KEY THEME[1]
Article 14
Discrimination through violence

(Last updated: 28/02/2026)

Introduction

The guarantees of Article 14 apply:

- when the applicant is a victim of violence directly caused by the State authorities or by a private individual (*Abdu v. Bulgaria*, 2014);
- because of his or her belonging to a particular group, or his or her association with a person belonging to a particular group (*Škorjanec v. Croatia*, 2017).

State obligations in brief

Substantive limb:

- Whether or not discriminatory attitudes were a causal factor in the impugned conduct (*Stoica v. Romania*, 2008, § 118; *Antayev and Others v. Russia*, 2014, § 123; *Aghdgomelashvili and Japaridze v. Georgia*, 2020, § 46).
- In principle, the burden of proof lies on the applicant. Exceptionally, where the events lie wholly, or in large part, within the exclusive knowledge of the authorities, the burden of proof is on the authorities to provide a satisfactory and convincing explanation. Equally, in certain cases of alleged discrimination the respondent Government may be required to disprove an arguable allegation of discrimination and – if they fail to do so – the Court may find a violation of Article 14 of the Convention on that basis (*Nachova and Others v. Bulgaria* [GC], 2005, § 157; *Lapunov v. Russia*, 2023, § 106).
- However, the alleged failure of the authorities to carry out an effective investigation into the supposedly racist motive for the violent act should not, in itself, shift the burden of proof to the Government with regard to the alleged violation of Article 14 of the Convention taken in conjunction with the substantive aspect of Article 2 or 3 (*Nachova and Others v. Bulgaria* [GC], 2005, § 157).

Procedural limb:

- The States have an obligation to investigate possible racist motives for acts of violence (*Nachova and Others v. Bulgaria* [GC], 2005, § 160).
- Where there is suspicion that racial attitudes induced a violent act, the authorities are under an obligation to pursue an official investigation with vigour and impartiality (*Nachova and Others v. Bulgaria* [GC], 2005, § 160).
- Failing to unmask discriminatory motives and treating discriminatory-induced violence and brutality on an equal footing with cases that have no discriminatory overtones would be

[1] Prepared by the Registry. It does not bind the Court.

turning a blind eye to the specific nature of acts that are particularly destructive of fundamental rights (*Nachova and Others v. Bulgaria* [GC], 2005, § 160).

- The obligation to prove a discriminatory motive is an obligation to use best endeavours: the authorities must do what is reasonable in the circumstances (*Nachova and Others v. Bulgaria* [GC], 2005, § 160).

Noteworthy examples

The Court has adjudicated cases of violence based on different characteristics of the victim:

- Gender: *Opuz v. Turkey*, 2009; *Eremia v. the Republic of Moldova*, 2013; *Halime Kiliç v. Turkey*, 2016; *M.G. v. Turkey*, 2016; *Talpis v. Italy*, 2017; *Volodina v. Russia*, 2019; *Tkhelidze v. Georgia*, 2021; *A and B v. Georgia*, 2022;
- Race and ethnic origin: *Nachova and Others v. Bulgaria* [GC], 2005; *Moldovan and Others v. Romania (no. 2)*, 2005; *B.S. v. Spain*, 2012; *Škorjanec v. Croatia*, 2017; *Makuchyan and Minasyan v. Azerbaijan and Hungary*, 2020; *Adzhigitova and Others v. Russia*, 2021; *Paketova and Others v. Bulgaria*, 2022;
- Religion: *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, 2007; *Milanović v. Serbia*, 2010; *Georgian Muslim Relations and Others v. Georgia*, 2023;
- Political opinion: *Virabyan v. Armenia*, 2012;
- Ideology *Kreyndlin and Others v. Russia*, 2023; and
- Sexual orientation: *Identoba and Others v. Georgia*, 2015; *M.C. and A.C. v. Romania*, 2016; *Aghdgomelashvili and Japaridze v. Georgia*, 2020; *Sabalić v. Croatia*, 2021; *Genderdoc-M and M.D. v. the Republic of Moldova*, 2021; *Women's Initiatives Supporting Group and Others v. Georgia*, 2021; *Oganezova v. Armenia*, 2022; *Stoyanova v. Bulgaria*, 2022; *Lapunov v. Russia*, 2023; *Romanov and Others v. Russia*, 2023; *Karter v. Ukraine*, 2024; *Hanovs v. Latvia*, 2024; *Bednarek and Others v. Poland*, 2025.

Where discriminatory attitudes were a causal factor in the impugned conduct:

- *Stoica v. Romania*, 2008 – ill-treatment of a Roma minor by a police officer during an incident between officials and Roma;
- *Antayev and Others v. Russia*, 2014 – ill-treatment of Chechen suspects by the police;
- *Makuchyan and Minasyan v. Azerbaijan and Hungary*, 2020 – the failure to enforce a foreign prison sentence and the pardoning of a convicted perpetrator of an ethnically-biased hate crime committed abroad, leading to his virtual impunity and glorification, causally related to the victims' ethnic origin;
- *Aghdgomelashvili and Japaridze v. Georgia*, 2020 – abusive police conduct during search of premises of an LGBT NGO motivated by homophobic and/or transphobic hatred;
- *Lapunov v. Russia*, 2023 – abduction, detention and torture of the applicant by State agents in Chechnya on account of his sexual orientation.

