



Eastern European Coalition  
for LGBT+ Equality

***The Eastern European for LGBT+ Equality's<sup>1</sup> Input to Inform the Independent expert's report on protection against violence and discrimination based on sexual orientation and gender identity***

The following input was prepared based on the existing analytical and empiric data as well as experience and expertise accumulated by the organizations partnering in the Coalition. We welcome the Expert's visits to Georgia and Ukraine, followed by insightful end of mission statements and would like to see the continued attention and support to the LGBT+ communities in the Eastern Partnership countries and Russia.

In order to keep the report concise, we grouped the seven questions provided in the call for submissions, in two categories that follow.

**1. Key areas of socio-cultural and economic exclusion and State efforts to address the issue**

In the most recent Rainbow Map prepared by ILGA-Europe, the Eastern Partnership Countries and Russian Federation scored an average of 14%, when it comes to protection of rights of LGBT+ people. While there is a visible gap between Georgia holding the highest score of 30% and Azerbaijan holding the lowest of 3%, the average score for the region is indicative of both the scarce legal progress made and problems with implementation and applying existing laws and policies in practice<sup>2</sup>.

While the political contexts of these countries are nuanced and diverse, there are significant similarities in how people are subjected to socio-cultural and economic exclusion because of their sexual orientation, gender identity and expression:

- Because of high level of intolerance towards SOGI issues, LGBT+ communities are confined to the closet and the few activists that dare to speak up and publicly reveal their identities are subjected to harassment, psychological and physical violence, as well as regular threats on part of conservative groups (whether it is ultra right groupings or religious organizations)<sup>3</sup>;

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<sup>1</sup> The Coalition features the following organizations: PINK Armenia, GENDERDOC-M, Insight (Ukraine), Gay Alliance Ukraine, Women's Initiatives Supporting Group (Georgia), the Russian LGBT Network

<https://www.facebook.com/LGBTEasternCoalition/>

<sup>2</sup> <https://rainbow-europe.org/>

<sup>3</sup> <https://www.frontlinedefenders.org/en/case/armenia-death-threats-against-lgbt-rights-defender-lilit-martirosyan>

- Hate crimes and bias motivated incidents are not investigated properly and are not given priority by the States. Across the region legislation that could efficiently help tackle the problem - is missing, law enforcement agencies (despite trainings in some of the countries in the region), are generally not prepared to address such crimes and properly investigate them, while the LGBT+ communities due to safety risks, as well as overwhelming disbelief in justice system are very reserved in reporting such incidents to the police and even to the civil society;
- The measures taken to combat discrimination on basis of SOGI are far from enough. Georgia, Moldova and Ukraine have adopted Anti-Discrimination Laws, however only Georgian Law mentions SOGI among the protected grounds. The implementation mechanisms of the laws are quite weak, however applied more efficiently in Moldova and recently improved in Georgia<sup>4</sup>. In Armenia the anti-discrimination bill has been pending for several years and it is yet unknown when it will be considered by the Parliament, and whether or not SOGI will be included as protected grounds. When it comes to Russia, Belarus and Azerbaijan, no anti-discrimination provisions are in place, whatsoever;
- Access to services is limited not only because of stigma and inefficient provisions against discrimination, but also by lack of services specific to the communities (for instance trans-specific healthcare, or shelters for LGBT+ people who have become homeless or had to leave home due to violence);
- Swift, transparent and accessible as well as non-stigmatizing and non-pathologizing procedures of legal gender recognition and transition are still largely unavailable in the region. Some improvements have taken place in Russia<sup>5</sup> and Ukraine<sup>6</sup>, however this is far from enough to ensure the full access of transgender people to services and employment;
- Right to public assembly and manifestation, while guaranteed by Constitution, remains controversial. Governments take a repressive attitude towards LGBT+ manifestations in Russia, Belarus and Azerbaijan. Chisinau and Kyiv Prides have been deemed a success, however holding demonstrations elsewhere and on other occasions in Ukraine, is still a struggle for LGBT+ communities. In Georgia, since 2012 the State has not been able to guarantee safety of LGBT+ activists and community members, so no demonstration or march has been successfully held without major restrictions<sup>7</sup>;

It is rather unfortunate, that we haven't witnessed larger State-led efforts to address socio-cultural and especially economic exclusion of LGBT+ people in the region. While Georgia, Ukraine and Moldova do have anti-discrimination legislation and certain provisions enabling better investigation and qualification of hate crimes, no proactive work is being done by the governments, to, for instance encourage the communities to report, or show that tackling violence against marginalized groups is a priority.

