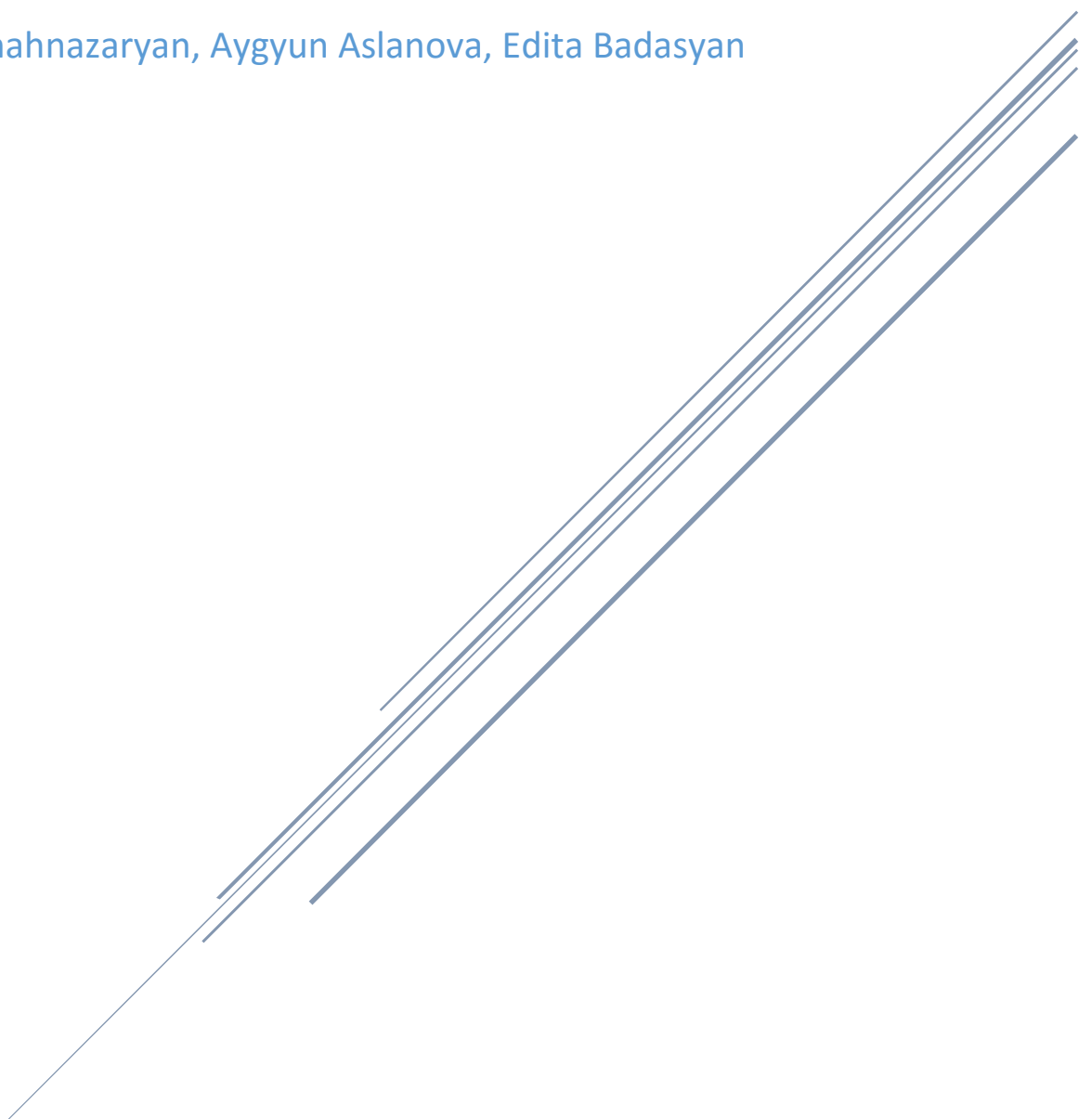


UNDER THE RAINBOW FLAGS:
LGBTI RIGHTS IN THE SOUTH
CAUCASUS NONA
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The paper, written between April and June 2016, covers the challenging question of the rights of the LGBTI community in the South Caucasus on the background of standards adopted pursuant to cooperation with EU institutions. The paper looks at how in Armenia, Azerbaijan, and Georgia the brief period of relative freedom in the 1990s is gradually overtaken by the rise of nationalist and conservative ideologies and resulting in the violation of basic rights including for those for safety or access to public spaces.

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Introduction

The fog over the terminology maze

The word “gender” operates with immense ambivalence of meaning in both the language of practice and that of analysis and theory. With an etymological meaning of “type” or “sort”, it became widely used to deconstruct the essentialist understanding of social roles and biological sex. The body of academic literature on gender – the “social sex”, has increasingly incorporated the concept of “queer” as its core subject of study. There is no straightforward translation for the word “queer” – meaning “strange” or “unconventional” in English – into many other languages. Also the bulky initialisms “LGBT”, “LGBTI”, or “LGBTQ” that denote the community of lesbian, gay, bisexual, transgender, intersex, and queer people are academic terms that can be difficult to digest. The terminological and semantic confusion often serves as a platform for intricate political manipulation. In this regard, “gender” is one of the most convoluted terms; it is “privatized” and pushed out of the public space in routine life and is often mentioned in a very radical, flamboyant manner without much effort to look deeper into its meaning.

Is this topic far-fetched?

The countries of the South Caucasus do not stand out with a high level of tolerance towards LGBTI individuals or communities. On the contrary, there were cases of direct attacks and harassment including physical, psychological, and symbolic violence. The ranking of ILGA-Europe shows the standing of these three countries on the world’s “rainbow map” speaks for itself. According to this data, Armenian legislation provides only for 7 percent rights protection for the LGBTI ranking the country 47 out of 49 countries. Azerbaijan is at the end of the list. Georgia is the leader in the region holding the 30th position (ILGA-Europe 2016). The whole issue has become extremely politicized in the recent years, and the debate around gender identity and especially around same-sex relationships acquired a geopolitical twist (Nikoghosyan 2016).

The medicalization of LGBTI is a separate urgent issue for all the countries of the region. This outdated approach was dominant up until the 1970s following the first experiments on sex change¹ and related sociological studies, such as Harold Harfinkel’s ethnomethodology and the case of Agnes, proved that gender is socially constructed in human consciousness, and thus gender identities are situational and changeable. Based on these studies, leading world organizations reconsidered their approaches and interpretations. In 1974 the American Psychiatric Association removed homosexuality from the list of mental illnesses, and on May 17, 1990 it was removed from the World Health Organization’s list (WHO) list. These changes revolutionized the lives of LGBTI allowing them to come out of the closet. Ever since then, May 17 is celebrated as the international LGBTI awareness day. However, while being transgender is no longer considered a mental illness by the American Psychiatric Association, it is still classified as such by WHO (World Health Organization 1993). In addition, although all of these changes have increased the level of self-awareness and self-esteem for the members of this community, they largely did not affect the attitude of many societies.

In the South Caucasus the homophobic practices trace their roots to the legislature of the Bolsheviks and the late Soviet period. During the Soviet times, the male homosexual act was criminalized. This

¹ The 2015 movie “The Danish Girl” by Tom Hooper based on a fictional novel by David Ebershoff explores a case of such experiments.

not only drove LGBTI deep undercover exacerbating the cover-up strategies, but also supported the development of hateful public discourses. This law also served a repressive, policing function of controlling dissidents and suppressing any form of individuality. For example, through the application of this law, the famous movie director Sergey Parajanov was “straitjacketed” in order to obstruct his dissident activity. This sort of legislation not only infringes on privacy but also becomes an effective form of legitimized public stigma.

“The dreamy formula” of the society²?

A lot has changed in the South Caucasus republics since then. The “law on sodomy” was annulled in Azerbaijan and Georgia in 2000, and in Armenia in 2003. The liberalization of the legal field created opportunities for public discussions on a range of LGBTI issues, but the attitude toward this community, and the language of discussion remained unchanged. The analysis of press and TV programming presented in this article shows that an alternative vocabulary, other than hate speech and hostility, is rarely used in the public space. The vast majority of the people in the region recreates the negative patriarchal discourses that strongly criticize LGBTI, and only a very small minority creates neutral or positive discourses. The ideology of exclusion or alienation of LGBTI prevails and is materialized through nationalistic, religious, and other “consolidating” doctrines. Studies conducted by the World Values Survey Association show that the vast majority of the society is intolerant. Survey results for Armenia in 2011, Azerbaijan in 2011-2012, and Georgia in 2014 to the question of how justifiable homosexuality is, 95.5 percent, 92.8 percent and 86.1 percent respectively answered “never” (World Values Survey 2014).

International organizations discourage hateful rhetoric and threats. The conceptual platform of the international legislative framework on these complex issues was formed through open discussions resulting in the adoption of such a fundamental documents as the Rio 2012 conference paper “The Future We Want” or the United Nations (UN) General Assembly’s 2011 report on “Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity” (United Nations 2012) (United Nations General Assembly 2011). All of these initiatives were linked to an attempt to overcome the authoritarian past. In all three South Caucasus countries, the UN has initiated a new round of discussions around the puzzle of gender and/or sexual identity.

