

Latvia failed to protect human rights of victim of a homophobic attack, european Court finds

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The European Court of Human rights has made a judgement in a case where the Latvian authorities declined to prosecute an anti-LGBTI attack as a hate-motivated offence

Earlier this month, in the case of *Hanovs v. Latvia* taken by the victim of a homophobic assault, the European Court found a violation of Article 3 of the European Convention on Human Rights (prohibition of torture and inhuman or degrading treatment) and Article 8 (right to private and family life), together with Article 14 (prohibition of discrimination).

The case concerned the attack on the applicant and his partner, a gay couple, when they were walking in Riga. The two perpetrators of the attack shouted homophobic slurs and physically assaulted the applicant. The applicant avoided further violence by fleeing into a shop and securing the door. The police and prosecutors declined to prosecute the attack on the applicant as a hate-motivated offence.

The Court found that the authorities had failed to offer adequate protection in respect of the individual applicant's dignity and private life by ensuring effective prosecution of the attack against him, and to effectively investigate the hate motive behind the attack.

Importantly, the Court considered that *"attacks on LGBTI individuals, triggered by expressions of affection constitute an affront to human dignity"* so that the attack *"not only undermine[d] the victims' physical safety but also their emotional and psychological well-being, turning a moment of intimacy into one of fear and trauma."*

Furthermore, the Court ruled that such attacks *"humiliate and debase the victims, conveying a message of inferiority of their identities and expressions."* As such, the case fell within the scope of Article 3 of the Convention (inhumane and degrading treatment).

The Court also pointed out the crucial importance of addressing impunity in cases of hate crimes as *"failure to address such incidents can normalise hostility towards LGBTI individuals, perpetuate a culture of intolerance and discrimination and encourage further acts of a similar nature."*

Welcoming the judgement, ILGA-Europe's Senior Strategic Litigation Officer, Marie-Hélène Ludwig said: "This judgment sends a strong signal in recalling State's positive obligations in effectively addressing hate crimes against LGBTI people in Latvia and across Council of Europe member States amidst the rise in hate incidents in a number of countries."

The judgment can be accessed [here](#).