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Ex-Soviet nation breached international obligations by failing to protect them from inhumane and degrading treatment, court rules.

By Umberto Bacchi

Thomson Reuters Foundation (08.10.2020) - <https://bit.ly/3IE5nTM> - Europe's top rights court said on Thursday Georgian police had deliberately humiliated LGBT+ activists by strip searching them during a raid, a ruling campaigners hope will help change attitudes towards gay people among local authorities.

The European Court of Human Rights (ECHR) found the ex-Soviet republic had breached its international obligations by failing to protect the activists from inhumane and degrading treatment, and by not properly investigating the incident.

"The judgment exposes systemic discriminatory attitudes within the Georgian police, which must now change," said Philip Leach, director of the British-based European Human Rights Advocacy Centre (EHRAC), which represented the claimants.

The Georgian government did not immediately reply to a request for comment.

Georgia has witnessed a cultural clash between liberal forces and religious conservatives over the past decade as it has modernised and introduced radical reforms, though it remains socially conservative for the most part.

It has passed anti-discrimination laws in an effort to move closer to the European Union, but LGBT+ rights groups say there is a lack of adequate protection by law enforcement officials in cases involving homophobic abuse.

Thursday's ruling stems from a December 2009 raid on the Tbilisi offices of the Inclusive Foundation, Georgia's first but now-defunct LGBT+ organisation, where a group of campaigners, mainly women, had gathered to prepare an art exhibition.

According to witness statements, plain-clothed police officers looking for drugs arrived without showing a warrant and became aggressive upon realising they had entered the premises of an LGBT+ group.

The officers insulted the women present, calling them "sick", "perverts" and "dykes", and threatened to reveal their sexual orientation to their families.

Cannabis was found inside the desk of the group's director, who was arrested and charged with a drug offence. He later confessed to the crime and was released on the condition he pay a fine as part of a plea bargain.

Nearly all of the women were told to undress - but police did not search the clothes they were told to take off.

In 2010, two of them - Ekaterine Aghdgomelashvili and Tinatin Japaridze - filed a criminal complaint for police abuse with local authorities.

They later appealed to the ECHR, which found that while the local case was still ongoing, authorities had yet to undertake a single investigative act.

In a unanimous ruling, judges said police behaviour was "grossly inappropriate" and motivated by homophobic hatred, the court said in a statement.

Neither the police nor the government had given reason for the strip searches, leading judges to conclude "their sole purpose had been to embarrass and punish the applicants", the court added.

"It's a very emotional moment. This case changed quite a lot of my life, negatively mostly," Japaridze told the Thomson Reuters Foundation in an online call. "After 11 years I have a sense that justice... is in place."

The court awarded her and Aghdgomelashvili \$2,000 each in damages, and rights campaigners hailed the ruling.

Keti Bakhtadze, a lawyer at the Women's Initiatives Supporting Group (WISG), a Georgian LGBT+ group of which Aghdgomelashvili and Japaridze are members, called it "very important".

She said she hoped it would push the government to push legislative changes and introduce awareness campaigns and training on LGBT+ issues for law enforcement officials.