The goal of this paper is track the development and modification of the discourses and narratives on LGBTI, as well as the respect for or the violation of the rights of the LGBTI communities in Armenia, Azerbaijan, and Georgia in the post-Soviet period. The paper will look at the correlation of the processes *tooting* the LGBTI topic in the South Caucasus republics and where the similarities and differences in these social transformations lie. At the same time, the authors have a goal to track the potential of these trends of social and political behavior.

² The title of the section is borrowed from Sergey Parajanov’s 1971 speech bearing the same name (“*‘Mechtatel’ naya formula’ obshchestva*”). The manuscript was received from Zaven Sargsyan, Director of the House-Museum of Sergey Parajanov.

Armenia

History of the LGBTI and discriminatory practices

According to a 2015 report of the Human Rights Watch, people in Armenia continue to face discrimination based on sexual orientation and gender identity and are subject to harassment and physical violence (PINK Armenia 2015). Studies of recent years highlighted that the pervasive negative sentiment towards LGBTI has not changed largely. According to these studies, nine out of ten citizens of Armenia view LGBTI negatively. An anonymous 25-year-old IT Specialist in Yerevan, said in an interview that her attitude toward these people is different from that of her peers, and it has only changed after her trip to Germany as au pair: “There I realized, why should I care about other people’s sex life?!” (Unpublished interview with an anonymous interviewee “Vospriyatiye LGBT v molodezhnoy srede” 2016).

Considering that people largely perceive homosexuality as a “skillfully imported western perversity” the most delinquent discrimination acts target “decadent” intellectuals who claim to have sophisticated taste, advanced education, and other “bourgeois” characteristics. An outstanding example is the owner of the DIY (abbreviation for “Do It Yourself”) pub, the punk and rock singer Tsomak. Her pub was blown up two days after the tense parliamentary elections in May 2012. The act of hatred was committed by two young radical nationalists, and now the case is being considered by the European Court. This case became a top story on news channels putting the private life of the rock-musician the spotlight. A year later, the diversity parade, which radical nationalists perceived as a gay parade, provoked the reaction of ultra-protectionists and the organization of an anti-parade. The participants of the latter issued an aggressive manifesto on the talk-show “Windows Ajar” (“*Kisabats Lusamutner*”) (Windows Ajar (“*Kisabats Lusamutner*”) 2012).

Gender and the law: Legislative battles

During the early years of independence, the Soviet “law on sodomy” was still in effect in Armenia. Being completely focused on the nationalist movement, the country rolled along the rails of the Soviet jurisprudence up until Armenia’s membership in the Council of Europe in 2003. This is when the law was removed from the country’s criminal code. Even though in modern Armenia, who signed off on international obligations and has taken the course towards democratic policies, these social groups cannot safely speak up about their problems, and this task is carried out by the non-governmental organizations (NGOs) speaking in their name.

It is important to turn to the discussion of the term “gender” in the Armenian discursive space and its perception as “social sex”. Moreover, it is important to touch upon the political transformations the term has undergone. Armenia has a history of terminological and word-choice struggles during the formation of the discourse on gender equality and non-discrimination. These terms were adopted and used with relative ease for about two decades after the signing of major documents mentioned above which outlined the main anti-discrimination provisions – the Rio 2012 conference paper “The Future We Want” mentioned above, the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) that Armenia ratified in 1993, the 1995 Beijing Convention and the Platform for Action, and the UN Economic and Social Council’s (ECOSOC) 1997 document on mainstreaming gender perspectives. The obligations undertaken by Armenia after signing these documents have significantly changed the legislative framework. However, despite the high level of legislative liberalization, the laws face resistance from “below” and function poorly.

In this sense, the political insinuations have played a big role. For example, September 2013 became a breaking point when the conservative forces launched an offensive. The terms “gender” disappeared from the political-legal field echoing the Russian political field. The resistance of the politically active NGOs followed. Russian Ambassador to Armenia Ivan Volinkin stated that there is a need “to neutralize the activities of those NGOs who drive a wedge in the Armenian-Russian relations”, alluding to the introduction of repressive laws of the Russian model (Grigoryan 2014). These are the legislative amendments in Russia that were enacted on November 21, 2012 stipulating that NGOs “engaged in political activities” and financed from the West should be registered as “foreign agents”. Armenia did not consider adopting such laws, however indignant patriots launched a furious homophobic and anti-NGO campaign aimed at intimidating civic activists. It got to the point that active NGO leaders, sympathetic to LGBTI, were blackmailed including with death threats over the phone.

The anti-discriminatory gender legislation that should have been signed in 2013 still has not been adopted. Under the pressure from the conservative circles, the Armenian government approved amendments to the law “On ensuring equal rights for men and women” on May 20, 2013 extracting the term “gender” from the law.

Gender and politics: Is sexual orientation (geo)political: Eurasian family?

When the term “gender” became a topic of hot discussions after the law “On ensuring equal rights for men and women” entered into force, videos with a distorted interpretation of the term “gender” were promoted on social networks, and radical groups used black PR, browbeating, and threats to silence LGBTI and women’s organizations. While the ruling elite did not hold a single position on the issue, the anti-gender block in it proved stronger and the government was willing to cooperate with the “gender” opponents. Minister of Labor and Social Affairs Artem Asatryan said that in order to avoid ambiguous interpretation it is suggested to recognize certain terms as outdated and replace the “gender relations” with “equal rights and opportunities for men and women” in the text of the law. However, the NGOs used all their leverage and were able to prevent radical changes to the gender legislation.

The anti-gender movement in Armenia is strongly linked to Russian political movements and Russia’s application of “soft power”. This shift of influence targeting the civil society, and in particular gender-focused organizations, began in Spring 2013. The establishment of organizations called “Parent Committee” in Russia, Ukraine, Moldova, Georgia and Armenia is largely responsible for these changes (G. N. Shahnazaryan 2015). These organizations perform a policing function and look up to the Russian model of the “Pan-Russian Parent Committee” advocating for the values and ideals of the so-called “Eurasian family”. In particular, the “Pan-Armenian Parent Committee” organizes events against the gender-law framing it as “propaganda of homosexuality” (“*nuinaserakan qaroz*”). As a result of ideological interference and political manipulation, the term and the related discourses have been put in the spotlight of public debate and still carry a strong conflict potential.

The theory of political manipulations on this topic is also supported by the evidence that this interference is orchestrated by ethnic Armenians living in Russia. “They are unstoppable; they use both well-known ethnic Armenian figures, such as the Russian demagogue Kurghinyan, as well as less-known people with Armenian last names. For example, there was a woman – I can’t recall her last name – that came to Yerevan from Moscow and was talking complete nonsense on this topic, but probably expected us to give in just because she is an Armenian” said the head of one of the first gender organizations in Armenia Svetlana Aslanyan recalling the events of 2015 (Aslanyan 2015). Anna

Nikoghosyan from the NGO “Society without Violence” writes that the “gender hysteria” was used as a political technology of tilting public opinion in the choice of joining the Eurasian Economic Union or signing the Association Agreement with the European Union (EU) (Nikoghosyan 2016).

The LGBTI and the NGOs: Development of a neutral/positive discourse

The Armenian civil society organizations invest enormous efforts into ensuring public oversight over processes such as elections and the rights of most vulnerable groups. The conservative circles and advocates of traditional practices obstruct this work and overreact to the development of the LGBTI discourse³. These emotionally-charged political schemas are designed to redefine and shift attention from real social problems to fictional ones. David Amiryan from the NGO “Open Society Armenia” believes that “Sometimes the discussion on this topic is artificially inflated to shift the public’s attention from the pressing issues that the society tries to raise building on social cohesion. For example, in May 2012 Armenia was going through horrendous parliamentary elections, and the bombing of the DIY pub, a gathering place for the LGBTI-friendly people, also happened in May. Magically the entire attention shifted from the elections to “the advance of the gay communities”. The public outrage had a new target, and the steam was released” (Amiryan, Unpublished interview “Antigender kak mobilizatsionnyy resurs konservativnykh sil: KOGDA proiskhodyat potasovki?” 2016). Lusine Saghumyan, that has consistently been working on the topic of the LGBTI rights seconds this opinion: “There are two popular topics used to manipulate the public opinion – LGBT and the Karabakh conflict. Both of these topics are brought into debate to shame and “sober” people and take their attention away from possible dissident social dynamics” (Saghumyan, Unpublished interview “LGBTI i konflikt v Nagornom Karabakhe: chto obshchego?” 2016).

Another popular social position is “let them do whatever they want in the privacy of their homes” that once again underlines that the society is ready to tolerate only those LGBTI who continue to hide their real sexual identity. This approach tries to classify as private an entire segment of social life.

The LGBTI and the mass media

One of the central “dilemmas” of mass media discussions in Armenia is whether being LGBTI is a disease or another sexual norm. The LGBTI topic is sometimes discussed on different Armenian TV channels. In February 2016, Edgar, a homosexual person tagged as “Zhuzhu from Dalarik”, was the guest of the TV show “Windows Ajar” (“*Kisabats Lusamutner*”) that hosts experts from various fields who present their opinion on an issue that’s the focus of that edition of the show. This particular edition of the show revealed all sorts of direct and latent psychological pressure on gay men in urban and rural areas in particular in the small village of Dalarik. Under the hooting and hollering of the audience, Nvard Margaryan representing the NGO “PINK Armenia” futilely tried to explain the situation and protect the guest, and the LGBTI-tolerant doctor left the studio before the show was over. The psychologist Mariam Mehrabyan kept asking the guest uncomfortable questions such as: “Do you want to be cured? If yes, then I can help you”. At the same time, she continued to torture Edgar’s mother with questions on his upbringing asking, “How did he turn this way?”. The lawyer Gagik Galikyan was chanting extremist slogans on air calling to burn all the gays.

