Georgian citizens or persons residing on the territory of Georgia who are infected with the HIV/AIDS have the right to receive medical treatment and social protection. Such patients' treatment, diagnosis and oversight is undertaken by the state free of charge in the frames of adequate medical program¹⁴.

6.3. Restrictions on blood donation

The Law of Georgia on Donation of Blood and its Components of 1995 regulates questions of blood donation. Georgian citizens in their full capacity from 18 to 65 years of age can serve as blood donors, after they undergo medical check and circumstances hindering donation are not revealed¹⁵. The law does not provide for a clear list of circumstances, which prohibit blood donation. However, it establishes an obligation of the donor to report to the personnel during medical check all diseases that have been underwent, facts of use of drugs or psychotropic materials. Violation of this obligation results in criminal punishment¹⁶. Order of the Ministry of Health and Social Protection #241/N of December 5, 2000 further specifies procedures of taking blood from donors, conditions of donation as well as circumstances when blood donation is prohibited. Article V of the Order gives an extensive list of diseases and circumstances when donation of blood is forbidden, bearing HIV/AIDS "as well as being part of the HIV/AIDS risk groups (such as homosexuals, drug addiction, prostitution, alcoholism, being tattooed or pierced)" are absolute conditions for prohibition of blood donation.

7. Gender Identity

7.1 Provisions regarding change of sex

7.2 Consequences regarding change of sex

The Law on Registration of Civil Acts, 1998 defines the procedures for registration, amendment and annulment of civil acts¹⁷. Civil acts are defined as acts important for legal definition of civil and family status that are subject to registration by state and affect the origin, change or annulment of rights and obligations of citizens¹⁸.

¹⁴ Ibid, article 8;

¹⁵ Article 1, Law of Georgia on Donation of Blood and its Components;

¹⁶ Ibid, article 9;

¹⁷ Article 1, Law of Georgian on Registration of Civil Acts, October 15 1998, #1644;



a) Registration of birth

The law indicates that all birth on the territory of Georgia should be registered¹⁹. The birth registration act should indicate, inter alia, the sex of the child at birth²⁰. Birth certificate which is issued on the basis of the birth registration act, also indicates the sex of the child²¹.

The law provides for the possibility of change of name, last name and patronymic name, however on defined grounds, when:

- it is hard to pronounce or sounds humiliating
- when the applicant wishes to adopt the last name of the spouse or join last names, if this did not take place upon registration of marriage
- the applicant would like to adopt the last name of the factual parent
- the applicant would like to return maiden name –If this did not take place upon divorce registration
- the applicant would like to adopt the last name of the predecessor²².

In the mentioned list, the ground of change of sex as the basis for subsequent change of name/last name is not listed. However, in separate clause, the law provides for the possibility of amendment of civil registry acts in certain cases, which includes the case when the civil registry agency provides a relevant conclusion on such necessity²³. It is noteworthy that this possibility emerged only after the amendment of December 28, 2005. There are specific instances when the Agency can provide such a conclusion, which includes the case when due to change of sex change of name, last name or patronymic name is necessary²⁴.

The decisions of the European Court of Human Rights are mandatory for Georgia. In *Goodwin v.UK* (Application no.28957/95, Court decision of 11.07.2002) the Court held that the law should not refuse to recognize the change of gender. Although Georgian law provides for the possibility of change of name, last name and patronymic name due to change of sex, this is not mentioned as a separate ground in the list of grounds for change of name and last name in article 74, which at the first glance, gives the impression that the law does not provide for such a possibility. Therefore, to eliminate the

¹⁸ Article 3(a)

¹⁹ Article 24, *ibid*

²⁰ Article 25, *ibid*

²¹ Article 36, *ibid*

²² Article 74, *ibid*

²³ Article 104 (l), *ibid*

²⁴ Article 106, *ibid*



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possibility of confusion it is recommended that the list of grounds for change of name, last name and patronymic includes change of sex as one of the specific grounds..

Furthermore, application for change of name, last name and patronymic name due to change of sex can be deposited at the Unit of the Civil registration agency which is located in the vicinity of the Health Institution that issued a certificate for sex change²⁵.