Failure of the domestic authorities to carry out an effective investigation of discriminatory motives:

- *Nachova and Others v. Bulgaria* [GC], 2005; *Bekos and Koutropoulos v. Greece*, 2005; *Ognyanova and Choban v. Bulgaria*, 2006; *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, 2007; *Angelova and Iliev v. Bulgaria*, 2007; *Turan Cakir v. Belgium*, 2009; *Virabyan v. Armenia*, 2012; *Eremia v. the Republic of Moldova*, 2013; *Abdu v. Bulgaria*, 2014; *M.C. and A.C. v. Romania*, 2016; *Talpis v. Italy*, 2017; *Škorjanec v. Croatia*, 2017; *Bălşan v. Romania*, 2017; *Aghdgomelashvili and Japaridze*

v. Georgia, 2020; *Adzhigitova and Others v. Russia*, 2021; *Genderdoc-M and M.D. v. the Republic of Moldova*, 2021; *Oganezova v. Armenia*, 2022; *Georgian Muslim Relations and Others v. Georgia*, 2023, *Lapunov v. Russia*, 2023; *Romanov and Others v. Russia*, 2023, *Karter v. Ukraine*, 2024; *Allouche v. France*, 2024; *Hanovs v. Latvia*, 2024; *Koffi v. Bulgaria**, 2026.

Cases of manifest disproportion between the gravity of the act and the punishment imposed at domestic level:

- *Sabalić v. Croatia*, 2021 – conviction in minor offences proceedings and small fine for violent homophobic attack, and subsequent discontinuation of criminal proceedings on *ne bis in idem* grounds;
- *Bednarek and Others v. Poland*, 2025 – despite the authorities investigating and convicting the perpetrators of a violent homophobic attack, the perpetrators' demonstration of hostility towards the applicants due to their perceived sexual orientation was not taken into account in determining their punishment.

Recap of general principles:

- For a recapitulation of general principles under Article 14, taken together with both the substantive and procedural aspects of Article 2, in cases of violent incidents or deaths induced by racial attitudes, see *Nachova and Others v. Bulgaria* [GC], 2005, §§ 157- 161.
- For a recapitulation of general principles under Articles 3 and 14 concerning the State's procedural obligation when confronted with cases of violent incidents triggered by suspected discriminatory attitudes, see *Sabalić v. Croatia*, 2021, §§ 93-98.

Further references

Case-law guides:

- Guide on the rights of LGBTI persons

Other key themes:

- Domestic violence (Article 2)
- Protection against hate speech (Articles 8, 13 and 14)

Other:

- Handbook on European non-discrimination law, 2018 edition, published by the Court and the European Union Agency for Fundamental Rights (FRA)
- Making hate crime visible in the European Union: acknowledging victims' rights, report published by the European Union Agency for Fundamental Rights (FRA)
- Unmasking bias motives in crimes: select case-law of the European Court of Human Rights, report published by the European Union Agency for Fundamental Rights (FRA)

KEY CASE-LAW REFERENCES

Leading cases:

- *Moldovan and Others v. Romania (no. 2)*, nos. 41138/98 and 64320/01, ECHR 2005-VII (extracts) (violation of Article 14 in conjunction with Article 6 (length of proceeding) and Article 8);
- *Nachova and Others v. Bulgaria* [GC], nos. 43577/98 and 43579/98, ECHR 2005-VII (violation of Article 14 in conjunction with Article 2 (procedural) and no violation of Article 14 in conjunction with Article 2 (substantive));
- *Bekos and Koutropoulos v. Greece*, no. 15250/02, ECHR 2005-XIII (extracts) (violation of Article 14 in conjunction with Article 3 (procedural) and no violation of Article 14 in conjunction with Article 3 (substantive));
- *Opuz v. Turkey*, no. 33401/02, ECHR 2009 (violation of Article 14 in conjunction with Articles 2 and 3);
- *Škorjanec v. Croatia*, no. 25536/14, 28 March 2017 (violation of Article 3 (procedural) in conjunction with Article 14);
- *Makuchyan and Minasyan v. Azerbaijan and Hungary*, no. 17247/13, 26 May 2020 (violation of Article 14 in conjunction with Article 2 (procedural)).

