



VIOLATIONS OF KEY POPULATIONS RIGHTS IN GEORGIA

Evidence collected through the instrument of REAct during 2020

ABOUT THE INSTRUMENT OF REACT

REAct (Rights – Evidence – Action) is an instrument, which was developed by the organization of Frontline AIDS (Great Britain) for monitoring and instant response to human rights violations at the level of the communities.

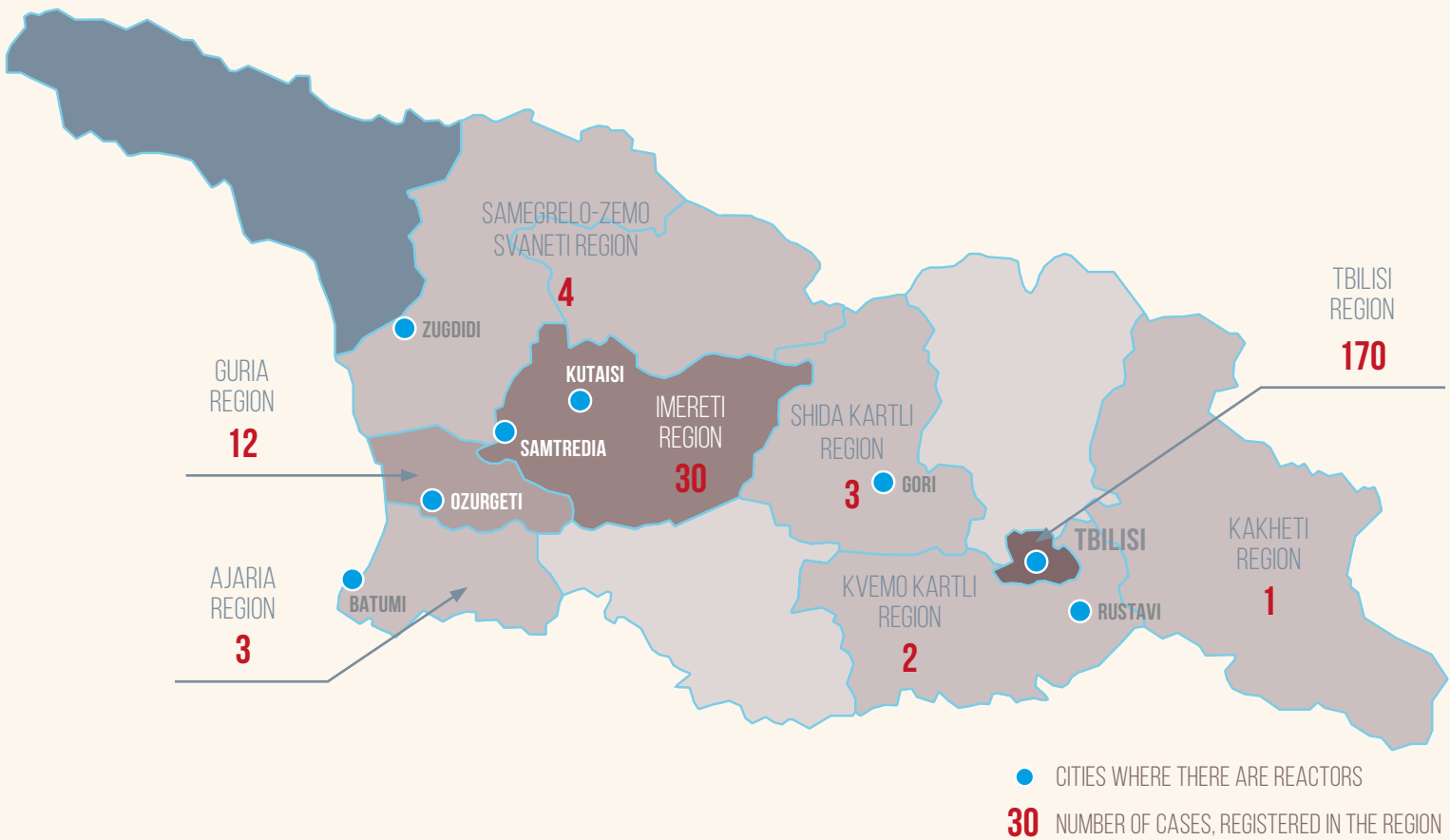
In Eastern Europe and Central Asia region, REAct system is being implemented by the Alliance for Public Health in the framework of the regional project #SoS_project with The Global Fund to Fight AIDS, Tuberculosis and Malaria financial support.

REAct allows you to document and respond to barriers related to human rights, access to services and HIV prevention and treatment.

