



THE HUMAN RIGHTS  
SITUATION OF LGBT  
PEOPLE IN ARMENIA  
DURING 2022  
ANNUAL REPORT



The cover image is a publicly released photo related to the case presented on page 44.



Annual Report: The Human Rights Situation of LGBT People  
in Armenia During 2022

Published by Pink Human Rights Defender NGO with Swedish  
support (May 2023).

Responsibility for the content rests entirely with the creator.  
The Swedish Government does not necessarily share the  
expressed views and interpretations.

# TABLE OF CONTENTS

<b>GLOSSARY OF TERMS AND ABBREVIATIONS</b>	4
<b>INTRODUCTION</b>	6
<b>PART 1: VIOLATIONS OF THE HUMAN RIGHTS OF LGBT PEOPLE</b>	8
State Obligations to Protect Human Rights and Prevent Discrimination	9
<b>RIGHT TO BE FREE FROM DISCRIMINATION</b>	12
<b>RIGHT TO HEALTH</b>	14
<b>RIGHT TO WORK</b>	16
<b>RIGHT TO EDUCATION</b>	18
<b>RESPECT FOR PRIVATE AND FAMILY LIFE</b>	22
Physical Violence Based on Sexual Orientation or Gender Identity	23
Violence Based on Gender Identity and/or Gender Expression	24
Abuse of Power by Law Enforcement Bodies	27
Cases of Domestic Violence	30

<b>PART 2: FREEDOM OF EXPRESSION AND HATE SPEECH AGAINST LGBT PERSONS</b>	34
Regulations on Hate Speech	35
Domestic Regulations	37
Manipulative Misuse of LGBT Issues and Hate Speech in 2022	38
Suicide Committed by a Young Couple and the Public Reaction to It	44
<b>CONCLUSION</b>	48
<b>RECOMMENDATIONS</b>	50

# GLOSSARY OF TERMS AND ABBREVIATIONS<sup>1</sup>

Bisexual	■ A person who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with more than one sex or gender.
Gay	■ A man who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with another man.
Gender expression	■ The expression of a person's own (or perceived) gender identity.
Gender identity	■ Each person's deeply felt internal and individual experience of gender, which is a category of social identity and refers to the identification of an individual as male, female, or another gender(s).
Heterosexual	■ A person who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relations and relationships with another gender.
Homosexual	■ A person who is sexually and emotionally attracted to people of the same gender or sex.
Homophobia	■ Fear, unfounded anger, intolerance, and hatred towards homosexuality.
Lesbian	■ A woman who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relations and/or relationships with another woman.
Sex	■ The classification of a person as male, female, or intersex. A person's sex is a combination of bodily characteristics including chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.
Sexual orientation	■ The totality of a person's deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with another person.
Trans or transgender	■ A person whose gender identity and gender expression differ from the sex established at birth. This includes people identifying as transsexual/cross-dresser, transgender, transvestites, etc. Trans is an umbrella term inclusive of transgender, transsexual, and non-binary gender identities.

---

<sup>1</sup> The main source of these terms is "Guide to Working with LGBT People: A Guide for Helping professionals" (in Armenian). Pink Human Rights Defender NGO. 2021.  
<https://www.pinkarmenia.org/wp-content/uploads/2021/10/specialists-guideline-2021.pdf>

Transphobia	■ Negative cultural and personal beliefs, opinions, attitudes, and behaviors based on prejudicial disgust, fear, and hatred of transgender people or gender identities and/or variations in gender expression.
SOGI	■ Sexual orientation and gender identity and/or gender expression
LGBT	■ Lesbian, gay, bisexual, transgender
ECHR	■ European Court of Human Rights
CoE	■ Council of Europe
RA	■ Republic of Armenia

# INTRODUCTION

In 2022, Armenia did not see any decline in discrimination on the grounds of sexual orientation or gender identity. The cases described in this report represent only a fraction of the public attitude towards LGBT persons. Survivors of discrimination often do not turn to human rights organizations and often do not even identify their treatment as discriminatory.

