



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

**CASE OF NEW GENERATION HUMANITARIAN NGO
v. ARMENIA**

(Application no. 5837/17)

JUDGMENT

STRASBOURG

3 September 2026

This judgment is final but it may be subject to editorial revision.

In the case of New Generation Humanitarian NGO v. Armenia,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Andreas Zünd, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 5837/17) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 29 December 2016 by an Armenian non-governmental organisation, New Generation Humanitarian NGO (hereinafter “the applicant NGO”), which was incorporated in the Republic of Armenia in 1998 and represented by Mr A. Ghazaryan, a lawyer practising in Yerevan;

the decision to give notice of the application to the Armenian Government (“the Government”), represented by their former Agent, Mr Y. Kirakosyan, former Representative of the Republic of Armenia on International Legal Matters;

the parties’ observations;

Having deliberated in private on 2 July 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns a media article targeting the applicant NGO, and its allegation that it was denied access to the Court of Cassation. The applicant NGO relied on Article 6 § 1 of the Convention. It also raised other complaints under various Articles of the Convention.

2. On 11 July 2014 the applicant NGO, which strives for the protection of lesbian, gay, bisexual and transgender (LGBT) rights, lodged a defamation claim against a local media company and one of its journalists because of an article written by the journalist and published in the newspaper run by the media company. The contested parts of the article, which was published under the rubric “Unpatriotic” and was entitled “When the grant-sucking defenders of homosexuals receive State aid”, read as follows:

“[I]t turns out that the Ministry of Sport and Youth also extends the ‘Best NGO’ award to those who call for ‘respect for human rights’ and ‘an end to homophobia’ and thus defend homosexuals. On 17 May the humanitarian NGO ‘New Generation’, which the Ministry of Sport and Youth named organisation of the year at the end of last year in the Shirak Region, made such a declaration. We tried to find out from the head of the Ministry’s Department of Youth, [Mr A.P.], what this NGO – a defender of immoral human waste, which last year disgraced Independence Day (that is, 21 September) in Gyumri with its campaign promoting pacifist tolerance – had done to merit being recognised as the best of the year ...”

3. The impugned article also displayed a photo of the members of the applicant NGO holding a placard with the words “No Hate Speech”. Under the photo, the caption read:

“21 September 2013. ‘New Generation’ NGO is in effect disgracing Independence Day by holding a pacifist campaign. The demonstrators could mostly be seen holding placards reading ‘No hate speech’. This is the number-one motto of those lobbying for homosexuals’ interests.”

4. The applicant NGO alleged that the article in question had contained hate speech and discriminatory and insulting language tarnishing its reputation and targeting it solely because of its association with sexual minorities.

5. The applicant NGO, relying on Article 1087.1 § 7 of the Civil Code¹, asked the court to order that (i) the journalist apologise publicly for the insults; (ii) that she pay compensation for non-pecuniary damage in the amount of one million Armenian drams (AMD); and (iii) that the media company publish in the same newspaper facts established by the court in favour of the applicant NGO – in particular the fact that the defendants had tarnished its reputation, the fact that they had spread hate speech and had used discriminatory language, and the operative part of the judgment.

6. In the meantime, other articles were published in the same newspaper targeting the applicant NGO for its activities.

7. On 27 November 2015 the Kentron and Nork-Marash District Court of Yerevan dismissed the applicant NGO’s claim. It held that, even though the impugned statements had incited hatred and been disparaging, they had targeted sexual minorities rather than the applicant NGO specifically. As regards the descriptions of the applicant NGO as a “grant-sucking defender of homosexuals”, a “defender of immoral human waste”, and as having “disgraced Independence Day with a campaign promoting pacifist tolerance”, the court considered those to be value judgments with a factual basis and thus protected under Article 10 of the Convention. Since the applicant NGO overpaid the court fees, it remains unclear what amount the court would have required it to pay, particularly as the court did not refund the excess.