³ This view is based on a series of interviews conducted in Yerevan between August 23 and September 3 in 2015 by co-author of this paper Nona Shahnazaryan.

Lusine Saghumyan notes that “since many professionals and experts on the LGBTI issue prefer to either be silent or avoid this topic not to be labeled LGBTI sympathizers, the professional expertise on this topic in Armenia belongs to those professionals who consider homosexuality a disease implying a treatment and who base their arguments on outdated literature” (Saghumyan, Za stenami doma 2015). The NGO “PINK Armenia” is conducting a research study which shows that 90 percent of the Armenian population would prefer having legal restrictions for homosexuality. One third of the respondents believe that homosexuality is a result of failed upbringing in early childhood (Nikoghosyan 2016). Half of the young people interviewed also consider “wrong” upbringing the cause of homosexuality (Anonymous interviews with young people, residents of Yerevan aged 18 to 35 (15 people) 2016).

Radical nationalism has become a powerful factor driving uncompromising positions on LGBTI. This ideological platform is built on the exclusion of LGBTI from membership in the national community and ignoring the existence of these social groups. Thus, the ultra-nationalist discourse excludes representatives of sexual minorities and their sympathizers from the “equal national fraternity”, identifying them as “enemies of the nation”. Nationalists criticize LGBTI for “not participating in the reproduction of the nation” and accuse them of destroying “the greatest national shrine” – the family and thus the nation. Statements such as “An Armenian cannot be gay” fully reflect the alienation that the LGBTI community members experience in Armenia. Radical nationalism emphasizes the “purity” of the nation and follows the church in considering LGBTI a perversion. The most extremist groups speak about “the genocide of the Armenian nation” at the hands of the LGBTI community who are blamed for decreased birth rate (Nikoghosyan 2016) (Saghumyan, Za stenami doma 2015) (Saghumyan, Unpublished interview “LGBTI i konflikt v Nagornom Karabakhe: chto obshchego?” 2016).

The main message of the below flyer is: “Gender perversion is a genocide”.



Photo 1. Source: <https://www.opendemocracy.net/od-russia/anna-nikoghosyan/in-armenia-gender-is-geopolitical>

The LGBTI and total institutions⁴

Factors leading to intolerance toward LGBTI are not limited only to legal collisions and bans. A representative of the NGO “PINK Armenia” points out that the LGBTI community members face discrimination in all aspects of life – in educational institutions, the workplace, the army, the healthcare system. The Armenian Apostolic Church is the most powerful institution behind the development of a moralistic discourse on the LGBTI. This is hardly surprising, since Christianity strongly influenced the opinion on “sexual deviations” describing them as a sin.

The clash between the LBGTI groups and the police is the most pronounced in Armenia. In 2011, cases of ill-treatment of gays and transvestites by the police, and failure to ensure their protection and safety when subjected to abuses and physical violence were published. According to reports by “PINK Armenia”, the policemen were also involved in provocations and supplanting LGBTI out of the public park (PINK Armenia 2011). An embodiment of the entire set of masculinity codes, the police, led by Chief Vladimir Gasparyan, publicly stands on a homophobic platform. In August 2013, Vladimir Gasparyan took a very strong stance during the discussion of “gender-sensitive” legislation suggesting to include fines as a method of punishment for “the propaganda of a non-traditional sexual orientation” in the Code for Administrative Violations. However, the bill was soon withdrawn with an explanation that this “issue [non-traditional sexual orientation] is not included in the priorities of the Armenian police”.

The LGBTI community’s rights are being violated regularly by the employees of the healthcare system. Writer and human rights activist Lusine Vayachyan points out that “Doctors in Armenia either don’t know or do not want to know the difference between transsexuals and hermaphrodites” (PINK Armenia 2014). In addition, the WHO’s 1990 decision to take homosexuality off the list of mental illnesses is completely ignored in Armenia. This resulted in a situation when openly gay men are exempted from the military service. Harassment of “feminine” soldiers by peers has increased in the army. The recently introduced institute of army chaplains significantly helps the soldiers exposed to intimidation and threats. This new service is introduced as a mechanism on the liberalization and democratization of the army as a social institution and has been introduced as a culturally-sensitive mechanism since turning to a priest traditionally is more acceptable, than talking to a psychologist or a psychoanalytic. Thus, despite its general reactionary nature towards LGBTI, in the context of the army, the church appears as a mediator counteracting the hazing and bullying. At the same time, it does not protect the LGBTI community, but those who, perhaps, are being “unfairly accused”. So, the church supports the state in dealing with the problems that weaken the army, once again confirming its status of a total institution.

The medicalization of homosexuality significantly obstructs the process of people coming out of the closet and exacerbates the phenomenon of hidden lives. An English-speaking Yerevan resident anonymously shared his thoughts: “If you are gay, you won’t be drafted to army... this logic is wrong. They don’t understand the phenomenon. This is a result of not knowing. They [the authorities] through their stupid and fatal actions drive out the most educated part of the population. Power relations are

⁴ Following Erving Goffman, the authors of the paper define total institutions as various institutions of state power such as the police, army, the healthcare system, as well as religious and spiritual institutions merged or affiliated with the state institutions such as the church.

everywhere. After decriminalization, the gay community became part of the reality. It is challenging for the phallogocentric male chauvinistic identity. Gays devalue the sexual intercourse. Reproduction is a problem posed by gays. But this is not true. There is so much unsaid; this whole phenomenon is not explained properly. That's the problem! And that leads to a manipulation on the part of Russia; for various reasons, the views of Armenian and Russian nationalists align ... But the EU is also wrong. It represents equality, human rights, that are universal values, as European. This is such an utter simplification and manipulation. The word gender has been demonized. This is unbelievable! Why? Complex phenomena are to be simplified in order to develop a stereotyped thinking among ordinary people. This is the main purpose of manipulation. Only independent critical thinking can counteract this ... but is it possible to develop it in situation that Armenia is today? Alas.." (Anonymous interviews with young people, residents of Yerevan aged 18 to 35 (15 people) 2016).

The longstanding Nagorno Karabakh conflict and the militarization of the society, of course, create a highly unfavorable environment for the development of positive or neutral LGBTI discourses. Recently the Armenian Facebook community quickly reacted to the alleged information that in Nagorno Karabakh hairdressers received instruction from the police not to cut the male clients' hair longer than the "established norm" – a length of hair which apparently divides hetero and homosexuals. This news created an unprecedented outrage in the world wide web. Most importantly, it caused the outrage of the hairdressers. The police refuted this information which is a positive example of the routine confrontation between the liberal forces in the society and the power institutions striving to turn the "country into one big barrack" (Unpublished interview with an anonymous activist "Militarizatsiya obshchestva: prichiny i posledstviya" 2016)

The LGBTI NGO: Development of a neutral/positive discourse

The expression of positive or at least neutral sentiment toward the LGBTI topic in Armenia carries many risks, ranging from being labeled as a homosexual to threats and hateful attacks. Therefore, expression of an opinion different from the prevailing one requires the utmost courage. The carrier of such views should be ready to withstand the overall homophobia that targets not only the LGBTI community members, but also all those who support them. The mission of creating an alternative LGBTI discourse in Armenia is undertaken by NGOs and civic activists specializing in LGBTI and human rights issues. This movement is led by the NGOs "PINK Armenia", the Women's Resource Center, and "Society Without Violence". However, these organizations, as well as separate civic activists live in constant fear due to the threats they receive and the prevailing language of animosity and hatred. Despite the fact that LGBTI do not ask for any privileges in the course of their fight for their rights and only repeatedly talk about equality, they are labeled as inciters of destructive values. Moreover, the NGOs that work to protect their rights are accused of serving Europe's interests (mockingly called "Gayurope") and of being willing to sacrifice the interests of their own country for the sake of their personal interest.

Lara Aharonyan from the Women's Resource Center thinks that "the very logic of the arguments on the propaganda of LGBT is conflictual in nature. There are opinions that even the very existence of the LGBT community is a promotion of LGBT. In addition, the public demonstration of LGBT symbols and attributes or physical appearance of LGBT people in public spaces is also considered propaganda. Not surprisingly there is a myth in Armenia that the number of LGBT may increase if they become more visible in the society. That is why any positive or neutral opinion about LGBT is taken so defensively.

Fear and panic caused by the fact that the number of LGBT may increase, scares people and encourages negative attitudes towards LGBT people. It is hard to imagine the development of a healthy discussion on this topic in such an environment". Despite the fact that the LGBTI topic in the Armenian society is largely discussed only in a negative framework, the topic itself is not off limits.

The art and literary avant-garde

The post-Soviet years saw the emergence of literature and art on sexual minorities. Armen Ohanyan, Lusine Vayachyan, and others are among authors talking about the issues of LGBTI. Lusine Vayachyan writes about her personal experience, describes her love story thus challenging the social taboo. In April 2016, the English-language author Hovhannes Tekgyozyan presented his novel "Fleeing City" that was translated into Armenian by Nairi Akhverdi. A women's team publishes the truthful and informal newspaper-blog "Queering Yerevan" ("*Tarorinakelov Yerevany*") which also houses queer-artists. In 2011, the members of "Queering Yerevan" published a book titled "Queered: What's to Be Done With X-centric Art" presenting the artwork and the correspondence among the members of an international group of women artists and activists (Ianyanmag 2011). Lusine Talalyan, Shushan Avagyan, and Arpi Adamyan head an art group that explicitly opposes militarization that aggravates masculinity and other forms of patriarchy. This transition from taboo to open debate is the first step on the way to broad and diverse discussions in which everyone can enjoy the right and opportunity to express their opinions without fear to be criticized or prosecuted. Such transition for now is slow and remains within the urban settings.

