

URGENT ACTION

BILL BANNING SAME-SEX MARRIAGE MOVES FORWARD

The bill which would amend the Constitution introducing a definition of marriage as a union exclusively between a man and a woman, received the endorsement of the Parliament's Human Rights and Civil Integration Committee on 5 May. Now the bill has to go through other committee hearings after which it will be voted by the parliament.

On 5 May the Parliament's Human Rights and Civil Integration Committee endorsed the bill which would amend the Georgian Constitution introducing a definition of marriage explicitly as a union between a man and a woman. The committee hearings follow weeks of public discussions on the bill organized by the parliament across Georgia. According to the Parliament's First Vice Speaker the bill has received overwhelming public support. Georgian Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) activists could not attend the discussions, citing security reasons and a hostile atmosphere in the discussion venues. The bill has now to go through other committee hearings, after which it will be voted by the parliament.

The First Vice Speaker of the parliament told Georgian media on 5 May that should the bill not receive enough support among parliamentarians, a referendum on the banning of same-sex marriage in the Constitution might be organised. The Central Election Commission of Georgia already registered a request for such referendum on 28 March. This request was the initiative of a citizens' group and now needs a minimum of 200,000 signatures supporting the referendum, after which the President of Georgia will decide on the matter.

Article 36 of the Constitution of Georgia currently states that marriage is a voluntary union based on equality between the spouses. By limiting the constitutional definition of marriage to couples of the opposite sex, the amendment directly discriminates against LGBTI people who live or wish to live in a same-sex union, and denies them the enjoyment of their right to family life, the right to marry and all the economic and social rights associated with marriage. According to the Civil Code of Georgia, same-sex partners do not currently have the right to marry or register and exercise their right to family life, but an explicit ban on marriage equality in the Constitution would aggravate the situation as it would prevent legislators from extending marriage to same-sex couples in the future and will run counter to the emerging global trend of recognition of marriage equality.

Please write immediately in Georgian, English or your own language:

- Calling on the Georgian authorities to stop the bill aimed at restricting the constitutional definition of marriage as this would effectively discriminate against same-sex partners;
- Urging the Georgian authorities to respect, protect and fulfil the rights of all people in Georgia regardless of sexual orientation and gender identity.

PLEASE SEND APPEALS BEFORE 21 JUNE 2016 TO:

Prime Minister
Giorgi Kvirikashvili
7 Ingorokva St
Tbilisi 0114, Georgia
Facebook:
facebook.com/KvirikashviliOfficial
Twitter: @KvirikashviliGi
Salutation: Dear Prime Minister

First Vice Speaker of the Parliament
Manana Kobakhidze
26 Abashidze St
Kutaisi 4600, Georgia
Email:
makobakhidze@parliament.ge
Salutation: Dear Vice Speaker

Head of the Human Rights and Civil Integration Committee
Parliament of Georgia
Eka Beselia
26 Abashidze St
Kutaisi 4600, Georgia
Email: ebeselia@parliament.ge
Salutation: Dear Ms Eka Beselia

And copies to:
President of Georgia
Giorgi Margvelashvili
1 Abdushelishvili St
Tbilisi 0103, Georgia

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DR REVAZ GACHECHILADZE, Embassy of Georgia, 4 Russell Gardens W14 8EZ, 020 7348 1941, Fax 020 7603 6682, embassy@geoemb.plus.com, www.uk.mfa.gov.ge

Please check with your section office if sending appeals after the above date. This is the first update of UA 61/16. Further information: <https://www.amnesty.org/en/documents/EUR56/3654/2016/en/>

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Non-discrimination on grounds of sexual orientation and gender identity is an internationally recognized principle, affirmed by the international community for more than a decade. As a cross-cutting principle, it applies to the full range of human rights guaranteed in international standards. Many countries have brought their domestic laws into line with this principle in a range of spheres including partnership rights. Denial of equal civil recognition of same-sex relationships prevents many people from enjoying a whole range of other rights, such as rights to housing and social security, and stigmatises those relationships in ways that can fuel discrimination and other human rights abuses against LGBTI people.

Amnesty International opposes discrimination in civil marriage laws on the basis of sexual orientation or gender identity and calls on states to recognise families of choice, across borders where necessary.

The draft bill in Georgia was the result of the initiative of the ruling coalition Georgian Dream. The Prime Minister of Georgia, Giorgi Kvirikashvili, announced on 7 March that Georgian Dream had agreed to go ahead with their plans to have marriage defined in the Constitution as explicitly a union between a man and a woman. The Prime Minister explained this change to be in “the defence of such an important value as marriage”. Eighty out of 150 Members of parliament signed the amendment proposal which was submitted to the Bureau of the Parliament on 10 March and registered on 14 March.

NGOs working on LGBTI rights in Georgia issued a joint statement on 17 February condemning the plan to narrow the definition of marriage to exclude same-sex couples. The statement also explained that due to the existing levels of hatred, discrimination and violence towards LGBTI people, Georgian LGBTI activists had never taken the decision to campaign for marriage equality, and that the public discussion created by the proposal will further marginalize LGBTI people in Georgia. The passing of the amendment will have a long-term chilling effect on human rights of LGBTI people beyond the right to family life and the right to marry as it will entrench the discrimination that same-sex couples experience in everyday life in Georgia.

On 25 December 2015, a Georgian man self-identifying as gay, filed a complaint to the Constitutional Court of Georgia, appealing to the Court to rule that his inability to marry his same-sex partner under the current legislative framework, namely the Civil Code of Georgia, was unconstitutional. The Georgian NGOs working on LGBTI rights distanced themselves from this complaint, calling it a provocation that could be used as a ground to amend the Constitution and define marriage as explicitly between a man and a woman.

LGBTI people often face discrimination, hate speech and violence in Georgia, while the authorities consistently fail to effectively investigate crimes motivated by homophobic and transphobic hatred. On 17 May 2012, a peaceful march in central Tbilisi marking the International Day against Homophobia and Transphobia (IDAHOT) came under attack when a group of Orthodox Christian activists began insulting and threatening participants. On 17 May 2013, the IDAHOT public rally was thwarted by a violent attack by thousands of counter-demonstrators while the police failed to ensure participants' safety. None of the attacks on the IDAHOT rallies have been investigated effectively.

Name: LGBTI people in Georgia

Gender m/f: all

Further information on UA: 61/16 Index: EUR 56/3993/2016 Issue Date: 10 May 2016