A. against Azerbaijan and 24 other applications

Case Law, Safety, Azerbaijan, Bias-motivated Violence, European Court of Human Rights

Violence against LGBTI people

(Application no. 17184/18), 15 July 2019

Find here the communicated case.

A v. Azerbaijan

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- The present case involves targeted arrests, ill-treatment and forced medical examinations in detention of members of the LGBTI community in Baku.
- ILGA-Europe together with Civil Rights Defenders and REDRESS submitted the following:
  - The status of the victim of violence as a sexual or gender minority 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.
  - Forced medical examinations directed at LGBTI members constitute a breach of Article 3 and Article 8 of the Convention. International human rights bodies denounce cases of forced medical examinations, describing them as torture and ill-treatment. The context of detention, the environment of negative attitudes against LGBTI minorities and the discriminatory motives of the medical examinations are relevant factors for the Court's finding of an Article 3 violation.
  - Contracting States have a positive obligation under the Convention to investigate allegations of ill-treatment and torture with discriminatory elements. According to the ECtHR, a failure to unmask the role of possible homophobic motives constitutes an infringement of Article 3 in its procedural element in conjunction with Article 14 of the Convention.
  - Widespread discriminatory laws and practices against LGBTI people in Azerbaijan underline their vulnerability to discriminatory torture and ill-treatment.