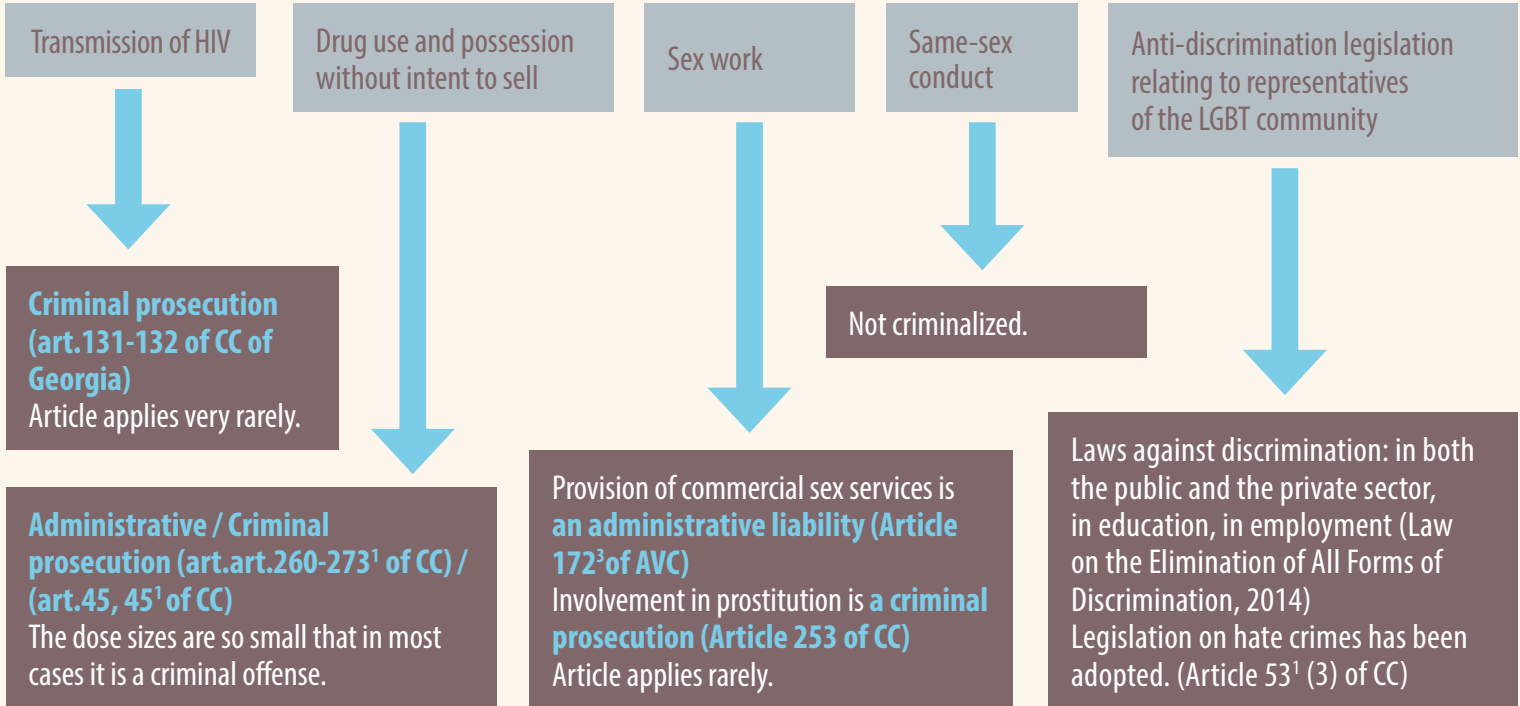
Georgian Harm Reduction Network (GHRN) is the main implementing partner, which works in partnership with 14 other nongovernmental organizations to provide a wide range of services to key populations, including legal services and services for women.



<https://react-aph.org/>



LEGAL ENVIRONMENT



Georgia is a country with a high degree of stigma and criminalization of key population groups. People who use drugs, sex workers and people living with HIV are subject to laws that directly criminalize acts or omissions related to their identity or chronic illness.

CLIENTS

219 representatives of key groups sought the assistance of the REActors with regard to violations of their rights in 2020.

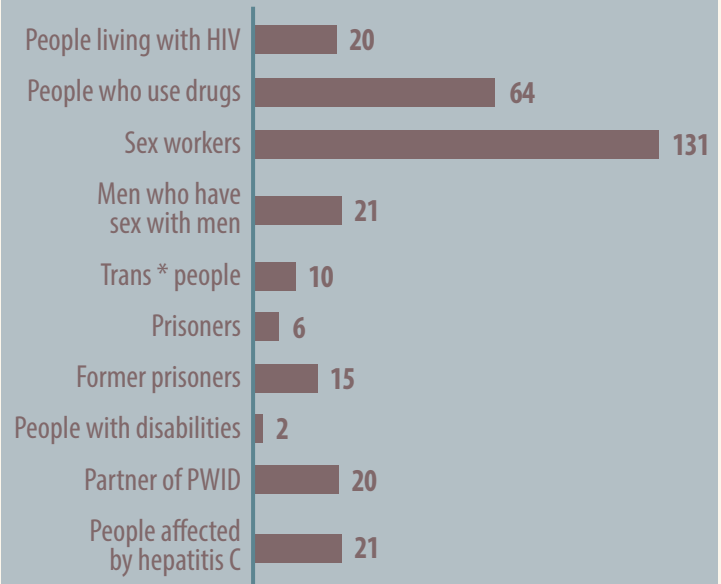
The largest number of clients was registered from among sex workers. This is because the organizations involved in cases in REAct documenting have a longer history of cooperation just with this key group. At the same time, often, clients are simultaneously representatives of several key groups (sex worker + trans*people, sex worker+ PWID), therefore the sum of values for key groups will exceed the total number of registered clients (219).

The clients from the key groups: "prisoners" and "former prisoners" are simultaneously injecting drug users so their cases are presented within the statistics of the key group – PWID. The cases in which the victims are people affected by hepatitis C are presented within the statistics of the key groups "PWID" and "sex workers", for that reason, in 40% of cases, the client belongs to both of these groups. The key group "Partner of PWID" implies the sexual partners/husbands of people who inject drugs who do not use drugs themselves but have a high risk of HIV infection due to the risk behavior of their partner/husband. The information on this group is presented in individual sections of the report.

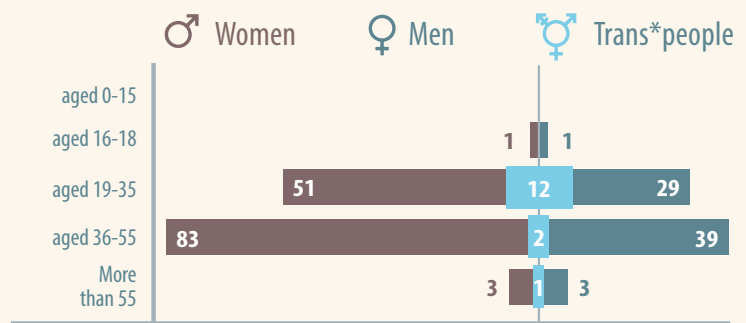
Among adolescents aged 16-18 years, two cases was recorded. They concerned physical and sexual violence by family members and unknown persons. In all age groups, women (often sex workers or partners of people who inject drugs) predominate. An impressive amount of women among registered clients, compared with REAct data in other countries, attested to the willingness of women to protect their rights and high level of awareness of their rights among Georgian women.

