

A. against Azerbaijan and 24 other applications

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Violence against LGBTI people

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

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[A v. Azerbaijan](#)Download

- 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.