Other cases under Article 14:

- *Ognyanova and Choban v. Bulgaria*, no. 46317/99, 23 February 2006 (violation of Articles 2, 3, 5 and 13; no violation of Article 14);
- *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, no. 71156/01, 3 May 2007 (violation of Article 3, separately and in conjunction with Article 14; violation of Article 9, separately and in conjunction with Article 14);
- *Angelova and Iliev v. Bulgaria*, no. 55523/00, 26 July 2007 (violation of Article 14 in conjunction with Article 2);
- *Stoica v. Romania*, no. 42722/02, 4 March 2008 (violation of Article 14 in conjunction with Article 3);
- *Turan Cakir v. Belgium*, no. 44256/06, 10 March 2009 (violation of Article 3 (procedural) in conjunction with Article 14);
- *Milanović v. Serbia*, no. 44614/07, 14 December 2010 (violation of Article 14 in conjunction with Article 3);
- *B.S. v. Spain*, no. 47159/08, 24 July 2012 (violation of Article 14 in conjunction with Article 3 (procedural));
- *Virabyan v. Armenia*, no. 40094/05, 2 October 2012 (violation of Article 14 in conjunction with Article 3 (procedural); no violation of 14 in conjunction with Article 3 (substantive));
- *Eremia v. the Republic of Moldova*, no. 3564/11, 28 May 2013 (violation of Article 14 in conjunction with Article 3);
- *Abdu v. Bulgaria*, no. 26827/08, 11 March 2014 (violation of Article 3 (procedural), separately and in conjunction with Article 14);
- *Antayev and Others v. Russia*, no. 37966/07, 3 July 2014 (violation of Article 14 in conjunction with Article 3 (procedural and substantive) for the first to sixth, eighth and ninth applicants and no violation of Article 14 in conjunction with Article 3 for the seventh and tenth applicants);

- *Identoba and Others v. Georgia*, no. 73235/12, 12 May 2015 (violation of Article 3 (procedural) in conjunction with Article 14; violation of Article 11 in conjunction with Article 14);
- *M.G. v. Turkey*, no. 646/10, 22 March 2016 (violation of Article 14 in conjunction with Article 3);
- *M.C. and A.C. v. Romania*, no. 12060/12, 12 April 2016 (violation of Articles 3 (procedural) and 14 of the Convention read together);
- *Halime Kiliç v. Turkey*, no. 63034/11, 28 June 2016 (violation of Article 14 in conjunction with Article 2);
- *Talpis v. Italy*, no. 41237/14, 2 March 2017 (violation of Article 14 in conjunction with Articles 2 and 3);
- *Bălşan v. Romania*, no. 49645/09, 23 May 2017 (violation of Article 14 in conjunction with Article 3);
- *Volodina v. Russia*, no. 41261/17, 9 July 2019 (violation of Article 14 in conjunction with Article 3);
- *Aghdgomelashvili and Japaridze v. Georgia*, no. 7224/11, 8 October 2020 (violation of Article 3 (procedural and substantive) in conjunction with Article 14);
- *Sabalić v. Croatia*, no. 50231/13, 14 January 2021 (violation of Article 3 (procedural) in conjunction with Article 14);
- *Adzhigitova and Others v. Russia*, nos. 40165/07 and 2593/08, 22 June 2021 (no violation of Article 14 in conjunction with Articles 2 and 8; violation of Article 14 in conjunction with Article 3 (procedural));
- *Tkhelidze v. Georgia*, no. 33056/17, 8 July 2021 (Article 2 in conjunction with Article 14, (substantive and procedural));
- *Genderdoc-M and M.D. v. the Republic of Moldova*, no. 23914/15, 14 December 2021 (violation of Article 3 (procedural) in conjunction with Article 14);
- *Women's Initiatives Supporting Group and Others v. Georgia*, nos. 73204/13 and 74959/13, 16 December 2021 (violation of Article 3 (substantive and procedural) in conjunction with Article 14);
- *A and B v. Georgia*, no. 73975/16, 10 February 2022 (violation of Article 2 (substantive and procedural) in conjunction with Article 14);
- *Oganezova v. Armenia*, nos. 71367/12 and 72961/12, 17 May 2022 (violation of Article 3 (substantive and procedural) in conjunction with Article 14);
- *Stoyanova v. Bulgaria*, no. 56070/18, 14 June 2022 (violation of Article 14 in conjunction with Article 2);
- *Paketova and Others v. Bulgaria*, nos. 17808/19 and 36972/19, 4 October 2022 (violation of Article 8 in conjunction with Article 14);
- *Kreyndlin and Others v. Russia*, no. 33470/18, 31 January 2023 (violation of Article 3 (procedural) in conjunction with Article 14);
- *Lapunov v. Russia*, no. 28834/19, 12 September 2023 (violation of Article 3 (substantive and procedural); violation of Article 14 in conjunction with Article 3);
- *Romanov and Others v. Russia*, nos. 58358/14 and 5 others, 12 September 2023 (violation of Article 3 (substantive and procedural) read in the light of Article 14);
- *Georgian Muslim Relations and Others v. Georgia*, no. 24225/19, 30 November 2023 (violation of Articles 8 and 9 in conjunction with Article 14);

- *Karter v. Ukraine*, no. 18179/17, 11 April 2024 (violation of the procedural limb of Article 3 in conjunction with Article 14);
- *Allouche v. France*, no. 81249/17, 11 April 2024 (violation of Article 8 in conjunction with Article 14);
- *Hanovs v. Latvia*, no. 40861/22, 18 July 2024 (violation of Articles 3 and 8 in conjunction with Article 14);
- *Bednarek and Others v. Poland*, no. 58207/14, 10 July 2025 (violation of Article 3 in conjunction with Article 14);
- *Koffi v. Bulgaria**, no. 95/24, 17 February 2026 (violation of the procedural limb of Article 3 in conjunction with Article 14).