NUMBER OF CLIENTS

for each key group



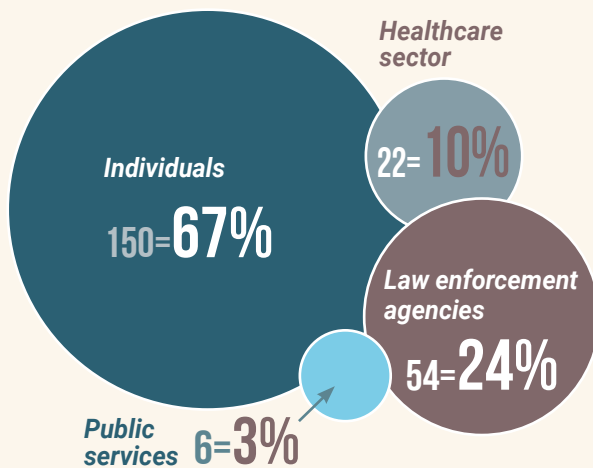
GENDER – AGE STRUCTURE



ALL KEY GROUPS

MAIN PERPETRATORS

Number of cases and their proportion of all cases registered



NOTE: in one case, there may be several perpetrators and types of violations simultaneously, for example, domestic violence by sexual partner and police inaction to the victim's application. That is why, in the diagram, the sum of all percentages exceeds 100%.

Individuals: sex partner, family members, neighbors, clients of the sex worker, employer, people walking along the street, unknowns

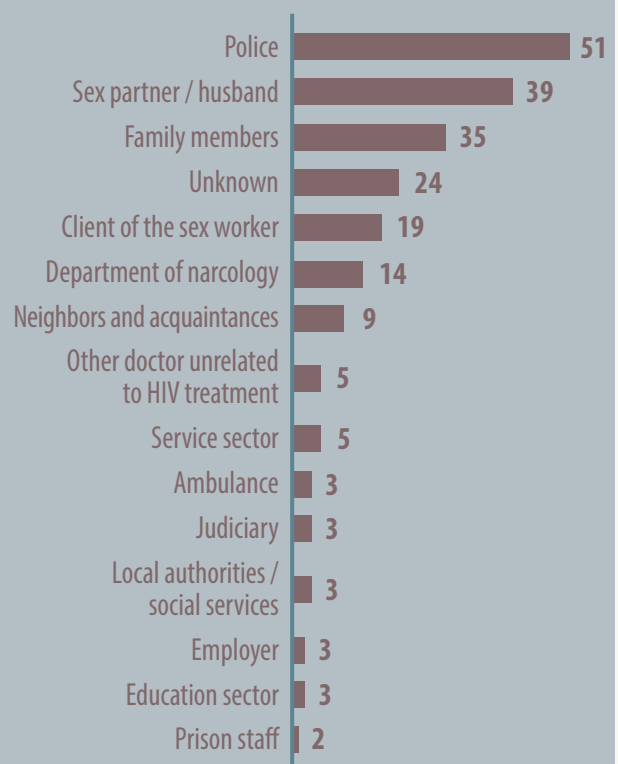
Healthcare: doctors / institutions that specialize in HIV (infection disease doctors, laboratory staff), other doctor unrelated to HIV treatment (dentist, gynecologist, etc.), maternity hospital staff, in-patient department personnel, narcologists and OST site staff.

Law enforcement agencies: detectives, police officers, military commissariat employees, customs / migration service officers, representatives of the judicial system (judges, prosecutors, public defenders)

Public services: education sector, staff of the civil registry office, social services, tutorship and guardianship authorities.

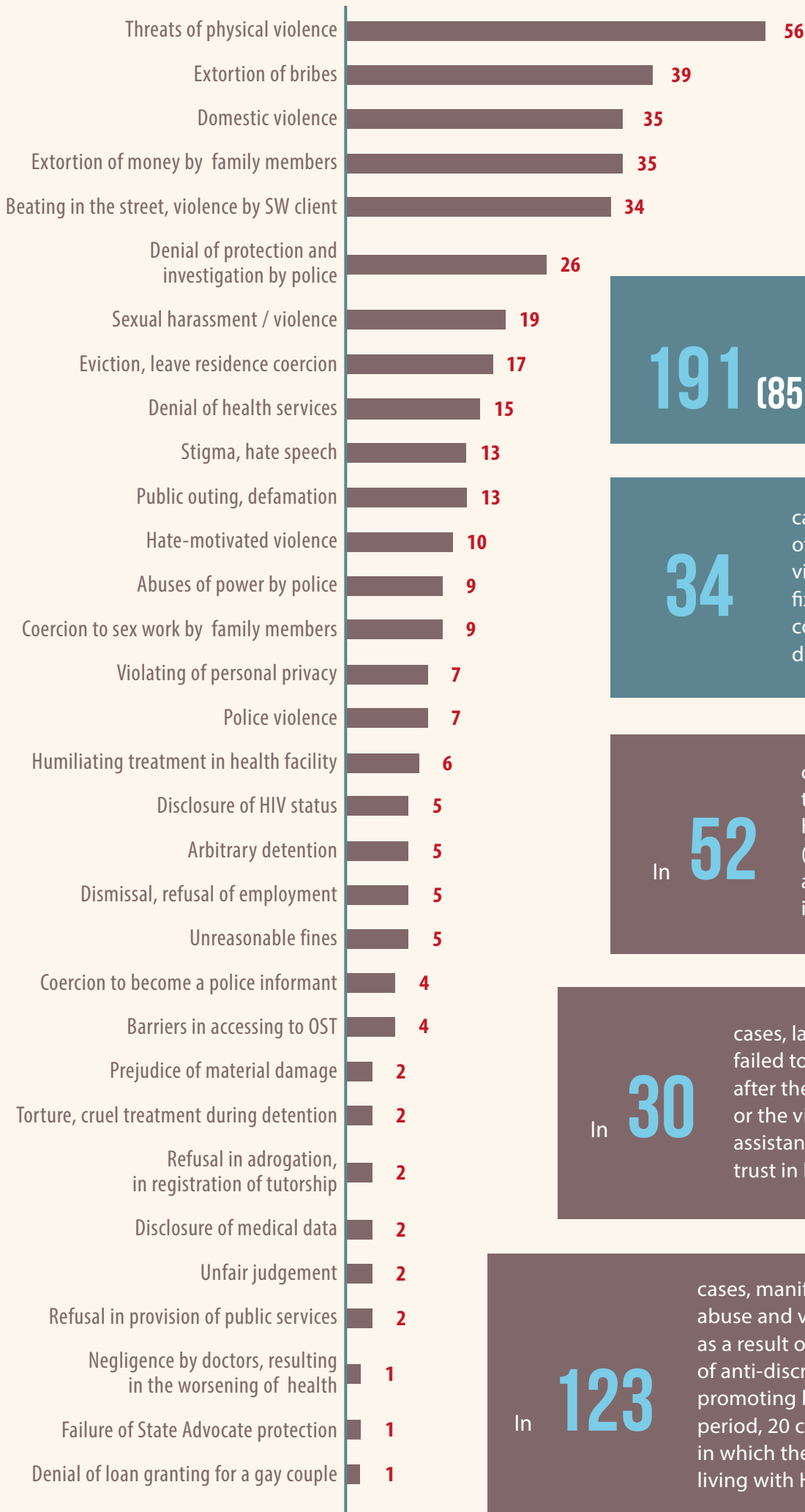
ALL PERPETRATORS OF VIOLATIONS

Number of registered cases for all key groups



ALL TYPES OF VIOLATIONS

Total number of cases summary of all key groups



225
applications were registered during 2020

191 (85%)
applications were qualified as a violation of human rights

34
cases do not show signs of discrimination and violation of rights but fix the need for legal counselling of clients on domestic questions

