



Statement of the Coalition for Equality on the Transphobic Violence against Miranda Paghava

The Coalition for Equality issues this statement in response to the act of violence motivated by transphobic hate against a transgender woman, Miranda Paghava [1], and urges the law enforcement authorities to take operative and effective actions in response to the incident.

According to Miranda Paghava, on January 28, during the period between 4am-5am, a stranger assaulted her and abused her physically and verbally outside Vake Park. As a result, she sustained bodily injuries including a wound on her face. According to Miranda Paghava, the assailant used language of transphobic hate. She states that she asked by-passers including private security service officers for help but they refused to call an ambulance or police for her.

Transphobic prejudice in the society – negative attitudes towards transgender people manifested through hatred, disgust and aggression – is especially widespread in Georgia [2] and because of it transgender people are especially vulnerable towards violent crimes and they face barriers to access to justice.

According to the Ministry of Internal Affairs of Georgia, investigation into the incident was launched under Article 126 of the Criminal Code of Georgia () or other type of violence that resulted in the victim physical pain . We believe that such

qualification does not adequately reflect gravity of the crime and the psychological and physical damage sustained by the victim, on account of special vulnerability and exclusion of transgender women unlike any other group of the society. The action perpetrated against Miranda Paghava can be qualified under para.1 of Article 144³ of the Criminal Code of Georgia – [REDACTED] or coercing a person, or exposing a person to inhuman, degrading or humiliating conditions as a result of which s/he suffers severe physical, mental pain or moral suffering. A [REDACTED] The primary object of legal protection against the crime envisaged by art.126 of the Code is an individual [REDACTED] health while art.144³ protects both physical and mental health of an individual, as well as his/her dignity and honor.

In addition, Miranda Paghava [REDACTED] request for a restraining order to protect her against violence was denied.[3] The case is currently under investigation.

We believe that examining the motive of transphobic case according to the European Court [REDACTED] jurisprudence is essential in the crime perpetrated against Miranda Paghava.[4] Examining the discriminatory motive in certain cases is important for implementing effective anti-discrimination policy in Georgia, identifying root causes of hate crimes [5] and preventing them.

In light of the foregoing, the Coalition urges the Ministry of Internal Affairs and the Office of the General prosecutor to:

- take all adequate measures for recovering evidence that proves the motive of transphobic hate and qualify the crime based on its gravity;
- recognize Miranda Paghava as a victim and identify suspect in a timely manner;
- take measures to protect the victim if the court does not order imprisonment against the defendant as a restraining measure;
- develop a single strategy for combating crimes motivated by homophobic and transphobic hate, with the aim of responding to such crimes and combating and preventing their root causes;

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The Coalition for Equality – the Coalition for Equality is an informal association of eight nongovernmental organizations established in 2014 with support of the Open Society – Georgia Foundation.

The Coalition brings together the following nongovernmental organizations: Open Society – Georgia Foundation, Human Rights Education and Monitoring Center (EMC), Article 42 of the Constitution, Sapari Union, Georgian Young Lawyers' Association, Women's Initiatives Support Group, Partnership for Human Rights and Identoba.

[1] See the article of Liberali, dated 28 Jan 2018: <http://liberali.ge/news/view/33918/transgenderi-qali-atskhadebs-rom-vakis-parktan-gamteniisas-tavs-daeskhnen>

[2] See the survey performed by WISG in 2016 – [1111] Prejudice to Equality A. E. Agdgomelashvili, available at: <http://women.ge/publications/87/>

[3] Because absolute majority of transgender women do not have access to costly medical procedures, their gender is not legally recognized in identification documents, so they do not enjoy access to mechanisms for protection from violence on equal basis to other women.

[4] See: Identoba and others v. Georgia, no. 73235/12, 12.05.2015; Nachova and Others v Bulgaria, no. [GC] - 43577/98 and 43579/98 6.7.2005 [GC].

[5] See: Identoba and others v. Georgia, no. 73235/12, 12.05.2015