Azerbaijan

LGBTI history

During the Soviet period, homosexuality was strongly silenced in Azerbaijan as well as across the Union. As mentioned already the Soviet criminal code had a special article according to which men engaged in same-sex sexual intercourse were punished as criminals. A lawyer Samed Ragimli explains that in October (November) 1917, right after the revolution, many of the Tsarist laws were abolished. This included also the law on criminal punishment for homosexual intercourse among adults. The situation started changing gradually at the end of the 1920s. Initially homosexuality was discussed in the framework of mental illnesses. Later, as a result of amendments to the criminal code homosexual relations were equated to a crime. This started the systemic persecution of LGBTI people in the USSR as part of the state policy. A criminal code was adopted three times in Soviet Azerbaijan – in 1922, 1927, and 1960. All three considered homosexual intercourse among adults a crime. For example, Article 113 of the Criminal Code adopted in 1960 considered homosexual intercourse between adults a criminal act punishable with 3 years of imprisonment. The legislation criminalized only homosexual relations between men. There were no provisions about homosexual relationships between women, however this did not imply that lesbians were not persecuted (Rahimli 2016).

Nowadays in Azerbaijan, stigmatizing myths are formed around LGBTI, and in particular around the issue of homosexuality. First of all, a homosexual person is considered a despicable and immoral person. This image is often promoted by the mass media, which largely contributes to their perception as sex workers. At the same time, the society's negative attitude often pushes homosexuals into the sex industry. According to psychologist Asif Kerimov, the "illegitimacy" of same-sex relationships imposed by the routine moralizing discourses pushes homosexuals into the corner, forcing them to

seek sexual encounters since stable relationships are not possible in such an environment (Asif Kerimov 2016). “I was a sex worker for four years. I can say with confidence that I was doing it not for money, and not because I did not have a job. I simply wanted to date. I acknowledge that there are people who come to the city from the regions and are forced to take this route. But that happens in rare cases”, says an ex-sex worker and NGO worker of the LGBTI field (An anonymous expert 2016).

Homosexual relationships are surrounded by myths and are presented as something exotic. The society thus develops double standards that puts a veil of secrecy over same-sex or other “strange” sexual relationships. This pushes the whole LGBTI issue into the private space, denying it access to the public space. Most interviewed homosexuals said that their family knows everything, and, after the initial shock, they have accepted it: “Live as you want, but make sure other people do not know”. These statements show that the conflict is not so much at the individual, but at the societal level. It also underlines the need to engage in comprehensive work to debunk myths, provide professional and expert clarification on the nature of such a complex phenomenon as gender relations in general.

Gender and the law

Events currently unfolding in the legislative field in Azerbaijan once again show that gender and anti-discriminatory laws are related to geopolitical strategies. After the 1991 independence, European integration was one of the top priorities for Azerbaijan. Already in the second half of the 1990s, Azerbaijan was cooperating with the Council of Europe. One of the commitments that Azerbaijan undertook with the Council was related to the rights of LGBTI. As a result of the negotiations in 2001, the then-President Heydar Aliyev removed the law on sodomy from the criminal code, after which Azerbaijan was admitted to the Council of Europe.

According to lawyer Asima Nasirli, after the decision of 2001, the legislation of the country did not have any regulations on LGBTI. The right to equality is regulated by Article 25 of the Constitution of the Republic of Azerbaijan. The third paragraph of this article guarantees the equality of all citizens regardless of race, nationality, religion, language, sex, material status, beliefs, membership in political parties, trade unions and other social organizations. Or to put in simply, Article 25 of the Constitution in its current reading guarantees the equality of all people. However, since “sexual orientation” is not specifically stipulated in this article, it weakens the rights of citizens to get protection when faced with homophobia and discrimination. “In such a legal context, the law enforcement bodies may legitimately refer to the fact that the article does not specify sexual discrimination, and this can be a basis to refuse protection to LGBT people. This means that a judge who hates LGBT and is a homophobe at heart can appeal to the fact that the Constitution does not specify this”, concludes Asima Nasirli (Nasirli 2016).

She also adds that the criminal code of Azerbaijan does not have a separate article which would provide protection for LGBTI people against hate crimes. Asima Nasirli says, “Article 283 of the Criminal Code provides for criminal liability only for racial, national, and religious discrimination; in the investigation of crimes against life and health, homophobic or transphobic sentiments are not regarded as aggravating circumstances. While the Azerbaijani legislation does not prohibit marriage between LGBTI people, it does not recognize it either. So basically they are denied the status of a family in the traditional routine sense. As a result, even if a couple lived together for a long time, they can’t become heirs to each other, are not eligible to participate in the division of assets, do not have the right to adopt children” (Nasirli 2016). This leads us to the issue of their invisibility in the legal field. From the perspective of the country’s law, they do not exist; the law bypasses and ignores them.

Psychologist Asif Kerimov believes that the Azerbaijani society is not ready for radical changes in regards to LGBTI people: “Despite all the bans, homosexual relationships have existed at all times. Homosexuality exists even among animals. The reason behind the havoc in the society around homosexual relationships is fear. Why does it irritate us? Every human being has an instinct of self-preservation and an instinct to preserve the blood line. A homosexual family means the blood line will not continue” (Asif Kerimov 2016).

One of the problems that LGBTI face are medical problems, in particular the human immunodeficiency virus (HIV). The legislation does not include specific provisions and it negatively affects the health of people diagnosed with this disease.

On October 10, 2006, Azerbaijan adopted a law on gender equality granting equal rights to men and women. However, the law is underdeveloped and much remains unsaid. The meaning of the word “gender” is strongly simplified in the text of the document. It implies only men and women leaving out the entire spectrum of “intermediate” gender statuses, in particular LGBTI. Applying a more nuanced elaboration does not appeal to the authorities, since the public is not ready for it yet. This leads to assumptions, gaps, and simplifications of the legislation. This also reflects the governments’ geopolitical strategy when a law is adopted to “check a box” and for “external consumption”.

Discriminatory practices

Unfortunately, negative attitudes are not unique to the legislative field, they are present in the society in general. In 2014, the “Nafas⁵ LGBT Azerbaijan Alliance” conducted a survey to identify attitudes and possible incidents of aggressive behavior against LGBTI people at the workplace. 64 percent of the respondents (18-35 years old) was not willing to work with LGBTI people, and 60 percent showed a negative attitude towards them (lgbtaz 2014). In Azerbaijan, the main argument against LGBTI comes down to: “homosexuality is against our national mentality”; “religion denies, condemns, and prohibits it”; “it is artificially spread by the West”; “it’s all foreign to Azerbaijan”.

An anonymous expert shares a story: “I had a friend who did not have a father and was living with his mother. When his mother found out that he was gay, she locked him up in his room and chained him. This was four years ago. His mother did not even allow his cousins to get close to him, as she was afraid that they also will get infected. She considered homosexuality a contagious disease” (An anonymous expert 2016). In the regions, there is more pressure, and LGBTI people leave for the cities to hide in the crowd.

Social media and mass media often share information on people who were killed or committed suicide on the grounds of homosexual or transgender identity. In these news items, emphasis is put on the sexual orientation of the victim rather than the reasons of the tragedy. A recent case published in June 2015 was related to the death of transgender Ayla Demirova who was killed by her lover. The mass media and online sources covering this story specifically highlighted that she was a transgender that had undergone a sex change surgery. News reports also used her male name and even included the ID photo (Report.az 2015) (Publika.az 2015). When such news makes it to the social networks, the majority of the users call for a fight against homosexuality even to the degree of the extermination of LGBTI people.

⁵ “Nafas” means “breath”.

Unfortunately, not only common citizens share these views. Occasionally, in the highest legislative body of the country – in the Milli Mejlis – selected deputies, scholars of the Academy of Sciences of Azerbaijan suggested creating homophobic laws to fight homosexuals. Following the news about the murder of Ayla Demirova, member of the Milli Mejlis Fazil Mustafa in his interview with Azvision.az, called homosexuality a disease: “In Azerbaijan such diseases are spread artificially. This is against the human nature. It’s hard to say how we can protect people from this. This disease comes from internal characteristics of a person. In any case, the society must demonstrate a more rigid and negative position” (Əhmədov 2016).

The mass media and taboo-people. Crimes against LGBTI

The media often represent LGBTI in an ugly way. This obviously aggravates the already unfavorable environment. The threat is seen to be constructed in the neighboring countries, as well as coming from Europe. “The unique features of the country require different approaches;” – says Asif Kerimov, “If gay pride parades are organized in Azerbaijan as they are in France, it will cause a backlash because the society is not yet ready for this” (Asif Kerimov 2016).