The first part of the report summarizes human rights violations reported by the beneficiaries of Pink that are related to their sexual orientation or gender identity. These are instances where the hatred driving the perpetrators can be identified by visible indicators such as the phrases used by them, the location of the offence, the expressed identity of the victims, and other factors.

*These offences are violations of the right of the concerned persons to be free from torture, and inhuman and degrading treatment, as well as their rights to respect for private and family life, work and education. The offences often resulted in the violation of multiple rights.*

*It is noteworthy that despite the widespread nature of violations of the rights of LGBT persons in Armenia, these cases are predominantly not reported to law enforcement bodies as the victims of such violations decline to seek protection from law enforcement. Of the 45 cases we have described, only 16 were reported to the police.*

*LGBT persons often give the following reasons for their reluctance to report crimes to the police or to turn to other law enforcement bodies:*

- *They do not trust law enforcement bodies, especially, police officers. They believe that the investigation of their cases will not be handled in an objective manner.*
- *They do not consider the legal remedies effective as the representatives of law enforcement bodies often act in ways that lead to double victimization and/or degrading treatment combined with further discrimination.*
- *They fear that law enforcement will violate the confidentiality of their cases, and that their orientation and identity will be disclosed.*
- *They do not feel protected from the offenders and fear their revenge.*

These concerns are indeed valid: LGBT persons are discriminated against by police officers, their personal data are disclosed to co-workers at the police, as well as to family members of those that seek protection. The human rights violations described in this report also include instances where law enforcement bodies simply exceeded their powers. The majority of complaints about discriminatory acts are not processed further as the criminal investigations are often closed (i.e., dismissed) or officers unduly procrastinate in the investigative process.



The cases documented by Pink show that the Republic of Armenia has failed in its obligation to protect LGBT persons from discrimination. Their rights have been violated both by state bodies and individuals with no redress available or offered due to legislative gaps the bias of law enforcement bodies.

# **PART 1**

## **VIOLATIONS OF THE HUMAN RIGHTS OF LGBT PEOPLE**

## State Obligations to Protect Human Rights and Prevent Discrimination

Human rights are universal, inalienable and non-transferrable. From birth, every individual is entitled to human rights and freedoms regardless of any personal or social circumstances. The Republic of Armenia, as a state governed by the rule of law, must ensure the unobstructed enjoyment and exercise of human rights and freedoms by all persons present on its territory. At the same time, state safeguards to the enjoyment of human rights imply not only oversight over various state bodies, and prevention of human rights violations by these bodies but also an adequate response to violations committed by third parties. International human rights instruments, and the judicial or extrajudicial bodies and other mechanisms operating on the basis of these instruments have set out the actions that states must undertake to ensure the enjoyment of human rights. These actions entail both negative obligations, that is when the state is obliged to refrain from any infringement of human rights and freedoms, as well as positive obligations, that is when the state must undertake actions towards safeguarding human rights. As such:

**The state is obliged to observe and respect human rights**, that is, to refrain from violating human rights (i.e., the negative obligation of the state). State bodies, including law enforcement officers and others holding state authority are not permitted to infringe upon the rights of the individual.<sup>2</sup>

The state also holds the positive obligation of **protecting the rights of the individual from infringement by third parties**. Under this obligation, the state must prevent violations of human rights by other entities and individuals. This entails the establishment of effective legal mechanisms for duly investigating human rights violations, redressing the violated rights, and providing reparations for the harms suffered.

The next positive obligation of the state is **to establish an environment conducive to the enjoyment of rights**. The state must establish legal mechanisms and a social environment conducive to everyone exercising their rights in an unobstructed manner.