In **52** cases, representatives of the state directly violate human rights (government employees are responsible for incident)

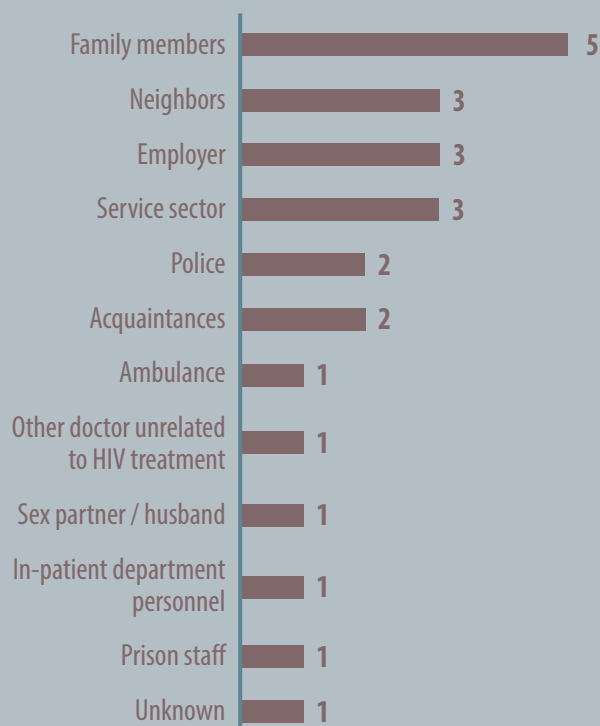
In **30** cases, law enforcement agencies failed to protect human rights after the relevant application or the victim did not apply for assistance due to fear or lack of trust in law enforcement bodies

In **123** cases, manifestations of stigma, abuse and violence are documented as a result of the ineffectiveness of anti-discrimination laws and promoting by State. During this period, 20 cases were documented in which the victims were people living with HIV.

PEOPLE LIVING WITH HIV

PERPETRATOR OF VIOLATION

Number of cases for each violator



In percentage terms, perpetrators of violation of the rights of people with HIV-positive status are family members -25%, neighbors-15%, employers-15%, representatives of the service sector-15%, police-10%, acquaintances-10%. Typically, violation of the rights of people with HIV-positive status is physical and psychological violence.

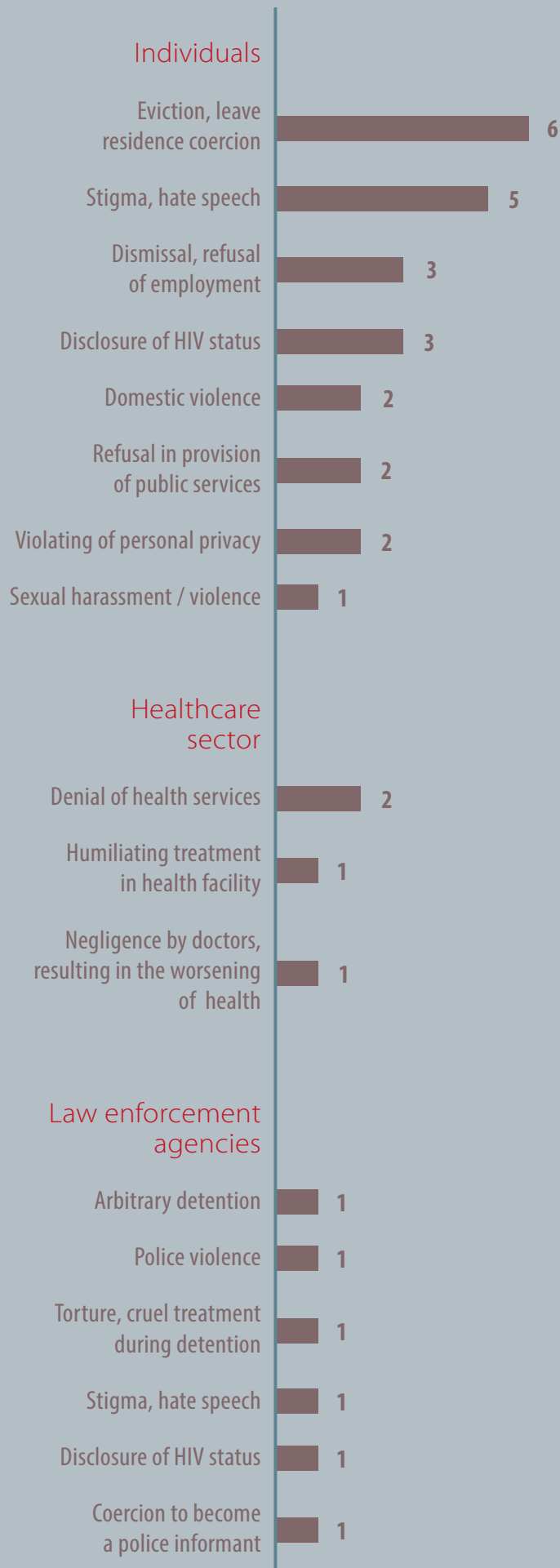
The unscrupulous employers, taking advantage of official information, blackmail an employee who is a person living with HIV by threatening to disclose his HIV status to family members. The REActors have documented cases of dismissal of employees due to their HIV-positive status and even suicide attempts in connection with dismissal due to HIV status.

The medical personnel often refuses in medical care provision to an HIV-positive person because of his status or provides services of inadequate quality. They are often forced to leave their residence. If the house owner gets wise to the status of an HIV-infected person, he immediately dishouses him.