Azerbaijan is recognized as the most homophobic country in Europe in the study commissioned by ILGA-Europe. The 2015 index shows that LGBTI were subject to violence, and there were also several murder cases. Gulnara Mehdiyeva, an activist working for the organization “Nafas LGBT Azerbaijan Alliance” established in 2012, says that LGBT people are taboo-people in Azerbaijan and the society writes them off. Representatives of the LGBTI community ask for stricter laws on hate crimes. In Azerbaijan currently there is no statistics on the number of LGBTI people persecuted, killed, or beaten because of their sexual orientation. However, the LGBTI-friendly organizations try to create such records. Hate crimes committed within the past several years include a wide range of cases. On February 28, 2015, 24-year-old transgender Bakhtiyar was stabbed multiple times and killed. His decapitated body was found in a rented apartment. In Baku, a 44-year-old homosexual was robbed and beaten by two men after a sexual intercourse. In May 2015, another homosexual was killed at the hands of three men. 27-year-old transgender Ayla died from wounds caused by multiple stabbings. In the city of Saatli, a 25-year-old transgender committed a suicide. In October 2015, lesbian Hamida committed suicide after being pressured by her family and leaving the house. This is the overall picture of the recent events (Safarova 2016).

Despite the fact that homosexuality is not classified officially as a disease, the first step that some parents take after learning about the homosexual orientation of their kids is their “treatment”. If this does not help, they either abandon them or isolate them from the society by leaving them in a mental institution. Psychotherapist Rustam Salayev witnessed multiplicity of such cases in his practice and believes that such parents are the ones in need of psychological help and not their kids: “We do not keep statistical records because for more than 10 years now homosexuality is not classified as a disease. But there is another problem. The psychological and sociological aspects... Our society loves stigmas. It applies not only to homosexuals, but also to people with mental and genetic disorders. This is a stigma. When parents who have homosexual children come to us they don’t ask to solve a psychological problem. They want their children to have the sexual orientation that they want and that the society wants. However, we are here to solve the psychological problems. [...] I think [...] there should be more work toward awareness raising. Parents are in a bigger need of psychological help, than their children with a homosexual orientation” (Salayev 2016).

The media fails to provide reliable information on LGBTI, and the LGBTI activists try to fill the vacuum. Some NGOs believe that everything is not so doomed. However, Chairman of the “Nafas LGBT Azerbaijan Alliance”, blogger Javid Nabiyeu does not agree with his colleagues: “Everybody knows the situation very well. If everything is so good in the country, why does Azerbaijan score last in ILGA-Europe’s reports in past three years? [Azerbaijan was the 48th in 2013 and 49th in 2014 and 2015]. Why in 2015, when the EU was adopting a resolution on Azerbaijan, was the issue of LBGT included in the text, for the first time in the history, and the EU expressed its concern? When in 2010, the European Union was discussing the issue of same-sex marriages, the members of our delegation Sabir Hajiyev and Gultekin Hacibeyli walked. Sabir Hajiyev said that we have moral values, and it is against us; we can’t accept everything that Europe accepts. When several months ago the online journal “Minority” was launched, Chairman of the State Television and Radio Council Nushirevan Maherremli openly stated that it is against our morals and ethics. I myself was beaten up several times and blackmailed” (Nabiyeu 2016). Until recently, in Azerbaijan all LGBTI people were forced to live a double life. Previously, they often formed heterosexual marriages to fulfill the codes of conduct approved by the society and the law. However, this once again underlines the discrimination, and not the fact that such people did not exist in the country before.

The LGBTI topic became widely popular after 2014 when a 20-year-old homosexual activist Isa Shahmarli committed a suicide. In 2012, together with some of his friends Isa established an organization called “Azad LGBT” (“Free LGBT”), so that he could protect himself and others from harassment. Isa used to organize movie screenings on the LBGTI topics. He also organized the production of the movie “G” and played the role of the homosexual in it. He openly talked about himself when interviewed on TV and was not hiding. But being rejected by his family, the pressure from the society broke him down and drove him towards suicide. The current chairman of “Azad LGBT” Lala Mahmudova also thinks that the majority of LGBTI have to live under the pressure of hatred from the society: “Due to ignorance and hatred, LGBT people have to leave a double live. The stress of this double life negatively affects mental health. When they open up to their families, in response they often receive either pressure or complete rejection. The fear to lose family forces them to hide. And since most of them live in the closet, there is not enough information about them, and thus the society is not informed about the realities of LGBT people, is not aware of cases which may change their minds and hateful attitude” (Mahmudova 2016).

The story of Isa Shahmarli is very dramatic. Even though in his suicide note he accused the society, he used to acknowledge that the “ice” can be broken only through education, the media, documentaries, and other means of mass awareness raising. Lala Mahmudova recalls: “Isa disseminated flyers on sexual orientation and sexually transmitted diseases. He organized awareness-raising meetings”. According to Lala Mahmudova, Isa had plans on creating an LGBTI radio and journal, but his death made these plans fall short. On January 22, 2014, fifteen minutes before the suicide, Isa updated his status on Facebook: “I am leaving. Forgive me for everything. This country and this world are not for me. I am leaving to be happy. Tell my mother, that I love her very much. You are all guilty for my death. This world cannot handle my true colors. Goodbye”. Lala Mahmudova says that his death gave members of his organization faith in themselves: “‘Azad LGBT’ focuses on educating the society, finding LGBT people and their families, creating a media environment which can provide positive information about LGBT people. Our goal is also to expose negative and discriminatory materials

published in the press and internet resources and make them an object of public censure" (Safarova 2016). Today, some progressive people in Azerbaijan are doing everything possible to combat homophobia. Azerbaijani LGBTI community and those who support them commemorate the day Isa Shahmarli died as "LGBT Day".

The LGBTI as part of the NGO sector

There are more than ten NGOs in Azerbaijan specializing in gender issues: "LGBT – Azerbaijan", "Pure World", "Women's Crisis Center", The Union for Gender Development and Education, "Gender and Development", "Nafas LGBT Azerbaijan Alliance", "Azad LGBT", and "Peace for LGBT". Not all these organizations are functioning. And only one – "Gender and Development" is officially registered with the Ministry of Justice.

The NGO "Gender and Development" was established in 2006. While the organization exists for already ten years, it does not have registered members. According to Deputy Chairman of the organization Kamran Rzayev, initially people were simply afraid to join the organization thinking that it cooperates with the police and will turn them in. Ever since then, the organization made "rejection of membership" a rule: "So if now you ask us how many members we have, we have none. But unofficially there are many people who support us, and to whom we provide services to the extent possible. The main mission of our organization is to be within the reach of an arm's length for people. Our doors are always open. If a person wants to cry, he can come and cry here. If he wants to laugh, let him laugh. If he needs a doctor, we will refer him to one; if he needs a condom we will give him one. We strive not to be a short-term organization, but to achieve goals that are difficult to achieve in our country. We never set these goals for ourselves. We want to be close to people and help anytime they need help" (Rzayev 2016).

At the same time, "Gender and Development" does not cooperate with the rest of the mentioned LGBTI organizations. Kamran Rzayev explains that they have different visions: "I understand them. They are young; their blood is racing; they want to change all at once: they want to change the legislation; they want to have gay pride parades. They simply don't know the realities of Azerbaijan; they don't know the legislation: what will be allowed and what won't. What is good, and what is bad [...] We have a slightly different vision. When our organization was created, it never had a goal to change the legislation, to work with the government, and so on" (Rzayev 2016).

Total institutions and the LGBTI: The police

The issue LGBTI is one of the entire society and the state. Kamran Rzayev says that during the ten years of work of "Gender and Development", the attitude toward homosexuals has changed significantly. If ten years ago, LGBTI people were afraid to go to gay bars, were afraid even to gather, were often subjected to police raids, now the situation has changed: "Ten years ago the internet was not so developed [...]. We had pushbutton cellphones and big desktop computers. The dissemination of information was poor. People did not know anything and were afraid of everything. People who came to our gay parties were young. Ten years ago they were 17, 18, 19. These people now are grownups and have their own big and small gay bars. So in a way, we opened their eyes and gave them confidence to work. Now gay bars are operating without problems and nobody harasses them" (Rzayev 2016).

The work of the law enforcement bodies and the police in particular has also evolved transforming from blackmailing to negligence. "If in 2010, when gay bars were just opened, every week there were

police raids – the police were taking people to the police station. Now such a thing doesn't happen. The police now use other methods of pressures, but there are no raids, closing of bars, and detention of people", Rzayev continues. There is also an increased sense of self-respect and self-sufficiency among LGBTI people. An expert currently working at "Gender and Development" recalls: "Yes, I had problems with the police, but it was because I didn't know my rights. The police accused me of selling pornography. They blackmailed me and extorted money in exchange for not telling anything to my family. I gave the money and left the police station. But now nobody can scare me, because I know my rights" (An anonymous expert 2016).

In addition, the efforts of the organization resulted in including LGBTI in the list of vulnerable groups. "In 2010 I tried walking in to the Ministry of Health through the front door, and they kept kicking me out. I went in through windows. For a whole year, I was talking to the Deputy Minister of Health. He kept telling me that there are no gays in Azerbaijan; 'what are you talking about?!' I questioned whether or not he realized where he was living. Eventually our organization was successful in including homosexuals in the list of vulnerable groups. Now we are getting condoms from the government. If we were not included in the list of people at risk, this would not have happened. We also are entitled to free medical care and free testing. These are all our achievements within ten years" (An anonymous expert 2016).

This anonymous expert believes that with each year, the situation with LGBTI is getting slightly better: "For already nine months, I am living with my loved one. His family knows everything. At first, they did not accept it, but we were patient and tried explaining that we were born this way. Little by little they accepted us" (An anonymous expert 2016).

