

Armine Oganezova against Armenia

[Case Law](#), [Safety](#), [Armenia](#), [Bias-motivated Speech](#), [Bias-motivated Violence](#), [European Court of Human Rights](#), [Strategic Litigation](#)

Hate speech and violence against LGBTI people.

(Apps nos. 71367/12 and 72961/12), 15 October 2019

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[Oganezova v. Armenia](#)Download

- The applicant was a well-known member of the LGBT community in Armenia and co-owner a club where members of the LGBT community would meet to socialise. She had attended Istanbul Pride in 2011 and given interviews to some media outlets criticising Armenia's human rights record. As a result she became the subject of an online hate campaign because of her sexual orientation. Shortly thereafter several people organised an arson attack on the club co-owned by her. She faced threats and harassment and was subjected to hate speech by high profile government representatives and members of the parliament. Given lack of anti-discrimination legislation in Armenia, applicant's sexual orientation was not considered as a motive for the acts and there was no effective investigation.
- ILGA-Europe together with the AIRE Centre, the ICJ and Human Rights Watch submitted the following:
 - The identity of victim of violence as an LGBT person should be taken into account in the assessment of Article 3 violations. Indeed the discrimination directed towards LGBT persons may indicate a particular motive and intent that may meet the threshold of Article 3 ECHR should be taken into account in the assessment of Article 3 violations. Indeed, discriminatory use of violence against a **vulnerable** group is an important factor and the ECtHR has acknowledged that LGBTI minorities may constitute vulnerable groups.
 - Contracting States have a **positive obligation** under Articles 3 and 8 of the ECHR **to protect from and investigate allegations** of violence with discriminatory elements. According to the ECtHR, the State has a heightened burden of protection when there is prior knowledge of public hostility towards the LGBT community. These obligations are also widely recognized by current international and regional standards.
 - **Armenian legislation does not afford protection** against explicitly homophobic or transphobic violence or threats or other incitement to such violence. In practice, LGBT persons and affiliates in Armenia continuously struggle to enjoy equality, both at personal and societal levels.
 - It is of particular importance :
 - To protect persons from violence, and put in place necessary legislative, policy and other measures for unmasking any discriminatory motive or intent present in the acts of violence.
 - To ensure that a comprehensive anti-discrimination legislation is in place, and sexual orientation and gender identity are explicitly recognized as protected grounds for discrimination.