Regrettably, there have been cases of discrimination against a person with HIV status in the police department. For example, in one of the cases, an HIV-positive person stated that during interrogation at the police department, when the police gets wise to his status, the investigator threw away the glass from which the HIV-positive person drank water and did not allow him to use the toilet. It has also documented the cases when a prison employee disclosed the HIV status to other prisoners.

TYPES OF VIOLATIONS

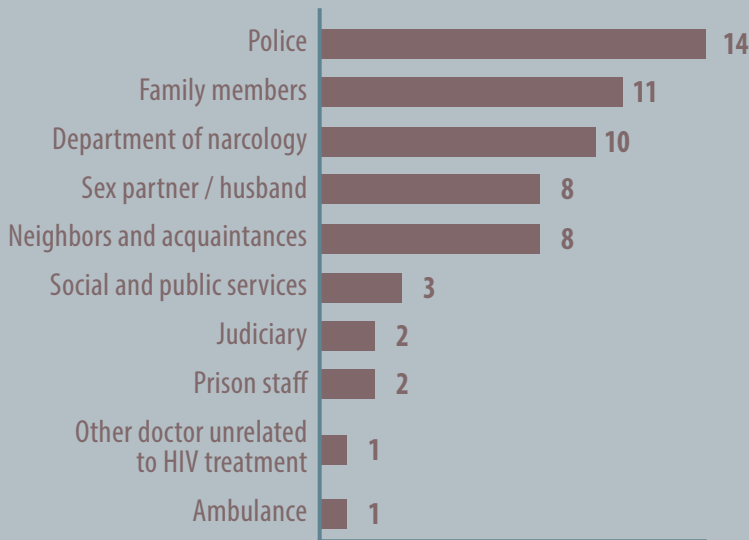
For key group-PLHIV



PEOPLE WHO INJECT DRUGS

PERPETRATOR OF VIOLATIONS

Number of cases for each violator



64 cases were documented where the victim is, among other things, a drug user. 30 % are the members of the opioid substitution therapy (OST) program.

The drug users have problems with changing the dosage in the opioid substitution therapy program and there are also bureaucratic impediments to access to OST. The family member is not allowed to take a 5-day dose on the basis of a power of attorney and bedridden client is obliged to appear personally at the OST site. It was a case when a client undergoing substitution therapy took a drug from another user that was given to him during quarantine, which put the victim in an extremely difficult situation.

The statistics are indicative of drug users are being harassed by family members. It has documented the cases when relatives do not even transfer the right to inherit to their own family member. A significant number of cases of illegal eviction of clients from their homes have been documented. The people who was kicked out of his home sleeping on the streets, in entrances, sometimes hiding with friends. It was a case when the emergency medical personnel, in providing medical assistance at the shelter, disclosed the status of OST program members causing the shelter administration evicted him from temporary housing and he ended up on the street again.

The abusive police practice of unlawful stopping at the street, unauthorized search and sending for forcible HIV testing continues. It is a sad fact that there are physical violence and hate speech by police. The good news is that most drug users do not give the biological material and thus they manage to escape the police.

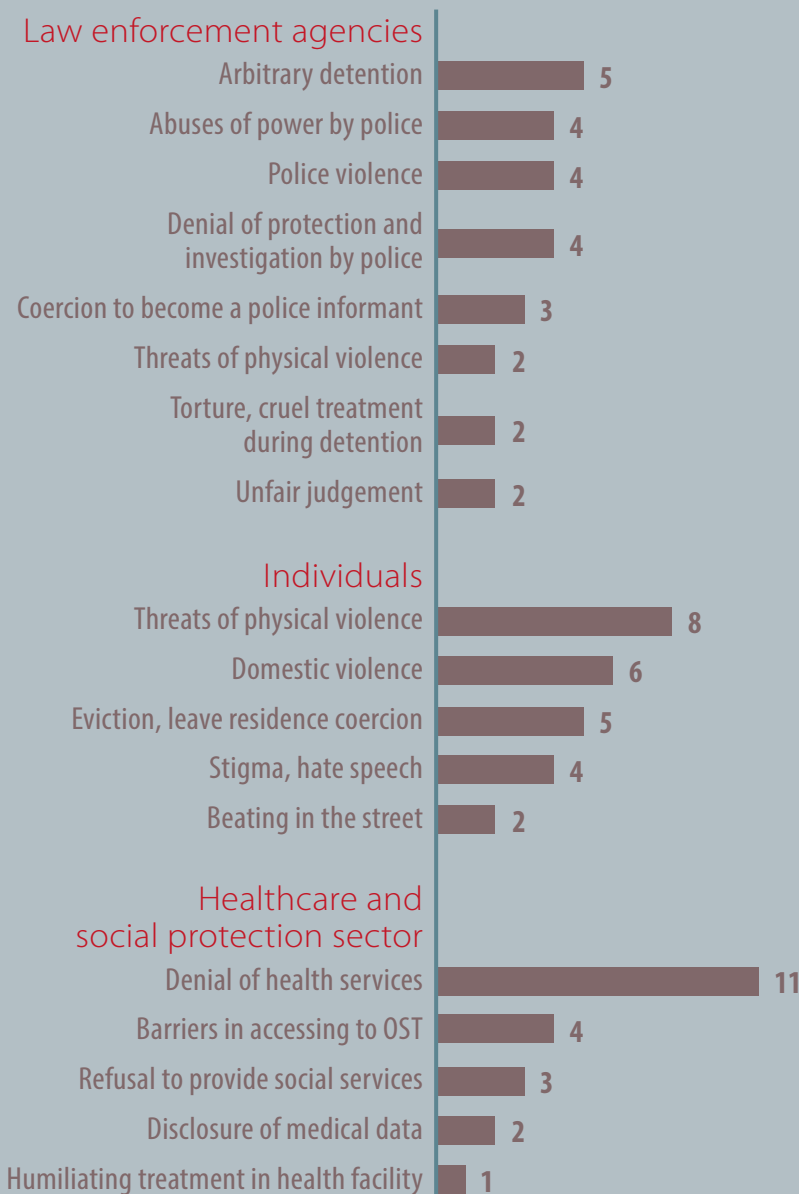
Women who inject drugs are often subjected to physical violence and hate speech by their drug-using husbands. There is a documented case when husband forced his wife, who is a sex worker as well as a drug addict, to make money by providing commercial sex services and if she refuses, he beat her. A woman is forced to endure violence due to lack of housing, since she is not accepted into a shelter for victims of violence in consequence of her drug user status. It was a case when an HIV-positive man who uses drugs forced his wife to have unprotected sex and often subjected her to hate speech.

