



The Coalition for Equality responds to the brutal beating of a transgender woman on October 14 and calls on the Ministry of Internal Affairs to carry out a timely and effective investigation of the case

According to media reports, on October 14th, a transgender woman was brutally beaten by two men in Ortachala. The victim suffered multiple injuries, including multiple stab wounds to her neck and broken facial bones. The Ministry of Internal Affairs reported that the case is under investigation in accordance with Article 108, attempted murder.

This is not the first instance of brutal violence against a transgender person in Georgia. Over the years, lesbian, gay, bisexual and transgender people have endured continuous violence and discriminatory treatment by the society and public institutions. The 2014 murder case of Sabi Beriani, a transgender woman, is but one example. In her case, the National Court acquitted the accused person because of prosecution's failure to present sufficient evidence.

In Georgia, transgender people are particularly marginalized. The Public Defender of

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Georgia repeatedly emphasized in his annual report that there is a grave situation with regard to the violation of human rights of transgender people and widespread violence toward them. He called on the Government to investigate effectively the violence toward and harassment of members of the LGBT community.

In line with OSCE/ODIHR Guidelines, the fact that a victim of a crime represents a minority group or historically marginalized and oppressed group should be enough for law enforcement to investigate hate as a possible motive behind a crime. At the same time, when no other more obvious motive can be identified at the first stage of investigation and the victim and the alleged perpetrator have a different identity, the severity of the crime and its brutality can be a strong indicator that the crime was motivated by hate. In some cases, the brutality of the crime is an indication of a perpetrator's desire to dehumanize a victim perceived to be of a different racial, ethnic, cultural or gender identity.

Unfortunately, the apparent ineffectiveness of the state's policy against homophobic and transphobic hate crimes, including in high-profile cases, a fundamental shortcomings in the justice system, and the lack of political will to establish a human rights-based approach and equality-based policies led to the creation of an environment of impunity and turned the LGBT community into the country's most marginalized social group.

The Ministry of Internal Affairs must carry out a timely and effective investigation of the attempted murder of the transgender woman in accordance with the approaches and standards outlined in the OSCE/ODIHR Guidelines. This starts with how the crime is identified, including by examining the motives of the crime and other aggravating circumstances and adequately reflecting the alleged hate motive in the legal assessment of the case.

In addition, it should be noted that over the years, especially during pre-election periods, various political parties resort to hate-filled rhetoric, inciting moral panics (e.g. the ruling parties initiative regarding marriage issues). The political instrumentalization of members of the LGBT community has contributed to the deterioration of public attitudes towards people based upon sexual orientation and gender identity. This deterioration in public attitudes is reflected in levels of violence and discriminatory practices.

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Therefore, the Ministry of Internal Affairs must show its firm position at the political level that the state will not be loyal to those committing hate crimes and will fight against the violation of equality. The state should understand the symbolic meaning of such crimes and the fact that negative social attitudes affect not only the individual victim(s), but also the whole LGBT community and give rise to fear and feelings of insecurity and desperation in community members.

Therefore, the Coalition for Equality calls on the Ministry of Internal Affairs and the Prosecutor's Office to:

- Promptly and thoroughly investigate all the circumstances surrounding the brutal attack of the transgender woman, including an assessment of the alleged hate motive;
- Identify in a timely manner the perpetrator(s) and launch criminal proceedings;
- Due to the high public interest in the case, the investigating authorities should regularly inform the public about the progress of the investigation;
- Political parties should publicly condemn this incident and express their firm opposition to homophobia and transphobia.

In addition, the media, while covering the case, must protect the standards of human rights, including the right to privacy and journalistic ethics.

The Coalition member organizations will actively monitor the progress of the case and will continue to provide information regarding this case to the public.

Human Rights Education and Monitoring Center (EMC)

Women's Initiatives Support Group (WISG)

Open Society Georgia Foundation (OSGF)

Identity

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Partnership for Human Rights (PHR)

Union Sapari