The primary safeguard for the protection of human rights in the Republic of Armenia is the supreme law of the country, the Constitution, which affirms the supremacy of “the basic rights and freedoms of the human being.”<sup>3</sup> The supremacy of human rights in Armenia is also recognized by international treaties and covenants ratified by the state. These international documents hold a higher legal power than the codes, laws, and other regulations adopted within the country.<sup>4</sup>

With its accession to international organizations, such as the United Nations and Council of Europe, and ratification of these organizations’ key instruments, the Republic of Armenia has committed to clear obligations, the implementation of which should be regularly reported to these international bodies. To be more specific, there are 10 human rights treaty bodies within the UN that were created based on various human rights covenants. These committees review national reports on treaty implementation, but also individual applications from private individuals about violations of their rights.

<sup>2</sup> See RA Constitutions, amended in 2015, Article 3 <https://www.primeminister.am/en/constitution/>

<sup>3</sup> Ibid, Article 3, Clause 3

<sup>4</sup> Ibid, Article 5, Clause 3

There are also special procedures and special independent experts within the UN who are mandated to request information from states on the human rights situation within their jurisdiction and measures taken by the states. Reports are submitted to these bodies by non-governmental organizations as well. These reports elaborate on the effectiveness of state actions, as well as failures to comply with treaty obligations. Based on the presented information and subsequent communication with states, treaty bodies present recommendations to states on how to address the issues. In 2022, CEDAW (Committee on the Elimination of All Forms of Discrimination Against Women) reviewed the situation of women's rights in Armenia, also addressing the rights of lesbian, bisexual and transgender women. The Committee issued recommendations to the state on how to eliminate such violations.<sup>5</sup>

The recommendations read as follows:

*The Committee is concerned about reports of discrimination, harassment and hate speech against lesbian, bisexual, transgender and intersex women, and about the absence of legal provisions regulating gender reassignment surgery and gender marker change, as well as the lack of training for medical personnel on the rights of lesbian, bisexual, transgender and intersex women.*

*The Committee recommends that the State party:*

- *Adopt legislative and policy measures to combat gender-based violence and discrimination against lesbian, bisexual, transgender and intersex women, including hate speech and physical, verbal and emotional abuse;*
- *Protect the human rights of lesbian, bisexual, transgender and intersex women in all areas covered by the Convention and conduct awareness-raising activities to address their stigmatization in society;*
- *Ensure that transgender persons, including women, can exercise the right to change the gender marker in their passport and other identity documents;*
- *Ensure that lesbian, bisexual, transgender and intersex women can freely participate in political and public life by exercising their right to freedom of peaceful assembly without intimidation or reprisals.*

One of the most effective instruments of the Council of Europe is the European Court of Human Rights (ECHR), which also has implementation mechanisms. This is an international body whose observations have been instrumental in various legislative initiatives in Armenia. In 2022, the ECHR issued its first judgement on Armenia's violation of human rights on the grounds of sexual orientation.<sup>6</sup> In the case of *Oganezova vs. Armenia*, the Court found that:

- the situation in which the applicant found herself as a result of the arson attack and the subsequent attacks on her person motivated by homophobic hatred must necessarily have aroused in her feelings of fear, anguish and insecurity which were not compatible with respect for her human dignity and, therefore, reached the threshold of severity within the meaning of Article 3 of the Convention taken in conjunction with Article 14;

<sup>5</sup> CEDAW/C/ARM/CO/7 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FARM%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FARM%2FCO%2F7&Lang=en)

<sup>6</sup> *Oganezova v. Armenia* (Applications nos. 71367/12 and 72961/12) <https://hudoc.echr.coe.int/eng?i=001-217250>

- the authorities failed to discharge their positive obligation to investigate in an effective manner whether the arson attack on the club which was motivated by the applicant's sexual orientation constituted a criminal offence committed with a homophobic motive;
- the authorities failed to conduct a proper investigation of the applicant's allegations of abuse motivated by homophobia;
- sexual orientation and gender identity are still not included in the characteristics of victims of the offence of hate speech despite the recommendations of the relevant international bodies in that respect.