Literature on the LGBTI

In 2009, the writer Alikper Aliyev, with the penname Ali Akber, wrote a novel "Artush and Zaur" telling the love story of two homosexuals. This book became notorious for several reasons. This is not just a story of homosexual love, but also the love story of an Azerbaijani man and an Armenian man. Thus the author challenged the Azerbaijani society in two ways at once. There is nothing surprising that the novel became a subject of heated discussions in Azerbaijan. The parallels with the novel "Ali and Nino" are not accidental.

In Azerbaijan, Alikper Aliyev was accused of being unpatriotic, cynical, and depraved and that the author used the homosexual love story as a catch to intrigue and attract readership. In an interview to the news agency "Sputnik", Alikper Aliyev admitted: "My mission is to convey the banal truth to people – to be an Armenian or gay is not a shame. Stop getting offended because of such small things. It is shamefully to be corrupt, to be a bribe-taker, embezzler, thief, traitor, opportunist, slanderer..." (Sputnik-Azerbaijan 2009).

150 copies of the book were sold within a month, and for Azerbaijan this is a high figure. The novel has not been banned, but the author has been subject to public backlash: "I am known as a scandalous writer and a scandalous person, so I am used to such treatment. But attacks were never this intense... 'It's not possible. We don't have gays. And even if there are gays, they will never share a bed with an Armenian'" (BBC 2009).

In 2014, another novel about homosexual relationships by Orhan Bahadirsoy "The sin of loving you" was published. In addition to these literary interventions, the LGBTI organizations active in the country

organize trainings and events, prepare brochures, and try to educate people. However, as the doctor Rustam Salayev pointed out, “in a society that operates based on stereotypes, is prone to stigmatization and labeling, it is difficult to expose taboo themes and change people’s minds. It becomes even more difficult when the government and the media are not helping, and instead escalate the situation. The situation gets more aggravated by the lack of understanding and unity among the LGBT themselves” (Salayev 2016).

Georgia

The LGBTI and the society: Development of discourses and discriminatory acts

Discourses about the gay community in Georgia shifted multiple times: from denial to medicalization and puritanical moralization. Until the 2000s the dominant premise was that there are no gay Georgians, and LGBTI exist only abroad. It was the period of complete denial and tabooing of the issue. In the next stage, the existence of LGBTI people was reluctantly acknowledged, but they were branded as “sick”. The third round of discourse transformation was marked by labeling LGBTI as “immoral people”.

In his critique of the approach of considering being LGBTI a disease, Beka Gabadadze from the NGO “LGBT-Georgia” underlines: “Unfortunately, the society lacks information on this topic. Issues related to LGBT lie in the realm of social not clinical issues. The main issue in our society is the homophobia” (Gabadadze 2016). Homophobia exists in very different forms leading to physical violence and sometimes even murder. There is no official statistics, but beatings of LGBTI people are very common. At the same time, some crimes motivated by homophobia make it to the official records. In Spring 2016, in the Vokzal’naya metro area a transgender woman was beaten up. A criminal case was opened. Currently, there is an open case on the murder of another transgender woman.

The NGO sector and studies on the LGBTI

Currently there are only four NGOs working on this issue in Georgia – the LGBTI Association “Femida”, “LGBT-Georgia”, “Identoba” (“Identity”) with its branches in Kutaisi and Batumi, and “Women’s Initiatives Supporting Group” (WISG). In addition, there are NGOs that provide legal support and help with healthcare issues – the Human Rights Education and Monitoring Center (EMC), the Georgian Young Lawyers’ Association (GYLA), and the NGO “Tanagdoma” (“Support”).

Due to the lack of official statistics, the NGO representatives conducted their own studies which show a prevalence of physical and psychological violence, intimidation and bullying toward LGBTI people. A 2012 study on discrimination conducted by the WISG showed that 32 percent of respondents were subjected to physical violence at least once within the last two years. The most common form of physical violence is beating with 58.33 percent of occurrence. 11 percent experienced sexual pressure. (Women's Initiatives Supporting Group (WISG) 2012)

73 percent of respondents never reported these abuses to the police. This is due to several factors – the inefficiency of the police; the fear of homophobic reactions from the police. Sometimes, the respondents did not consider the incident serious enough to turn to the police. Moreover, 46 percent of those who did turn to police for help were unhappy with their decision, as they indeed faced with homophobic reaction from the police. At the same time, 30 percent of respondents pointed out that they received a friendly response from the police, and 23 percent said that the reaction was neutral. (Women's Initiatives Supporting Group (WISG) 2012)

89.33 percent of the respondents were subjected to psychological violence. 75.37 percent of respondents had this experience three or more times, 11.94 percent twice, and 12.69 percent once. From most common forms of psychological violence respondents singled out verbal abuse, mockery, and derogatory comments. Some received hateful letters. (Women's Initiatives Supporting Group (WISG) 2012)

In 2015, the WISG completed a study on the healthcare needs of LGBTI people. The survey also included questions related to physical and psychological pressure. The study showed that despite the improvements compared to 2012, 20 percent experienced physical violence and 68 percent were subjected to psychological pressure and violence (Women's Initiatives Supporting Group (WISG) 2015).

The LGBTI and the law: Privileges and equality?

The adoption of laws providing for protection of LGBTI rights was the result of integration into European structures and obligations that come with it. On June 1, 2000, Georgia adopted a law on the decriminalization of homosexual intercourse. In 2006, Article 2(3) of the Labor Code of Georgia was adopted which prohibits discrimination at the workplace based on sexual orientation. The 2012 amendments to the Criminal Code of Georgia made crimes motivated by the sexual orientation of the victim an aggravating factor in the crimes against LGBTI people, which should lead to a tougher sentence. These legislative reforms were concluded by the anti-discrimination law passed by the Parliament on May 2, 2014 prohibiting all forms of discrimination, including on grounds of sexual orientation and gender identity (Gabadadze 2016). The law prohibits discrimination on the grounds of race, nationality, gender, age, sexual orientation and gender identity, citizenship, place of residence, conditions of life, and several other factors. The law angered the conservative parts of the society, including the church. This critique was backed by the argument that the LGBTI community will be more privileged, when in fact the law was not about privilege, but equality.

According to an expert, the anti-discrimination law is not functioning in practice. "It can be called a stillborn law", – says Beka Gabadadze (Gabadadze 2016). The inefficiency of the law is due to ambiguous terms or other loopholes that allow criminals to avoid prosecution. "The Georgian legislation is well written. It includes provisions on crimes committed on the grounds of hate, dislike of a person because of his gender identity. But in reality, we were unable to find facts and cases that were started using this law. The cases are usually started on the grounds of hooliganism", explains Beka Gadabadze (Gabadadze 2016).

The LGBTI issues also get politicized. Another round of parliamentary elections will be held in Fall 2016, and this leads to a higher demand in homophobic sentiments and hate speech. The article on marriages of the Georgian Civil Code has become a reason of heated debates. These debates come down to the ambiguous interpretation of the language of the Constitution and the Civil Code. Article 36 of the current Constitution stipulates that "marriage is based on legal equality and the goodwill of spouses". At the same time, the Civil Code of Georgia specifies that marriage is "a voluntary union between a woman and a man". The Parliament is currently debating these issues. According to the initiative, the first paragraph of Article 36 of the Constitution should read: "Marriage, a voluntary union between a man and a woman to create a family, is based on the legal equality of the spouses". Thus, this may lead to the criminalization of same-sex marriages.

Gender and Politics

The nature of the proposed constitutional amendments can be viewed as (geo)political. Experts interviewed for this paper estimate that about 80-85 percent of Georgian society is homophobic. If previously this was used only by the parties not elected to the Parliament, this year the situation has changed. All main parties are banking on the topic of gay marriage. Making constitutional amendments defining marriage as “a union between a man and a woman” is the initiative of the “Georgian Dream” coalition and the “Free Democrats”. This is a good example of how governments can manipulate homophobic sentiments in the society to win the elections.

On March 30, 2016, the press service of the Central Electoral Commission (CEC) of Georgia stated that it has accepted the initiative of holding a referendum on same-sex marriages. The topic became urgent in late January of the current year, when LGBTI rights’ defender, lawyer Giorgi Tatishvili appealed to the Constitutional Court of Georgia demanding the legalization of same-sex marriages in the country. He argued that the Constitution does not specify that marriage is a union of a man and a woman only. Holding a referendum by law requires collecting 200 thousand signatures by the initiative group to be submitted to the CEC. The CEC checks the documents and turns to the President of Georgia who decides the question of holding the referendum.

The representatives of the LGBTI NGOs believe that Giorgi Tatishvili’s initiative on legalizing gay marriage in Georgia is simply a provocation. They believe that Giorgi Tatishvili could be backed by some political and religious forces that want to reinforce negative attitudes toward the representatives of the LGBTI community in society.

“This is a clear manipulation since none of the LGBTI organizations in Georgia asked for the same-sex marriages to be legalized. We are yet at that stage when we want to avoid crimes being committed on homophobic grounds. We also want to strengthen our community. We have not voiced anything about same-sex marriages, and such initiatives are not made for consideration. This idea was introduced by a very questionable person, and we believe that certain political forces are manipulating him in order to bring up this issue and to use it for their own purposes and also to mobilize their constituencies. Now there is a large-scale campaign on this issue”, – says the executive director of the NGO “Femida” Koba Bitsadze (Bitsadze 2016).