Regrettably, in the case of violation of any of their rights, drug users avoid calling the police, as there they become victims of their status.

A drug user was arrested for the syringe contains residue of heroin. The law provides the minimum amount of heroin for criminal prosecution in the amount of 0.005 milligrams. Regrettably, the law allows to prosecute a person for possession of drugs that are unsuitable for use, for empty syringes or syringes contain residue of drug. The most drug users are on probation, in case of prosecution for repeated drug use or in case of a new fact of possession, more stringent measures are applied.

TYPES OF VIOLATIONS

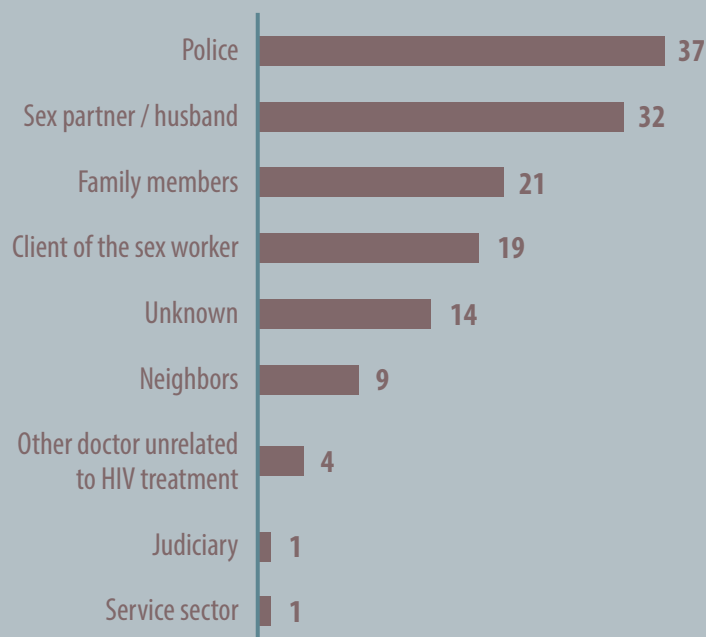
For key group-PWID



SEX WORKERS

PERPETRATOR OF VIOLATIONS

Number of cases for each violator



A total of **131 cases were registered**, in which the victim is, among other things, sex workers.

- In 28% of cases (37 cases), the perpetrator is police.
- In 58% (70 cases), the perpetrator is individuals.
- In 3% (4 cases), the perpetrator is health sector.

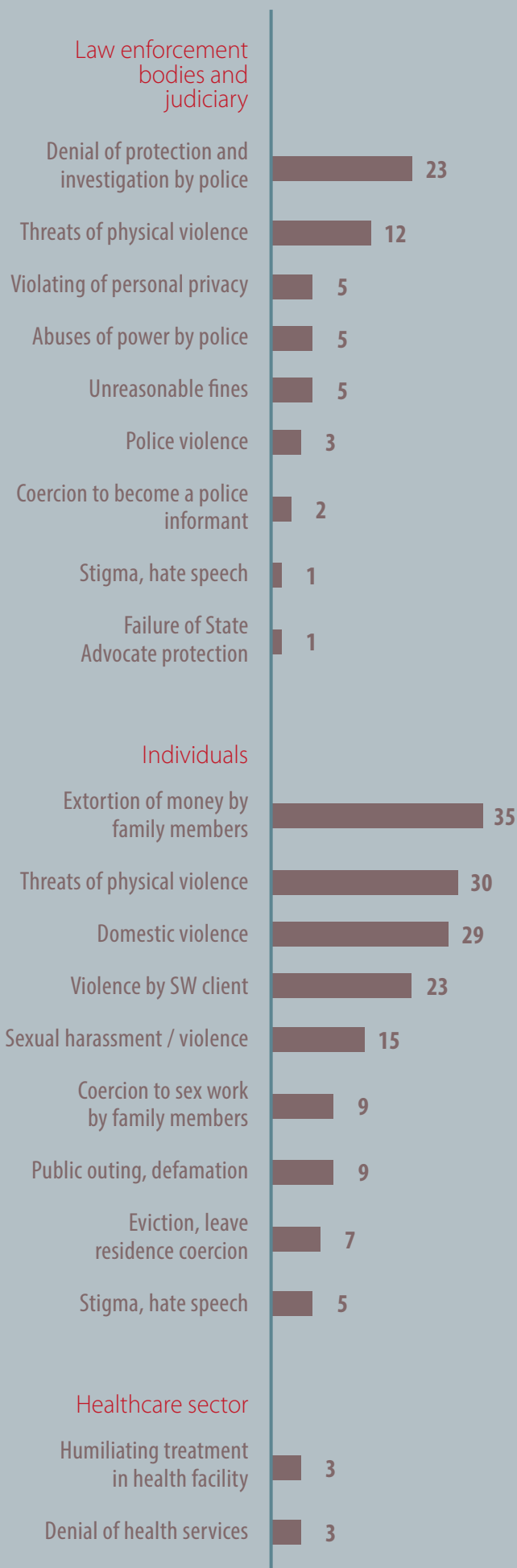
The sex workers become the target of ridicule, harassment and attacks by community. The psychological and physical violence by a partner, hate speech, extortion, sexual violence, beatings are the most frequent violations of their rights. The sex workers are subjected to violence by former spouses, blackmail and extortion of money under the threat of disclosure their status to children. It was a case when a social agency, upon the request of the father, took away child from a sex worker and deprived of contact with him because of her status. It must also include coercion to sex work by family members and the withdrawal of earned money. And inside the group, there are often conflicts, particularly, they denude of money from each other.

There are a number of cases where a police officer exerts psychological pressure on a sex worker, blackmailing her so that she agrees to become his informant. Alternatively, the police threaten to tell the family about her work. The police persecutes sex workers. They force them to leave the "position", otherwise they will be a fine for 400 GEL. A fact was documented when a police officer, under threat of arrest, forcibly took away sex worker in his vacation home for a few days.

In the vast majority of cases, sex workers are vulnerable, they have no access to legal services. The police often do not respond to their applications and complaints, although it should be noted that sex workers themselves avoid contacting the police because they do not believe that their rights will be protected, more truly, they are afraid that the police will act against them.