The Republic of Armenia has not proceeded to the implementation phase of the judgement, which is to be overseen by the Council of Europe's Committee of Ministers. The actions recommended by Pink towards implementation of the judgement by the state are presented under the section Recommendations. These recommendations have also been shared with the Committee of Ministers.

# RIGHT TO BE FREE FROM DISCRIMINATION

*Discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.*

*RA Constitution, Article 29<sup>7</sup>*

---

The right to be free from discrimination is an absolute human right and is not subject to any restriction. It is recognized both by international human rights law and by the RA Constitution.

All major human rights instruments call for adherence to human rights without discrimination. By this, they underscore the universal and inviolable nature of the right to be free from discrimination.<sup>8</sup>

In international law, discrimination is defined as any distinction, exclusion, restriction or preference which is based on particular circumstances or features, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.<sup>9</sup> In other words, discrimination is the treatment of persons in similar situations in a different manner without any reasonable or objective grounds.<sup>10</sup>

In international law, direct discrimination is defined as a form of discrimination when an individual is treated differently from others in an analogous situation based on a particular personal, social, or other characteristic.<sup>11</sup> Indirect discrimination is a seemingly neutral provision, standard, or practice whereby unfavorable conditions are set for individuals from a specific group compared to others.<sup>12</sup> Another type of discrimination is associative discrimination – when, although not having a protected characteristic, a person is associated with another person with such a characteristic, e.g., their husband, mother, father, etc., and is therefore subjected to discriminatory treatment.<sup>13</sup>

Discrimination is based on a personal characteristic, which is called the grounds for discrimination. Neither the Constitution of the Republic of Armenia and domestic laws, nor most international treaties directly mention sexual orientation and gender identity and/or gender expression (SOGI) as grounds for protection against discrimination. Nonetheless, the list of grounds for protection against discrimination in Armenia's

---

<sup>7</sup> RA Constitution <https://www.primeminister.am/en/constitution/>

<sup>8</sup> See, Articles 1 (3) and 55 of the UN Charter, Article 7 of UDHR, Article 2, 4 (1) and 26 of ICCPR, Article 2 of ICESCR, Article 2 of CRC, Article 14 of ECHR, Protocol No. 12 of the ECHR

<sup>9</sup> See, HRC, General Comment No. 18, § 7

<sup>10</sup> See, ECtHR, Judgement of 23 July 1968, Case of Certain Aspects of the laws on the Use of Languages in Education in Belgium. Willis v. United Kingdom, No. 36042/97, § 48, ECtHR 2002-IV, Virabyan v. Armenia, No. 40094/05, 02/01/2013

<sup>11</sup> See, Non-Discrimination in International Law: A Handbook for Practitioners, 2011 Edition, p. 17-18

<sup>12</sup> See, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, (b) point of Article 2 (2)

<sup>13</sup> See, Molla Sali v. Greece [GC], 2018; Guberina v. Croatia, 2016, § 78; Škorjanec v. Croatia, 2017, § 55; Weller v. Hungary, 2009, § 37

domestic law is not exhaustive; meaning that, other than the directly outlined characteristics, the legal acts do not exclude as discrimination other circumstances of a personal or social nature based on differentiated treatment. This means that SOGI can and must be treated as personal or other social circumstances and must be considered grounds for protection against discrimination on an equal footing as gender, race or disability. Human rights treaty bodies have repeatedly reaffirmed this assertion, stating that SOGI is grounds for protection against discrimination.<sup>14</sup>

That being stated, the Republic of Armenia is obliged to respect a person's right to be free from discrimination. It should protect LGBT people from abuse committed by governmental officials, including government officers, police and investigators. Ensuring equality is not just about state bodies refraining from committing violations; the state must create an environment in which private individuals will not violate the rights of LGBT individuals on the grounds of their sexual orientation or gender identity. Moreover, such violations must be duly investigated, and the perpetrators must be punished.

