Iachimovschi v. the Republic of Moldova and 5 other applications

Case Law, Safety, Bias-motivated Violence, European Court of Human Rights, Moldova, Strategic Litigation

Violence against LGBTI people

(Nos. 21029/13, 40620/14, 23914/15, 26806/15, 32617/16 and 49542/16), 17 September 2018

Find here the communicated case.

Iachimovschi v. Moldova and others Download

- The applications concern violence caused by private individuals and/or the danger of repeated such violence, as well as the alleged insufficiency of investigations and/or impunity of the perpetrators by the Moldavian authorities.
- ILGA-Europe together with the Equal Rights Trust submitted that:
    - It is critical that the potential **application of Article 14** be given specific consideration wherever there is a *prima facie* case that violence is motivated by bias against LGBT+ persons. **Bias-motivated violence** impacts disproportionately and differently on members of minority groups, including LGBT+ persons. It thus demands a response which recognises its discriminatory causes and consequences.
    - **Positive obligations under Articles 14 and 3** encompass duties of prevention, protection, investigation and prosecution. Violations of Article 14 taken with Article 3 may be found where particular judicial or prosecutorial practices have a disproportionate impact on individuals of a vulnerable group and fail to take into account the discriminatory nature of the violence.