“If you look at our region in general and what has happened in Armenia and is happening in the post-Soviet space, then we can speak of Russia’s use of soft power. Russia positions itself as a country that protects traditions and with such positioning wants to find allies among the post-Soviet countries... They emphasize that Europe and the West are destroying traditions and are corrupt. You’ve probably heard of the well-know phrase “Gayurope”, says Beka Gabadadze (Gabadadze 2016).

Natia Gviniashvili from the WISG also believes that the constitutional amendment initiative is a per-election game to attract votes for the ruling party. This is very clear, since not a single LGBTI NGO has come forward with such an initiative. “Currently there are enough of other problems such as violence, police inefficiency, discrimination, and so on. But the government needed a topic to consolidate the society around. So they found it. This issue is an attempt to cover up real social problems in the society. I am sure that if a referendum is scheduled, the authorities will want to hold it on the same day as the election. This means they want to consolidate people, so they unanimously vote NO to same-sex marriages”, – says Natia Gviniashvil (Gviniashvili 2016).

This issue was largely debated in the society, so the President of Georgia had to answer the question on same-sex marriages. “The constitutional amendment that defines marriage as a union between a man and a woman initiated by the “Georgian Dream” is not a relevant topic in Georgia, and this issue aims to divert public attention from real problems in the country”, – said the President of Georgia Giorgi Margvelashvili on May 10, 2016. “I think it’s a far-fetched topic”, – he said, “Why set off a tempest in a teapot? The answer is simple: so that they can avoid talking about jobs, education, culture, the occupation.” (Civil.ge 2016).

Human rights organizations state that this initiative is a “populist” move in the run-up to the elections with the purpose to get the support of the conservative part of the Georgian society. Same-sex marriages have never been at the top of the priority list in the country where LGBTI are facing more pressing problems, such as violence, physical, psychological, and verbal abuse.

The LGBTI and the church: Colorful war with a sequel

LGBTI activists point out that the church as an institution, referring to the Georgian Orthodox Church, is homophobic. While officially there is a separation between the state and the church, they are very closely connected making up part of the problem. For many Georgians following the Orthodox Church is one of the most important aspects of national identity.

A significant event revealing the attitude of the Georgian Orthodox Church toward the LGBTI community happened on May 17, 2013 on the International Day Against Homophobia (IDAHO). LGBTI activists were planning a flash-mob in front of the Parliament building. In turn, the Orthodox Church urged its followers to organize counter-action, which turned the event into violence and persecution of LGBTI activists. 28 people were injured in the clashes on 17 May, 2013. The Church has demonstrated a willingness to mobilize its followers to pressure LGBTI people. The goal is to prevent their access into the public space.

Another move through which the Georgian Orthodox Church demonstrates its power is maintaining close ties with the Russian Orthodox Church. “KGB was actively involved in churches during the Soviet times. Spreading homophobia is not only religiously but also politically motivated. For example, they support the hawkish “Union of Orthodox Parents” and have ties with the Russian branch of this organization. So we can see a clear connection here”, believes Beka Gabadadze (Gabadadze 2016).

After the events of May 17, 2013 the Prosecutor General’s office filed a number of lawsuits against several priests, but none of them were found guilty. On October 23, 2015 the Tbilisi City Court acquitted four clerics who were charged with obstructing the LGBTI event in Tbilisi on May 17, 2013. The judge David Megeliashvili announced father Iotam (Irakli Basilia) and the other three persons detained together with him not guilty. For another case of crackdown on LGBTI, another priest – Archimandrite of the Holy Trinity Cathedral Antimoz (Tamaz Bichinashvili) was detained, but proceedings against him were dismissed. The criminal case against him was initiated under Article 161 of the Georgian Criminal Code (encroachment upon the right to assembly or demonstration), which is punishable with a fine or imprisonment of up to two years.

This tragic incident not only didn’t stop the church, but also led to even larger-scale mobilization. From 2014 onward, the Patriarch announced May 17 to be celebrated as “Family Day” to counteract the Day Against Homophobia (Civil.ge 2014). In addition, in mid-May 2016, Tbilisi hosted a “World Congress”, a four-day summit dedicated to issues of the family. In reality, this was a well-attended “anti-gay”

symposium. The agenda included presentations with titles such as “Global demographic winter” or “Sexual revolution and the cultural Marxism” (Lomsadze 2016).

Mid-May of this year made Tbilisi a battleground for control over the city space. The police were fighting against street art and graffiti. Ten LGBTI community supporters were arrested on charges of damaging the design of administrative buildings. Detainees painted in different colors several buildings, including the building of the Georgian Patriarchate. The pictures represented a rainbow in celebration of the IDAHO. The Ministry of Interior told “InterPressNews” that the 10 people were detained under Article 150 of the Code of Administrative Offences for arbitrarily altering the appearance of a self-governing unit. By morning they were all released. Also, several detainees were accused for violations under Article 173 for resistance to the police.

The representatives of the LGBTI community of Georgia refused to organize events on May 17, 2016 dedicated to the IDAHO since the authorities were not ready to provide security guarantees for the participants. Georgia’s Public Defender Ucha Nanuashvili made a statement in which he expressed his regret that events dedicated to the IDAHO were not held. In the near future, the Ombudsman’s special representatives will be conducting monitoring throughout the country and a special hotline has been established in his office where cases of homophobia can be reported.

The LGBTI and the media

Between 2004 and up until 2006 was a period notable of complete ignorance of LGBTI by the Georgian mass media. Since 2008 coverage of the LGBTI issue presented the following pattern according to the media monitoring conducted by Otar Kobakhidze, a graduate student of anthropology at Tbilisi State University: 6-8 percent of the coverage was positive; 16-22 percent of the news pieces had neutral undertones, and 60-70 percent of the coverage carried a negative attitude (Kobakhidze 2016).

Most of the media openly supports Georgia’s aggressive discourse of intolerance and homophobia. The TV stands out as the most homophobic mass media outlet. Usually mass media presents the LGBTI topic as something scandalous, unusual, and exotic. The LGBTI activists either are not invited to the talk-shows on this issue, or are invited together with extreme homophobes as opponents. Clearly this approach does not leave much room for a healthy debate. For example, on June 2, 2014, during a TV program on the channel “Objective”, one politician said: “When we come to power, the first thing we will do is to abolish the anti-discrimination law”.

On October 5, 2014, member of the Parliament Luka Kurtanidze on the channel “Rustavi 2” was angrily posing a rhetorical question: “What were you up to when we were getting lessons on faggotry and sadomite? And which one is the correct last name Sahakyan or Saakashvili?” This was in reference to the former president Mikheil Saakashvili whose term saw the adoption of the anti-discriminatory law and an “allegation” that he is not an ethnic Georgian, but rather an Armenian. These statement is not only full of homophobic sentiment, but also discriminates Armenians of Georgia as an ethnic group. Interestingly enough, in Armenia similar references are made regarding Georgia. “For some reason, here this topic is seen to be connected with Armenians and Armenia. At the same time, in Armenia this topic is seen to be connected with Georgia”, says Otar Kobakhidze (Kobakhidze 2016).

The LGBTI issue in Georgian mass media follows several major trends of pitching: 1) homosexuality is a disease; 2) LGBTI people are associated with crime and prostitution; 3) homosexuality is imported from the West, and the latter is played off against Russia. The general belief is that Russia, like Georgia,

is the guardian of traditions, and fights Europe's "homosexual influence"; 4) same-sex marriages will be inevitable in Georgia, if there is a continued protection of the rights of LGBTI and the LGBTI community is loaded with dangerous destruction powers; 5) the social majority is against LGBTI "propaganda", and while they admit that the LGBTI community has a right to exist, there are to be denied their right to publicity.

LGBTI-friendly publications and authors also exist in the mass media of Georgia. For example, liberal press such as "Tabula", "Netgazeti", and "Liberali" publish articles on the protection of the rights of the LGBTI community. The channel "Rustavi-2" aired the talk-show "Profile" where issues related to transgender people were properly addressed. However, such publications are rare exceptions, and their perspectives simply get shadowed by the dominant discourse of hatred and aggression against LGBTI.

According to Koba Bitsadze, the LGBTI related issues are no longer a taboo for the mass media compared to what the situation was 10-15 years ago. However, most high-ranking TV shows are filled with homophobic sentiment. WISG representative Natia Gviniashvili seconded this by adding that "10-15 years ago, there was significantly less information about gender, sexuality, and LGBT. Today we have more open and diverse information channels and also better legislation. But public opinion got significantly worse. In early days, this topic was a taboo, but there was much less aggression. If we compare the CRRC-Tbilisi's [The Caucasus Research Resource Center] poll results 5 years ago and today, it becomes clear that if previously about 80 percent believed that homosexuality is unacceptable, now we are looking at 95 percent. We can assume that these dynamics is the result of the politicization of the issue, and its use as a political instrument. Since the Georgian Orthodox Church is also a political player, same applies to the Church" (Gviniashvili 2016).

LGBTI themes and art

Georgian modern cinematography also addressed the issue of LGBTI. An example is a short film directed by Salome Sakhardze "Red Dress". The film is dedicated to the IDAHO event on May 17, 2013. Zaza Rusadze's movie "A Fold in My Blanket" also includes implicit messages related to LGBTI issues. Georgian contemporary writer and journalist Nino Tarkhnishvili authored several short stories on this issue – "Lilly and Late and Leah", "Prayer of a Priest Before Going to a Color War", "My Child is a Lesbian".