While a number of legislative acts contain prohibitions against discrimination, Armenia still does not have a separate law on non-discrimination which would define discrimination and its forms, and would set out an effective remedy for the protection of groups most vulnerable to discrimination. A law with an effective remedy mechanism should primarily:

- include sexual orientation and gender identity in the grounds protected against discrimination given the large number and scope of human rights violations based on such grounds,
- lay out a comprehensive list of the types of discrimination,
- prescribe legal standing for non-governmental organizations to seek protection for their beneficiaries in courts,
- lay out a mechanism for establishing an equality body vested with a clear mandate,
- prescribe remedy mechanisms against discrimination committed by private entities,
- set forth a separate approach in establishing the burden of proof for trials in discrimination cases by obliging alleged perpetrators to prove the lack of a discriminatory motive.

It is noteworthy that the non-discrimination draft law has been under discussion and consultations since 2016 and has undergone numerous amendments both by the Ministry of Justice of Armenia and civil society. However, it never made it through to the Government for approval or the Parliament for adoption. In its current wording, the draft law does not enjoy the support of civil society as it does not meet the above-mentioned criteria for an effective remedy.

The human rights violations documented in this report were committed in conjunction with discrimination; in other words, these offences were committed because of the sexual orientation or gender identity of the impacted individuals.

While the cases documented in the report are categorized by type of offence, all of them were committed in conjunction with discrimination on the grounds of sexual orientation or gender identity.

<sup>14</sup> See, *Identoba and Others v. Georgia*, 2015, § 96; *Salgueiro da Silva Mouta v. Portugal*, 1999, § 28; *Fretté v. France*, 2002, § 32; *Vejdeland and Others v. Sweden*, 2012, § 55; Committee Against Torture, General Comment No.2: Implementation of Article 2 by State parties, § 21, 22

# RIGHT TO HEALTH

1. Everyone shall, in accordance with law, have the right to health care.

RA Constitution, Article 85

---

The right to health is a fundamental human right. Despite the fact that standards safeguarding the right to health care are not identical across countries and vary depending on their level of development, economic conditions and resources, certain principles must be observed regardless of the overall capacities of the health care system within each country. One such principle is the prohibition of discrimination. In other words, regardless of the capacities of a given state, of the kind of system providing health care services, or of the scope of state-funded health services and accessibility or availability of such services, health care must be available to each person on equal grounds. It cannot be restricted in any way due to any personal or social characteristic, such as sexual orientation and gender identity.

The stories below describe instances of discrimination from health care institutions:

A trans woman who wished to undergo gender-reassignment surgery, contacted her preferred plastic surgeon on the matter of facial plastic surgery. They discussed the matter for a while, after which the surgeon asked for the person's photos. She sent her photos along with her social media page. They spoke again on the phone during which the applicant informed the surgeon that she is a trans person and plans to have gender-reassignment surgery. The doctor then proceeded to make rude and discriminatory remarks. After that conversation, the trans person tried to get in touch again with the surgeon, but the surgeon did not respond to her calls and messages.

The trans woman did not wish to take any further steps towards asserting her rights.

A trans person who suffered assault sought medical assistance, but was subjected to neglect and was not provided necessary equipment at the medical institution, such as a wheelchair to be safely transferred. The medical personnel also subjected the person to mistreatment. Many of the medical staff were informed of the room to which the trans person had been transferred, which resulted in rumors spreading immediately.

Discrimination in medical institutions takes place in conjunction with violating a person's right to health. In other words, the person does not have access to decent medical assistance and service solely on the grounds of a personal characteristic and they find themselves in a less favorable situation in comparison to others. Such a violation of rights may lead to other issues, such as impairment of the mental integrity of the person. Under the pressure of medical need, they may feel even more repressed. This, in turn, may lead to the deterioration of physical health. This means that discrimination related



to the right to health may lead to the violation of other rights as well.