TYPES OF VIOLATIONS

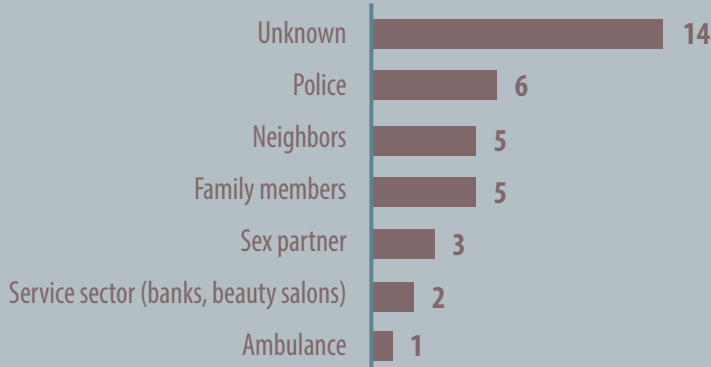
For key group-Sex workers



MSM AND TRANS * PEOPLE

PERPETRATOR OF VIOLATION

Number of cases for each violator



31 clients who belong to the group of MSM (21) and trans * people (10) were registered in the REAct system as well as 40 cases of violation of their rights were documented (several clients reported 2-3 unrelated cases).

Most perpetrators of violations of MSM and trans * people rights are unknown, followed by police officers, neighbors, family members, partners, service providers and ambulance. The unknowns often use hate language. They abuse MSM and trans*people, call them sick, humiliate them, throw stones and even beer bottles at them, threaten to kill them. MSM and trans * people are subjected to physical and sexual violence by drunks. They have conflicts in the service sector, in public transport, in shopping centers, hotels. Employers dismiss them for calling the police to resolve a dispute about their status. Of particular note is the exclusion of MSM and transgender people from the family and the abandonment by their relatives, physical and psychological violence against them and leave residence coercion. It should also be noted violence, threats and blackmail by the partner.

TYPES OF VIOLATIONS

For key group – Men who have sex with men and trans * people



OTHER VULNERABLE GROUPS

SEX PARTNER OF PWID

REAct also found a violation of drug users ' partners rights. It should be noted that in many cases, the drug users ' partners become victims of physical and economic violence. Partners are often forced to sex work and then extorted earned money to buy drugs. A case of physical violence by partner related to the

abortion was registered. There was a case when a partner was kicked out of the house after physical violence. The conflicts involved the purchase and use of drugs. A case was documented when the relevant services were involved, a restraining order was issued but the problem could not be resolved however after the REActor intervened in the case, the problem was resolved through the mediation between both parties.

COVID-19-RELATED CASES

12 CASES OF VIOLATION OF RIGHTS RELATED TO COVID-19 WERE DOCUMENTED.

The pandemic period has become especially problematic for drug users. It was not infrequent when partners refused to participate in the opioid substitution therapy program within one week. During this period, cases of physical and psychological violence have become more frequent. The cases of job loss, domestic violence, abandonment of housing, economic violence and much more had also increased in number.

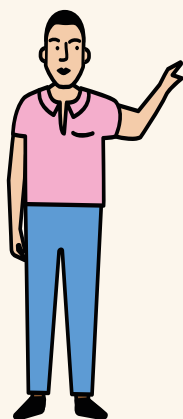
The police often forced sex workers to leave their workplaces well in advance of the curfew. They have been threatened with fines in the amount of 400 GEL for interference with a police officer (Article 173 of AVC) and 2 000 GEL for violating curfew by Government decree N322 from 23 may 2020. This could significantly worsen their economic situation considering just in this period most of the sex workers lost job as well as lost their homes.

But, despite the threats by police, no illegal fines due to COVID-19 are documented in the REAct database.

EXAMPLES OF CASES

PWID, 37 years old

September 2020



The client uses injecting drugs, kept an empty syringe in his car. The police stopped him for inspection, arrested him finding a syringe, fined him 2000 GEL and sentenced him to 3 years of probation.

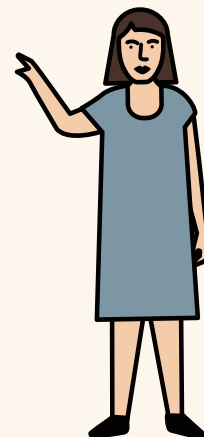
Solution: he will appeal because it is impossible to find a drug in a syringe.

Sex worker, 47 years old

January 2020

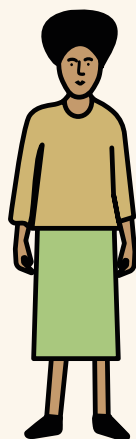
For years, partner forced her to engage in sex work. He often beats her, systematically forces to give money. He uses them mainly for drugs buying and keeps the client near him only in order to “withdrawal symptoms” by means of money earned by her. She has twice asked police officer she knew but he refused to help her. There is also no support from the family. She sought legal advice. He filed a complaint and formally applied to the relevant body. A restraining order was issued against abuser but he violated its terms and was ultimately criminally prosecuted.

Solution: social workers participated in negotiations with family members and, after all, the family took responsibility for taking care of the client.



Partner of PWID, 25 years old

December 2020

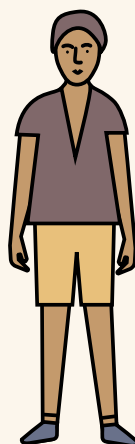


After the victim broke up with her ex-partner, he persistently follows her at work, at home and in all other places where she may be. One evening, he came to her house and met the victim at the street. The abuser pulled a knife and tried to attack. The ex-partner is afraid that she will tell parents everything about their relationship and then he will face a lot of trouble.

Solution: now, the victim does not want to call the police, however, she has agreed to consult with a psychologist and a lawyer and will soon be able to employ the services of a lawyer and a psychologist of Kalta Initiatives.

Sex worker, 45 years old

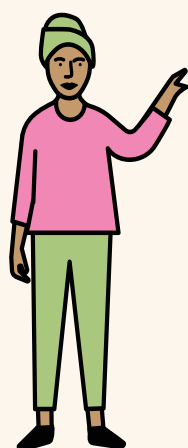
July 2020



The client belongs to a group of trans * people, is engaged in commercial sex, lives in a rental apartment. He had been physically assaulted by house owner’s son and was evicted from the apartment when the latter learned of his status. Then, he moved to another apartment where he was subjected to physical and sexual violence by one of his clients and his three friends when they were under the influence of alcohol. As a result, he was hospitalized with beatings. He sought the medical assistance of the REActor, complained to the police, brought a case but no word back. The client suggested that the police would not be able to protect his interests.

