Significant European Court judgments in two cases concerning violence against LGBTI people involving state agents

News, Civil Rights and Freedom, Bias-motivated Violence, European Court of Human Rights, Freedom of Assembly, Russia, Strategic Litigation

Two successful European Court cases brought against Russia underline state obligations to protect LGBTI community from violent counter demonstrators and general hate motivated violence.

ILGA-Europe welcome yesterday's judgments from the European Court of Human Rights in Romanov and Others v Russia and Lapunov v Russia. Romanov and Others v Russia concerned Russia's failure to prevent and protect LGBTI community members from homophobic violence during peaceful demonstrations and ensure effective investigation. The applicant in Lapunov v Russia was one of the victims of the "anti-gay purges" that took place in Chechnya in 2016-2017, having been detained and tortured in March 2017.

According to ILGA-Europe's Head of Litigation, Arpi Avetisyan, "These cases are of great significance for the recognition of the rights of LGBTI people that have suffered by inaction or actual infliction of violence by state agents.

"Importantly, the Court observed that even when investigations were initiated, the homophobic nature of the attacks was rejected by the authorities, therefore could not be considered as effective."

The Court found that physical and phycological treatment suffered by Mr Lapunov in Chechnya amounted to discriminatory torture under the European Convention of Human Rights. Furthermore, the authorities failed to carry out effective and meaningful investigation to uncover violence based on sexual orientation, despite all the evidence provided.

Russian LGBTI organisations, who worked to support both cases before the Court, note that although Russia has left the Council of Europe and is not party to the European Convention since March 2016, it is unlikely to implement these judgments. They are however symbolically important for persecuted people in Russia, as they give hope and a sense of support from the international community. It is crucial that state-sponsored homophobia does not go unnoticed.

Avetisyan concluded: "These cases are another affirmation by the Court on Council of Europe member state obligations to protect LGBTI community from violent counter demonstrators and general hate motivated violence, and to ensure timely and effective investigations in such cases."