The first case described above involved the rejection of medical assistance right from the beginning. However, if that person had been granted access to the requested medical assistance and their gender identity became known in the process, discrimination could have resulted that could have led to serious health care issues for that person. This includes the later likelihood of inadequate and insufficient investigation of such discriminatory interventions of a non-medical nature. In the second case, the person was discriminated against while receiving medical assistance, which aggravated their condition as they needed additional help. Not only did the person not receive the necessary help, but they were also mistreated and left helpless.

It does not matter whether a health care institution is private or public; the state should have created an environment where citizens would not have to face discrimination based on their personal characteristics. This should have been done by laying out a comprehensive regulatory framework, and by ensuring effective implementation of regulations, as well as creating public trust towards law enforcement bodies.

# RIGHT TO WORK

1. *Everyone shall have the right to free choice of employment.*
2. *Every worker shall have the right to protection against unjustified dismissal from work. The grounds for dismissal from work shall be prescribed by law.*

*RA Constitution, Article 57*

---

According to the RA Constitution, everyone has the right to free choice of employment and to protection against unjustified dismissal from work. This regulation suggests that everyone is free to choose a profession, and to be employed in jobs for which they have a preference. The relations between an employer and employee are based on the principle of sustainability, which means that in the event of unjustified dismissal from work, an employee has the right to dispute this decision in court. As a safeguard to the sustainability of labor relations, the state regulates within the Labor Code the grounds upon which legal dismissal may occur, thus preventing arbitrary decisions by employers.<sup>15</sup>

LGBT persons encounter discrimination in various spheres of life. Discriminatory attitudes and prejudice towards them apparently injure not only their mental integrity, but also social safety. More precisely, their quality of life is heavily impacted by the discrimination applied in labor relations. A person may lose earnings simply due to a personal characteristic they hold, rather than due to inadequate professional skills or flawed performance. Below are some of the cases in labor discrimination documented in 2022:

A gay person was employed in the services sector. Co-workers learned that this person has a trans friend and has frequent interactions with that friend. Co-workers started ridiculing and harassing the person for having a trans friend and assumed that the person must be LGBT too because they are interacting with trans people. After a while, the employer informed the person that the tensions between them and other workers are impacting the working environment and the applicant was therefore dismissed from the job.

This person did not wish to seek legal protection.

A gay person was hired as a waiter in a bar in Yerevan. During the application process, the owner of the bar told the manager that “such a person” cannot work with them, referring to a person who is gay. The manager, however, persuaded the owner to hire him. After working for one month, he was dismissed. According to the manager, the owner did not want “such a person” to work there, arguing that their clients include “genuinely Armenian men, and such people cannot serve these men.” In response to the manager’s arguments that the newly hired worker was a good employee, the owner

---

<sup>15</sup> See, RA Labor Code, Articles 109-114 <https://www.arlis.am/documentview.aspx?docid=146722>

invited both of them to hold hands and leave as long as the manager is taking the side of defending him.” The owner eventually dismissed them both.



In this latter case, we are dealing not only with direct discrimination but also discrimination as a result of association. The manager fell victim to discrimination for association and was dismissed from work not on the grounds of their personal characteristics but because of the personal characteristics of someone they were trying to defend. Discrimination in labor relations results not only in the violation of labor rights but potentially in a lack of decent housing and inadequate living standards.

In this situation, the state has failed in its obligation to protect people from discrimination. Despite the ban on discrimination in the Labor Code, many people avoid seeking remedies for their violated rights as they do not have any expectation that they can prove discrimination by their employers. Should comprehensive anti-discrimination legislation be enacted, those suffering discrimination must not bear the burden of proof of discrimination. They should only be required to report the alleged discrimination, while the defendant will need to prove that they did not act in a discriminatory manner. This principle is based on the notion that the alleged perpetrators possess a large scope of evidence materials that can potentially prove a lack of discrimination. For example, if a person was actually dismissed from work due to a lack of professional skills or underperformance, this can be easily proven by the employer. In practice, discrimination and other kinds of violations are difficult to prove, if the burden of proof is borne by the employee. The employee almost never possesses the means to prove that their dismissal was on the grounds of a specific characteristic they possess.