PLHIV 40 years old

February 2020



The client, a former prisoner, was tested for HIV while in custody. A prison service officer came and, through a small window in the cell door, told one of the prisoners that he had hepatitis C and told another prisoner that he had AIDS. The client was shocked, first by the diagnosis, and then by the fact that his HIV status was publicly disclosed.

At night, he attempted suicide but his cellmates saved him and provided necessary assistance.

Sex worker, 30 years old

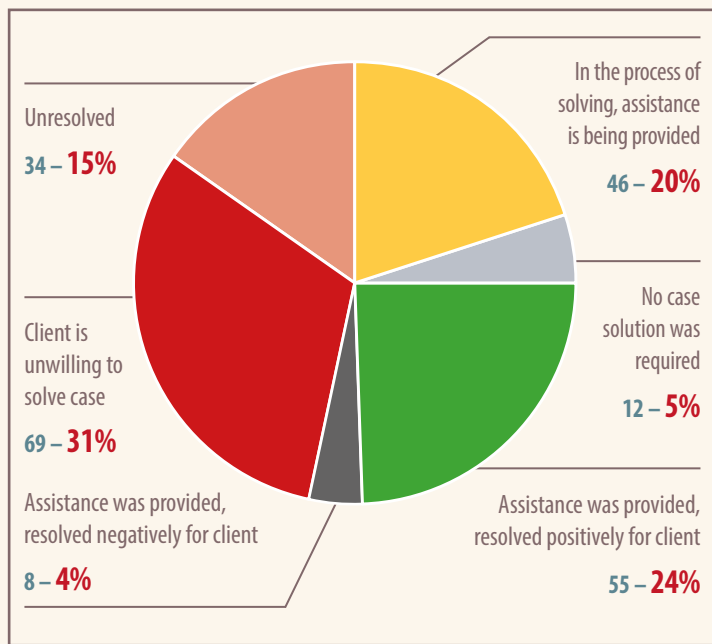
December 2020

The client lived with her parents and brother, was engaged in sex work, got pregnant by one of her partners. When parents found out about it, they physically assaulted her and kicked out of the house. She sought assistance by relatives but they deny the door to her. She is forced to rent an apartment and continue to engage in commercial sex because she has no other choice – she has to pay rent and to make a living somehow, provide for herself and the girl who was born.

Solution: the relatives have no regrets, they have completely dissociated from them.



RESPONSE TO VIOLATIONS



REActors document and resolve cases of rights violations and are paralegals, peer counselors, outreach workers in organizations that provide HIV prevention and treatment as well as harm reduction services.

Medical – social assistance to the victim is provided in the form of consultations, redirection and escort to partner organizations or health facilities to receive other necessary services for prevention and treatment.

Primary legal aid by REActors is to advice on legal matters and assistance in the preparation of complaints or applications. However, both the victims and REActors themselves (also being representatives of vulnerable groups) are afraid to interact with police officers yet again because of the negative experience of such interaction in the past as well as due to fear for their safety.

Legal support of the case by REActor, first of all, is in **intermediation** between the victim and the perpetrator. In this way, most cases are resolved where the perpetrator is a medical professional, a representative of the education sector or other services as well as neighbors and family members. REActors give enlightening talk with the perpetrator with a view to educating about HIV and reduce stigma. If client is ready to defend his rights or he needs **the protection of professional attorney** (cases on criminalization) then such client is redirected to specialized lawyers of the State free legal service.

Regrettably, third of cases still remains without appropriate response because **the victims themselves do not hesitate to defend onwards their rights** and refuse legal assistance from REActors' or attorney due to fear of interaction with law enforcement agencies and lack of trust in justice system in general. Victims also prefer to tolerate systematic violation of their rights rather than disclose their HIV status, sexual orientation or belonging to key groups in the course of legal proceedings.

RECOMMENDATIONS FOR THE PUBLIC AUTHORITIES OF THE COUNTRY ON THE PERFORMANCE OF DUTIES IN THE HUMAN RIGHTS

1. Consider the issue of the complete decriminalization for creating a threat of intentional transmission of HIV infection to another person and a considerable limitation of the application of the norms on criminal liability only for actions of HIV transmission if there is only a direct intent, art. 131 of CC of Georgia.
2. Consider the issue of decriminalization for concealing the source of venereal disease and contacts with patients, art. 46 of AVC of Georgia.
3. Exclude the punishment for prostitution and consider the issue of cancellation of art. 172³ of AVC of Georgia as well as considerable limitation of the application of art. art.253-255² of CC of Georgia only in relation to acts that are not related to voluntary sexual acts between adults.
4. Ensure political and financial support to public organizations that provide social and legal assistance to people from vulnerable groups.
5. Ensure greater involvement of the Office of the Commissioner for Human Rights in providing low-threshold services for the protection of the rights of vulnerable groups of the population.
6. Carry out an audit of regulatory documents by Ministry of Justice as having met international standards for the protection of human rights with respect to the most vulnerable groups of the population and propose appropriate measures to address the issues identified.

STRATEGIC STEPS IN THE FRAMEWORK OF REAct FOR 2021

Apart from documenting human rights violations and providing assistance to victims at the individual level, the following activities are planned:

- Presentation of data collected through the REAct system for high-level governmental representations, members of the Country Coordinating Mechanisms, representatives of the Ombudsman's office
- Trainings/webinars, distribution of information material with a view to raising awareness of key groups representatives about their rights and the most effective ways to protect them
- Involvement of professional attorneys to defend the rights of key groups representatives in courts and creating a pool of friendly attorneys through raising their awareness of the rights and needs of people living with HIV or vulnerable to HIV
- Training hub for REActors and paralegals with a view to increase their competence in the process of providing primary legal aid
- Integrate the cases collected in shadow reports to UN bodies in cooperation with regional networks of key groups representatives.
- Media coverage of strategic cases with a view to reducing stigma towards PLHIV and representatives of key groups.
- Ensuring financial stability and continuation of REAct component implementation once regional project # SoS_project has terminated its activities.

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More detailed information on REAct: www.react-aph.org

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