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<http://ombudsman.ge/eng/190308042016siakhleebi/diskriminatsiis-sakmeebze-sakhalkho-damtsvelis-mandati-gadzlierda>

<sup>5</sup> <http://pravo-trans.eu/the-russian-ministry-of-health-approved-the-legal-gender-recognition-procedure/>

<sup>6</sup> <https://tgeu.org/ukraine-abolishes-arbitrary-and-cruel-trans-health-protocol/>

<sup>7</sup> <https://oc-media.org/interior-ministry-says-holding-tbilisi-pride-is-impossible-in-planned-locations/?fbclid=IwAR0EHxgCvA pRi6m2DNz4AXAE4HbBUDaYzNgIxGzH0wSIP1Jy8YsW30640Mo>

In line with what was said above, the states do not show willingness to gather data, or regularly consult with civil society on ways to tackle the problems faced by LGBT+ communities and often outright deny, that such problems exist, nor are LGBT+ communities willingly and efficiently included in the planning process for state action plans or other reforms, often faced by the hierarchy between human rights of different groups. As a consequence, data on situation of LGBT+ people, exploring access to different rights, as well as well-being and experience of violence and discrimination is almost exclusively documented and collected by the non-governmental organizations<sup>8</sup>. The services that have to be provided by the state, ranging from psychological and legal assistance as well as safe housing when possible, are also provided by the NGO's.

## **2. Root causes and structural factors responsible for marginalisation and socio-cultural and economic exclusion and actions taken by the State to raise public awareness and sensitisation on issues of sexual orientation and gender identity**

While there are different root causes to the situation which LGBT+ communities find themselves in in the region, high levels of public hostility has to be mentioned first. Opinion polls and research on acceptance are conducted with certain regularity in the region, however there is a lack of systematized comparable data, that would permit to more efficiently track the dynamics. It is also important to note, that most of the opinion polls measure the acceptance levels towards homosexuals and homosexuality, which in the light of increasing visibility of transgender community as well as lesbian women (bisexuals remain quite an invisible community in the region), is far from ideal.

In most surveys, that are conducted with different methodologies, the level of hostility is usually 80% and higher. For instance according to PEW Research Center's survey from 2017<sup>9</sup>, 92% of surveyed Moldovans, 97% surveyed Armenians and 93% surveyed Georgians believe that homosexuality should not be accepted by the society. The same belief is shared by 86% of surveyed Russians, 86% Ukrainians and 84% of surveyed Belarusians. According to the World Value Survey<sup>10</sup>, almost 93% of surveyed Azeri people believe that homosexuality is never justifiable.

This creates a fertile ground for the governments to take zero to very little efforts to engage in reforms that would actually improve the lived realities of LGBT+ people. Appealing to the negative public attitudes, the States do not take proactive measure to counteract the stigma and stereotypes, and, on the contrary, try to instrumentalize it for the benefit of specific political groups.

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<sup>8</sup>[http://hatecrime.osce.org/incidents?country=AM&country=AZ&country=GE&country=UA&country=BY&country=MD&country=RU&types\\_of\\_crime=1&types\\_of\\_crime=2&year=2018&year=2017&bias\\_motivations=9](http://hatecrime.osce.org/incidents?country=AM&country=AZ&country=GE&country=UA&country=BY&country=MD&country=RU&types_of_crime=1&types_of_crime=2&year=2018&year=2017&bias_motivations=9)

<sup>9</sup> <https://www.pewforum.org/2017/05/10/social-views-and-morality/>

<sup>10</sup> <http://www.worldvaluessurvey.org/WVSONline.jsp>

Restrictive legislation<sup>11</sup> and state policies, that stem from such instrumentalization, affect the socio-cultural and economic exclusion of LGBT+ people, also leading to heinous human rights violations and state led crackdowns like the one in Chechnya<sup>12</sup> and Azerbaijan<sup>13</sup>.

### 3. Conclusion

As mentioned above, the region comprises states with diverse political situations, however the commonalities described above need to be considered. For instance, while many countries in the region do not have legislation that explicitly restricts rights of LGBT+ people, the example of more conservative states often comes up and some politicians regularly threaten to introduce such bills (and sometimes even initiate them) in countries like Georgia, Moldova, Ukraine and Armenia. This means, that depending on how the political situation will develop, such laws may become a reality in the hands of more conservative and populist politicians. It is also common for the region, that LGBT+ communities find themselves at the forefront of social, political and geopolitical struggles and conflicts and are instrumentalized without any regard to the lived realities of the actual persons, already suffering from violence and exclusion because of their sexual orientation and gender identity. These trends are detrimental for LGBT+ people themselves, but broadly for democratic development of our countries.

While the possible solutions to the problems described above are many and complex, we believe that it is fundamental that:

- The states are encouraged (and held accountable) not just to adopt laws, but also to efficiently implement them and take proactive steps on promoting diversity and acceptance in the society, instead of supporting marginalization and polarization;
- The states are more actively encouraged to regularly include LGBT+ movements in the planning process of reforms, national action plans and any relevant legislation and acknowledge that the civil society organizations hold expertise important for tackling the challenges faced by the community;
- Continued support is given to the community based LGBT+ organizations, not just to efficiently engage in lobbying and advocacy, but also to continue provide services and engage in community mobilisation on grassroots level.

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<https://www.ilga-europe.org/resources/news/latest-news/russia-adopts-homophobic-federal-law-banning-propaganda-not-traditional>

<sup>12</sup> <https://www.hrw.org/news/2019/05/08/russia-new-anti-gay-crackdown-chechnya>

<sup>13</sup> <https://www.hrw.org/news/2019/05/08/russia-new-anti-gay-crackdown-chechnya>