It is also the obligation of the state to establish an environment wherein individuals refrain from committing discrimination. In other words, an environment where the public knows that the state has a clear policy of combating discrimination of any kind and on any grounds and that such acts will be punished. This means that the state must publicly condemn discrimination and publicize its policy on preventing discrimination. In such a situation, even an incomplete set of regulations would prevent service providers and employers from freely discriminating.

# RIGHT TO EDUCATION

*1. Everyone shall have the right to education. The programmes and duration of compulsory education shall be prescribed by law. Secondary education within state educational institutions shall be free of charge.*

*2. Everyone shall, in the cases and under the procedure prescribed by law, have the right to receive free education on a competitive basis within state higher and other vocational education institutions.*

*RA Constitution, Article 38*

---

Education is key to progress in a society. In this regard, the state bears a positive obligation to raise public consciousness and ensure society's continuous development by enabling conditions for the free exercise of the right to education. The RA Constitution stipulates that everyone shall have the right to education. At the same time, no one shall be denied the right to education.<sup>16</sup> The right to education includes not only secondary education,<sup>17</sup> but also higher education.<sup>18</sup> In entrusting higher education institutions with a self-governance authority,<sup>19</sup> and anticipating that some learners may be dismissed, the state stipulates that the dismissal of students shall be conducted in accordance with the internal procedures and rules of the institution.<sup>20</sup> This regulation is an additional safeguard to protect the right to education in institutions of higher education.

With a student's consent, a video was uploaded on the Internet showing the student putting make-up on a trans woman. After the video was disseminated, fellow students started mistreating that student and making discriminatory statements. They used words like, "sissy," and "you're dressing like a girl." They also argued that the trans woman's use of makeup was profane. They fought the students and started kicking and shoving them. According to that student, teachers started treating them in a discriminatory manner as well. They started regularly inviting their parents to school and during these talks they told the parents that their son was gay. The student was forced to change schools twice, because in both schools, the teachers and fellow students discriminated against them.

The student did not wish to seek legal protection as they wanted to avoid further conflict with other students.

---

<sup>16</sup> See, Convention on Human Rights and Fundamental Liberties, Amended Protocol 11, Article 2 <https://www.arlis.am/DocumentView.aspx?DocID=20870>

<sup>17</sup> See, Bahri SULAK v Turkey, No 24515/94

<sup>18</sup> See, Leyla Şahin v. Turkey [GC], § 141; Mürsel Eren v. Turkey, § 41

<sup>19</sup> See, RA Constitution, amended in 2015, Article 38, Part 3

<sup>20</sup> See, RA Law "On Higher and Postgraduate Professional Education", Article 17, Part 6 <https://www.arlis.am/documentview.aspx?docid=103999>

The high school student who identifies as a trans boy, was called by their preferred name by friends and fellow students. A teacher learned about this and decided to have a talk with the student. Later, the student learned that the school administration was also made aware of their identity. The principal told a fellow student that their friend is "disturbed." The principal then called the boy's custodian, their sister, and told her that "this illness is not permissible in school." The principal also said that if this is to continue, and if the parents of fellow classmates complain, then they will have to dismiss the student from school.

A gay teenager was regularly bullied by fellow classmates at his college. He was ignored, ill-treated, drawn into fights, and ridiculed for his appearance by statements such as, "are you shaving your legs? Real boys don't shave," etc. The teachers and college administration were aware of his mistreatment by his peers' but did nothing to prevent the bullying. One day, when the classmates argued with the boy and insulted him, the boy called the police. He went out to the building next to theirs to meet the police officers and was encountered by 10-12 fellow students aged between 17-19. They started to insult him in reference to his sexual orientation. One of them approached the boy and kicked his hand and legs. The teenager attempted to defuse the fight. Upon the arrival of the police officers, they all went into the college where the officers started to speak in a rude and reprimanding manner to the boy. They dismissed the truth told by the boy by stating that he "is faking it all." In a general meeting, the deputy principal stated that it was due to his efforts in preventing violence that the boy was not physically assaulted, otherwise various boys would be abusing him right now. As a result, the student was dismissed from college on the grounds of misbehavior.