8. According to the parties’ submissions, when lodging the appeal, the applicant NGO paid court fees for one pecuniary (see point (ii) in paragraph 5 above) and one non-pecuniary claim (see points (i) and (iii) in paragraph 5 above). The Civil Court of Appeal dismissed the applicant’s appeal and upheld the judgment of the lower court.

¹ Article 1087.1 § 7, as in force at the relevant time, provided that, in the case of insult, a person may request the court to order one or more of the following measures: (i) a public apology, with the form of apology to be determined by the court; (ii) if the insult appeared in information disseminated by a media company, publication of all or part of the court’s judgment by that media company, with the manner and volume of the publication to be determined by the court; and/or (iii) payment of compensation of up to 1,000 times the fixed minimum wage.

9. The applicant NGO lodged an appeal on points of law.

10. By a decision of 25 May 2016, the Court of Cassation gave the applicant NGO three days to rectify errors in its appeal and resubmit it. Specifically, the NGO had failed to attach an electronic copy of the appeal, to pay court fees, and to seek a deferral or exemption. In its decision, the Court of Cassation referred to section 9(9)(a) and (b) of the State Fees Act. In accordance with those provisions, as in force at the material time, State duty – which formed part of court fees – for lodging appeals in respect of a pecuniary claim, was levied at 3% of the amount in dispute for appeals lodged with the Court of Cassation. In respect of a non-pecuniary claim, the State duty was 20 times the base fee – that is 20,000 Armenia drams (“AMD”; approximately 40 euros at the material time) – for appeals lodged with the Court of Cassation.

11. On 6 June 2016 the applicant NGO, having attached the electronic copy of its appeal and having paid the court fees in respect of one pecuniary and one non-pecuniary claim, resubmitted its appeal. The applicant NGO noted that it had appealed against the lower court’s decision in full, seeking payment of compensation (a pecuniary claim) and the publication of the judgment (a non-pecuniary claim), thus incurring court fees in the amount of AMD 50,000 (approximately 90 euros at the time).

12. On 15 June 2016 the Court of Cassation rejected the applicant NGO’s appeal on points of law. Specifically, it noted that the applicant NGO had only partially rectified the errors already identified in its previous decision – namely, it had paid court fees for only one pecuniary and one non-pecuniary claim, despite having raised two non-pecuniary claims, and had thus underpaid the court fees. According to the Court of Cassation, it should have paid AMD 70,000 (approximately 130 euros at the time). The court decided not to set a new time-limit to resubmit the appeal as doing so would go against the principle of legal certainty. By that time, the three-day time-limit for resubmission had expired. The relevant decision was served on the applicant NGO on 29 June 2016.

THE COURT’S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

13. The applicant NGO complained under Article 6 § 1 of the Convention that the domestic law had lacked clarity as regards the payment of court fees in the event of multiple claims and that, in any event, the restriction imposed on its right of access to the Court of Cassation had been disproportionate.

14. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

15. The general principles applicable to the examination of restrictions on access to superior courts were summarised in *Zubac v. Croatia* ([GC], no. 40160/12, §§ 78-88, 5 April 2018) and have been reiterated in *Vachik Karapetyan and Others v. Armenia* (no. 15736/16, §§ 86-87, 15 May 2025).

16. The Court has previously had an opportunity to examine a similar complaint against Armenia (see *Abrahamyan v. Armenia* [Committee], no. 31326/17, 30 April 2026). Specifically, it noted that, under section 9(9)(b) of the State Fees Act (as in force at the material time), the amount of court fees due for lodging appeals on points of law with the Court of Cassation was AMD 20,000 (approximately 40 euros at the material time) in cases concerning a non-pecuniary claim. The term “non-pecuniary claim” apparently served to define the nature of the case, rather than requiring the court fees to be multiplied by the number of claims in the case. Nor could such a clear requirement be understood from any other statutory provision cited by the Government (*ibid.*, §§ 12-13). While the Court made the above findings in relation to a dispute before the Administrative Court, those considerations hold true in the present case as the domestic rules on the calculation of court fees and, in particular, State duty were the same (see paragraph 10 *in fine* above).

