

Minasyan and others v. Armenia

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

Incitement to discrimination/Hate speech

(Application no. 59180/15), 20 July 2018

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- The applications involve newspaper publications containing discriminatory language and incitement to discrimination against the applicants due to their association with the LGBT community and/or their perceived sexual orientation. The Armenian courts ignored the allegations of discrimination based on actual or perceived sexual orientation and gender identity.
- ILGA-Europe together with TGEU submitted the following:
 - The ECtHR and other authoritative bodies in Europe and beyond have recognised that homophobic and transphobic statements constitute hate speech. Besides, the Court held that homophobic and transphobic speech may violate Articles 8 and 14 ECHR due to its humiliating and stigmatising effect.
 - Contracting States have a positive obligation to protect against and investigate hate speech. This obligation is heightened when hate speech is motivated by discrimination against one's actual or perceived sexual orientation or gender identity. The margin of appreciation allowed to the State under Article 8 may be restricted because sexual orientation and gender identity are important facets of an individual's private life and can be used as a marker of group identity. In addition, acknowledging a heightened level of protection does not contravene freedom of expression, which is not an absolute right and can be restricted according to Article 10(2).
 - LGBT persons and affiliates in Armenia are prevented from seeking redress against hate/discriminatory speech, and continuously struggle to enjoy equality, both at personal and societal levels due to lack of adequate legal framework and the hostile attitudes against the LGBT community.