A comparative analysis

The analysis presented above underlines the dominance of homophobic discourses and politics in the countries of the South Caucasus. In addition, there is still a certain level of taboo in discussing the LGBTI topic. To understand the unique nature of this situation, we have to consider the urban boom and the accompanying lifestyle as a key factor in it. LGBTI people leave the provinces, where they are easy targets for persecution, and move to the cities as the most acceptable environment for LGBTI life. Information technologies play an important role in the LGBTI education. The views that Russia, like Georgia, is a guardian of traditions and also fights "gay trends" coming from Europe are widespread.

Analyzing the dynamics of booms and busts of aggression targeting LGBTI people in the countries of the South Caucasus, the following is observable: in Armenia and Georgia, the waves of homophobia are related to pro-Russian versus pro-Western sentiments; in Armenia and Georgia interest toward this topic is conditioned by the election-related political technologies. In all three countries, we witness a

conflation of concepts (for example, the dominant “clinical” approach toward gay people and a distorted interpretation of transgenderism; the alleged opposition of family values to LGBTI tolerance) and other types of manipulation (for example, a demographic panic and portraying LGBTI in populist and nationalist tones) that often spring from a lack of knowledge and information on LGBTI. There is also significant political “flirtation” with the conservative electorate, which unfortunately is the vast majority of the constituencies.

Taboos related to gender issues are certainly linked to nation building. At the same time, they are also a result of “soft power” (ideological and doctrinal pressure and new forms of colonialism) and sometimes even the “hard power” (traditional colonialism). Armenia’s 2013 constraint to adhere to the Eurasian Economic Union is a prime example of this with an immediate activation of anti-gender campaigns. After these events, the term “gender” and all related issues became a taboo and were eliminated from the legislation as well as the public discourses as much as possible. Conservatives stated that the term is associated with European values, and that the entire discourse on gender equality can affect future political developments. Fears of moral and demographic decline are linked to patriotism and lead to the idea that “national unity shouldn’t be jeopardized when there is an external enemy”. Thus, the externalization of the enemy becomes a strategy and leads to the establishment of a discursive taboo.

Despite Georgia’s European aspirations, the issues around the LGBTI community introduce a significant asymmetric divide in the society and the social movements. For some of these movement, it introduces solidarity with the “ideal-family” rhetoric prevalent in Russia. Political elites in Russia grab on the remains of a common socio-cultural identity to ensure or restore a geopolitical presence in the South Caucasus, including the post-Saakashvili Georgia. It is clear that Kremlin has fundamentally revised the notorious motto offered by Boris Yeltsin, “Let each political entity take as much freedom as it can handle”.

In Azerbaijan, the LGBTI issue is mostly framed by the traditionalist-conservative perceptions on family values also incentivized by Russia in contrast to an anti-discrimination vector influenced by the West. The authors do not claim that homophobia did not exist in Azerbaijan without “parent committees” and other trends cultivating such sentiment. At the same time, it seems that the ideologically opposite gender approaches have become the basis for a new round of post-Soviet mobilization. Rejection of LGBTI unites conservative, patriarchal, and patriotic groups in the South Caucasus and Russia. It is a unique uniting factor that Russian leadership attempts to use to restore its influence in the region and distance it from the West and “Gayurope” that is so “alien” to the Caucasus culture.

In addition, mythologies on LGBTI, in particular “the issue of the reproduction of the nation” invoke demographic concerns revealing significant similarities among the countries. The unanimity of views among nationalists of the 1990s that there are no gay Azerbaijanis, Armenians, and Georgians is quite impressive.

The social aggression mainly targets male homosexuality and transgender individuals. Society views lesbian relations as disappointing, but with a certain level of understanding: “the girls were unlucky and did not meet a cool guy”. It is important to underline that this approach is common in other contexts as well. The issue of a laxer attitude toward female same-sex relationships compared to male

relationships has methodological significance. The key in understanding it is looking at the core of patriarchal ideology which is centered around the phallus. A sexual intercourse that does not involve the phallus and penetration as a demonstration of power relations is not considered serious. Thus, it is not seen as dangerous. This issue, however, has to be examined thoroughly.

The report of the fifth annual European Commission against Racism and Intolerance points out that hate speech towards LGBTI is often used in the Georgian media space, including the mass media, Facebook, online forums, and other media (European Commission Against Racism and Intolerance 2015). Obviously, this is true for the other countries of the South Caucasus as well.

The South Caucasus countries again got united around the havoc created by the Austrian transgender performer Konchita, who won the Eurovision song contest in 2014. Debates overloaded the mass media, as well as the social media. In Georgia, the headline of the article in the newspaper "Asaval-Dasavali" speaks for itself: "'The Public Broadcaster' – one of the Georgian TV channels – sends to the Eurovision contest an apologist faggot on behalf of the country". An article supporting Konchita written by a Yerevan-based French author that was published in the Armenian mass media generated a hateful reaction and threats.

In all three countries, religious leaders to some degree are leading the homophobic movements and anti-LGBTI actions. The Georgian Orthodox Church is the leader in the frequency and intensity of such actions. This is largely due to a greater degree of power that it enjoys compared to the neighboring countries. Perhaps this is also the result of Georgia's more liberal legislation that allows the LGBTI community to be more active and produce a stronger response compared to the less noticeable movements in Armenia and Azerbaijan. Muslim clerics in Azerbaijan are relatively quiet. This is true not only regarding LGBTI issues. In Armenia, the clergy has yielded this position to the radical nationalists, who demonstrated their "noble indignation" and marched in an anti-parade against the diversity parade held in Yerevan in 2014.

Aggression and criminal activity against LGBTI are wide spread in all the countries of the South Caucasus with only one difference: there are no reported cases of hate homicides in Armenia. Probably this is due to a very low crime rate in Armenia, especially homicide, but this issue is a subject of a separate research study. In the past fifteen years, there were no reported cases of murder of LGBTI people as hate crimes motivated by sexual orientation and gender identity. It can be only assumed that the lack of targeted crimes is the flip side of the demographic panic. The discourses on the preservation of the ethnic background result in a high value of life for any person with this ethnic identity regardless of his "qualities". At the same time, LGBTI are also blamed for committing genocide against their own people through sabotaging the reproduction of the nation (see the above photo).

Georgia is far ahead of the other South Caucasus countries with its legislative and regulatory framework. In 2000, homosexual intercourse was decriminalized. In 2006, labor code articles were developed prohibiting discrimination at the workplace. In 2012, amendments were introduced to the criminal code defining grounds of homosexuality and transphobia as aggravating circumstances in crimes. In 2014, the anti-discriminatory law was adopted. In this regard, the other countries in the region are falling behind significantly. At the same time, everywhere the existing legislation is not functioning properly due to an overwhelming resistance from the "bottom" or other reasons.

In all three countries, only a handful of civic activists are developing positive discourses, and this is a very weak barrier for the well-united aggressive majority. In the long-term, this pattern could be changed through the introduction of new education programs with a mandatory gender component not only for social sciences curricula, but also at the level of elementary schools. The UN project on changing the pictures in ABC books was under a heated debate in Armenia, but did not get approved (Tsaturyan, *Gendernyye voprosy v pedagogicheskoy srede (uchiteley, vospitateley i studentov pedagogicheskikh uchebnykh zavedeniy)* 2014) (Tsaturyan, *Gendernyye roli v uchebnikakh nachal'nykh shkol Respubliki Armeniya* 2012). In Azerbaijan and Georgia, the issue of textbooks and overcoming homophobia through education has not been touched yet.

Squeezed between the private and the public

Talking about LGBTI, people often refer to “traditional norms” and “sexual deviations”. However, recent scientific studies showed that social “norms” as well as “deviations” are constructed in the human mind, and the boundaries of “norms” and “abnormalities” are situational.

The choice of sexual orientation is surprisingly politicized. In an environment of total homophobia, it is unrealistic to expect that LGBTI will be coming out of the closet or will initiate discussions around their issues. The fear of rejection even from the closest family members forces LGBTI people to hide and live a double life adapting to social norms on the one side, and pursuing their passions on the other.

In more traditional societies, there are more taboo topics around gender relations and sexual preferences and orientation. In the view of adherents of traditions, conversations *around this* are jeopardizing the “norms” and the society as a whole. It is not surprising that any individual who speaks about LGBTI with understanding is marginalized. The dominance of nationalistic ideology in Azerbaijan, Georgia, and Armenia is largely based on the tradition of patriarchy and is currently impeding the development of an alternative discourse around LGBTI.

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Acronyms and Abbreviations

LGBTIQ Lesbian, Gay, Bisexual, Transgender, Intersex, Queer

ILGA International Lesbian, Gay, Bisexual, Trans and Intersex Association

WHO World Health Organization

UN United Nations

PINK Public Information and Need of Knowledge

NGO non-governmental organization

CEDAW Convention on the Elimination of All Forms of Discrimination against Women

ECOSOC Economic and Social Council

DIY Do It Yourself

EU European Union

HIV human immunodeficiency virus

WISG Women's Initiatives Supporting Group

EMC Education and Monitoring Center

GYLA Georgian Young Lawyers' Association

CEC Central Electoral Commission

IDAHO International Day Against Homophobia

CRRC Caucasus Research Resource Center