17. As regards the domestic practice submitted by the Government, all of those decisions were given years after 6 June 2016 – that is, the date on which the applicant NGO resubmitted its appeal on points of law. In fact, the domestic practice submitted is entirely irrelevant to the present case as it concerned a period during which the Code of Civil Procedure of 2018 was already in force. That Code, unlike the version applicable at the material time, expressly provided that court fees were to be paid separately for each pecuniary and non-pecuniary claim made.

18. It is true that in its appeal on points of law the applicant NGO noted that it had paid court fees on the basis of the claims it had made before the appeal court – namely, the payment of compensation (a pecuniary claim) and publication of the judgment (a non-pecuniary claim) – even though it had in fact made three claims (see paragraph 11 *in fine* above). However, it is common ground between the parties that the appeal court treated the applicant NGO’s multiple non-pecuniary claims as a single claim, accepting its payment of only one court fee for both (see paragraph 8 above). In fact, that court applied legal provisions formulated in essentially the same terms as those subsequently relied on by the Court of Cassation when rejecting the applicant NGO’s appeal on the grounds of underpayment of court fees.

19. In the light of the foregoing, the Court concludes that there was no clear statutory basis for the way in which the court fees were calculated by the Court of Cassation in the applicant NGO’s case. Nor could the latter have reasonably foreseen that the fees would be calculated in such a way, given the absence of a coherent and consistently applied domestic practice in the case – if, indeed, any such practice existed at all. In such circumstances, the

applicant NGO cannot be blamed for being guided by the previous approach adopted by the appeal court.

20. Moreover, when the Court of Cassation returned the applicant NGO's appeal and gave it three days to resubmit it, it referred to section 9(9)(a) and (b) of the State Fees Act but did not specify the amount of court fees to be paid or cite any domestic case-law capable of providing sufficient clarity for the calculation of court fees.

21. Lastly, when the Court of Cassation rejected the applicant NGO's appeal, it did not set a new time-limit for resubmitting the appeal. Consequently, the applicant NGO had no opportunity to comply with a requirement that was brought to its attention for the first time in that decision, thereby depriving it of an effective right of access to that court.

22. Taking into account the combination of those circumstances, the Court considers that the decision declaring the applicant NGO's appeal inadmissible was disproportionate and impaired the very essence of its right of access to a court.

23. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. REMAINING COMPLAINTS

24. The applicant NGO also complained that it had been subjected to discrimination and hate speech by the journalist in question for the sole reason that it had strived for the protection of sexual minorities, and that the domestic courts had failed to comply with their positive obligation to provide redress for such treatment. The applicant NGO relied on Article 14 in conjunction with Article 10 and Article 11 of the Convention. It also complained under Article 13 of the Convention that there had been no effective domestic remedies for its complaints. Notice of the complaint under Article 10 and Article 11 was given under Article 8 of the Convention, taken alone or in conjunction with Articles 13 and 14.

25. The Court notes, at the outset, that in the present case there has been no interference with the applicant NGO's right to freedom of expression, nor any failure on the part of the domestic courts to protect its right to freedom of expression.

26. In so far as the applicant NGO also complained under Article 8 of the Convention, the Court observes the following. The contested media article was directed at the applicant NGO with the sole purpose of questioning its merit as the country's leading human rights NGO. The wording used by the journalist was clearly homophobic and, as found by the domestic courts, contained hate speech towards the LGBT community. That being said, as a legal entity, the applicant NGO could not claim to be a victim of hate speech under Article 8 as it did not suffer any harm to its "dignity" or psychological well-being (contrast *Minasyan and Others v. Armenia*, no. 59180/15, § 54,

7 January 2025, concerning publications in the same newspaper attacking the applicants in that case, who were activists, NGO members, journalists, and researchers engaged in, among other causes, LGBT rights; *Beizaras and Levickas v. Lithuania*, no. 41288/15, § 117, 14 January 2020; and *Nepomnyashchiy and Others v. Russia*, nos. 39954/09 and 3465/17, §§ 57 and 62, 30 May 2023).