The decision of 7 July 2006 of Sokhumi City Court (#3/316) is interesting in this regard. The Court ordered the Civil Registration Agency to amend the birth data of an applicant who has changed sex from female to male. But it is noteworthy, that the Court declared that although such act was against the Natural Law, it did not have the right not to use a statute (written law) on the ground of being immoral, based on article 4.2. of the Georgian Civil Code.

The applicant should present application for request of change, ID, those documents that require amendment as well as documentation certifying necessity of such amendment, as indicated above²⁶. Refusal to make amendment to records may be appealed in the court.

b) change of identification documentation

Main document identifying the personality of a Georgian national are national ID and the certificate of residence²⁷. It is noteworthy, that information specified in the ID document as well as residence certificate does not include the gender marker²⁸. It should be stressed that the law requires that IDs be changed in case when the person changed the name or/and last name²⁹.

National passport is issued for the purposes of international travel. It includes the information about the sex of the person³⁰. Provisions regarding change of information in the passport do not include a separate ground for change of sex, yet it includes the possibility of change for remedying irregularities. In such instance, the person requesting a change should present verifying documentation³¹. Therefore, although the law does not provide for a specific ground for amendment of sex indication in the passport on the basis of change of sex, it could be argued that such amendment can be made through the clause on amending the irregularities, for which perhaps a conclusion on change of sex should be presented as substantiation. However, it is

²⁵ Article 107, *ibid*

²⁶ Article 108, *ibid*

²⁷ Article 11, Law of Georgia on the Rules for Registration of Georgian Citizens and Foreign Residents on the Territory of Georgia, Issuance of Identification Documentation and National Passport, June 27, 1996 #323;

²⁸ 14(3) and 15, *ibid*

²⁹ Article 18, *ibid*

³⁰ Article 20³, *ibid*

³¹ Article 2⁵ *ibid*



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recommended that the law is harmonized with European human rights principles regarding transsexuals with the view of incorporating amendments, which would make amendment of sex indication possible without such complications, listing clearly change of sex as a ground for amending relevant inscription in the passport.

8. Conclusions and Recommendations

As it is seen from the study, legislation of Georgia, although being in general in conformity with European standards with regards to prohibition of discrimination, does not offer specific guarantees and instruments for protecting individuals from discrimination on the basis of sexual orientation. Therefore, it is recommended that provisions related to prohibition of discrimination in various legal acts be amended to specifically forbid discrimination on the ground of sexual orientation.

Criminal legislation of Georgia is in general free of discriminatory provisions concerning sexual orientation. However, no official statistical data is known concerning instances of arrest and detention of LGBT people or number of complaints from their side concerning mistreatment. But there have been several cases when LGBT people complained of mistreatment: e.g. the cases of I.B. and S.P. They were both assaulted on the ground of sexual orientation. I.B. was robbed as well. As to S.P. the perpetrator accidentally torn away the golden chain from his neck. The acts of violence against these two persons were considered not under art.142 of the Criminal Code of Georgia – “equal treatment” but under article 178 – “robbery”. It is noteworthy, that there is an explanation of absence of official statistics regarding LGBT people complaints: they are afraid to come out, suggest that things will go even worse with the police or think there will be no reaction to their complaints. In addition, lack of hate crime legislation complicates adequate litigation of hate crime motivated crimes and decreases the chances to success to zero.

Unfortunately, provisions regarding family visits in prison legislation make same sex visits subject to complicated procedures for proving partnership duration. Yet, no official or unofficial data is known that strict implementation of the mentioned provision make same sex partner visits impossible. For the aforementioned areas, further study of practical situation is desirable. Situation should be analyzed, through interviewing and sociological research in order to ascertain whether indicated provisions are properly implanted in practice.

Legislation of Georgian concerning blood donation contains a specific prohibition for blood donation for members of risk groups, among which homosexuals are mentioned.

As for legislation concerning change of sex, it has to be noted, that present regulations concerning change of IDs do not present particular difficulties for change of name, patronymic name, and last



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name on the basis of change of sex. However, same cannot be said about change of sex in the international passport, as Georgian legislation does not contain regulation concerning this issue. Therefore, it is recommended that civil registration legislation be thoroughly studied, reviewed and amended with the view of its improvement and harmonization with recent practice of the European Court of Human Rights.

In summary, it can be said that although Georgian legislation has significantly improved after Georgia joined the Council of Europe, it requires further improvement with the view of its harmonization with contemporary European principles regarding prohibition of discrimination towards LGBTs.