27. In any event, even assuming that the applicant NGO could claim protection of its reputation under Article 8 – a matter that is still debatable under the Court’s case-law (see *Margulev v. Russia*, no. 15449/09, § 45, 8 October 2019, and *Freitas Rangel v. Portugal*, no. 78873/13, § 48, 11 January 2022, with further references) – it is doubtful that the attack on its reputation attained the level of seriousness required for Article 8 to come into play (compare *Denisov v. Ukraine* [GC], no. 76639/11, § 112, 25 September 2018). Specifically, despite the smear campaign by the media outlet against the applicant NGO (see paragraph 6 above), the latter failed to submit any concrete evidence showing the actual impact on its reputation as a result of the contested article. Although it alleged that the authorities had refused to grant it a State subsidy for its programmes and had denied its members access to State-organised projects as experts, the applicant NGO failed to substantiate this allegation with any proper evidence.

28. The applicant NGO submitted documents relating to its decisions to suspend its operations and later to relocate its main office from the Shirak Region to Yerevan for the safety of its employees, citing the hostility and hatred triggered by the article. It also referred to the resignation of more than half of its seven members of staff. However, there is nothing to suggest that the applicant NGO ever ceased its operations, let alone because of the article or any possible backlash that it could have engendered in society. Specifically, according to a document issued by the State Revenue Committee and submitted by the Government, the applicant NGO never declared a temporary cessation of its activities, and its profit tax returns indicate that it never relocated from the Shirak Region, casting doubt on the authenticity of the documents it submitted. As regards the alleged resignations of its employees, the applicant NGO was able to submit only one resignation letter, as only one employee had consented to have the information disclosed. The letter cited the employee’s reluctance to be publicly associated, as a gay person, with an organisation defending LGBT rights because of pressure from his family. However, this alone is insufficient to conclude that the contested article had such an impact on the applicant NGO’s reputation as to bring Article 8 into play. To conclude, the severity threshold under Article 8 has not been reached and the complaint is therefore incompatible *ratione materiae* with the Convention pursuant to Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

29. Given that incompatibility, the applicant NGO’s related complaints under Article 13 and Article 14 are also incompatible *ratione materiae* with

the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4 (compare *Balsamo v. San Marino*, nos. 20319/17 and 21414/17, § 77, 8 October 2019, and *Mnatsakanyan v. Armenia*, no. 2463/12, § 79, 6 December 2022).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

30. The applicant NGO claimed 20,000 euros (EUR) in respect of non-pecuniary damage and 1,450,000 Armenian drams in respect of the costs and expenses incurred before the Court.

31. The Government contested those claims.

32. The Court notes that its finding of a violation serves as grounds for the review of a final decision or judgment under Article 419 § 1 (2) of the Armenian Code of Civil Procedure, which, if granted, would constitute an appropriate means of addressing the violation found. That said, the Court considers that the applicant NGO must have sustained non-pecuniary damage which is not sufficiently compensated by the finding of a violation. Accordingly, it finds it appropriate to award the applicant NGO EUR 3,600 in respect of non-pecuniary damage, plus any tax that may be chargeable (compare *Word of Life Church of Christians of Evangelical Faith in Armenia and Simonyan v. Armenia*, no. 30817/13, §§ 58-59, 2 April 2026).

33. As for the legal costs, and having regard to the documents in its possession, the Court considers it reasonable to award EUR 1,500 covering the costs for the proceedings before it, plus any tax that may be chargeable to the applicant NGO.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the alleged denial of access to a court under Article 6 § 1 of the Convention admissible and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant NGO, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 1,500 (one thousand five hundred euros), plus any tax that may be chargeable to the applicant NGO, in respect of costs and expenses;

- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant NGO's claim for just satisfaction.

Done in English, and notified in writing on 3 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

Andreas Zünd
President