The survivor does not wish to continue his education as he feels unsafe.

A gay teenager was dismissed from his college (i.e., a secondary educational institution) . He attempted to be admitted to a high school to continue his education. The school administration learned from the college about the reasons for his dismissal and the applicant was forced to come out. During a preliminary conversation with the boy, the school administration told him that he shouldn't attend school wearing clothes that stand out, or with dyed hair. They also warned him not to share his orientation with his peers. Nonetheless, on the next day, he received a phone call from the school administration informing him that they did not want "such a person" to study at their school, explaining their decision was based on the appearance of the applicant and the mismatch of his clothes to the school. The student, however, stated that he went to the admissions meeting in ordinary clothes, and that he also noticed other students there wearing similar clothes and dyed hair.

A gay man studied at a military educational institution. When the administration of the institution learned about his sexual orientation, one of the senior administration officials called him for a private conversation and started to shame him for being gay, telling him rudely that it is not normal and said that they "will make him a man." The young man was also threatened that he would be dismissed, which would mean his immediate transfer to mandatory military service in an army setting. He would also have

to pay double the tuition fee, as is stipulated in the military educational contract, should he be dismissed from the institution.

The military educational institution informed the person's family about their son's sexual orientation. This resulted in family pressure upon him related to his sexual orientation, including threats to harm him, etc. Family arguments also revolved around having to pay large sums of money to the military educational institution over the disclosure of his sexual orientation. This person was forced to quit his education and leave the country.

 A gay man was supposed to complete military education towards his military service, through which he would then serve in a higher military rank in the army.

During one of the medical examinations for his military draft, the man was accompanied by his father. During the medical examination, the man was asked private questions, as well as questions about his sexual orientation. The man was afraid to confess that he is gay, because one of the examining doctors was conveying all of the information to his father. During the medical examination, the man was constantly told that he was not brave enough, that he is weak, and that he cannot continue studying and serving in the military educational program. He was directly asked whether he had ever had sexual contact with a woman. The man answered yes, but in fact that was a lie as he was afraid to come out, knowing that his father would be informed and that would cause family issues. He was told that he is not fit to serve because of his behavior and that they were going to "dismiss" him from the program.



The cases in 2022 documented by Pink of violations of the right to education on the grounds of sexual orientation or gender identity exceeded those documented in previous years. While this may give cause for concern, our belief is that more and more people are starting to speak out about infringements upon their right to education. An educational institution must act not only as an educator, but a protector of its students' rights. Regardless of the fact that bullying or abuse comes from fellow classmates, family, or others outside the institution, the school must consistently work to restore the violated rights and repair the harm done to the mental integrity of victims. This responsibility on the part of educational institutions is especially important because victims of violations are often underage persons who are not well informed of their rights and may not have access to remedies. Therefore, the school must instill a culture of equality, respect and tolerance amongst students, and take action to protect those who are more vulnerable.

The examples stated above, however, unfortunately show that educational institutions often make no effort towards protecting LGBT people and, to the contrary, may indirectly act to violate students' rights. In many cases, the victims of such violations drop out of school, are psychologically oppressed, and have no wish to continue their education. These consequences, in conjunction with others, are bound to negatively impact the future career opportunities and labor market positions of the persons affected and lead to negative socio-economic issues.

As is already clear from the case descriptions, violations of the right to education were documented in military educational institutions as well, which were accompanied by the disclosure and mishandling of private data. It is natural to assume that reducing the number of learners at military education institutions also harms state interests and

therefore harms not only the individuals concerned but also the state.

Given the fact that educational institutions are state institutions, the above-described cases amount to a failure of the negative obligation of the state to refrain from violating human rights.

# RESPECT FOR PRIVATE AND FAMILY LIFE

*Everyone shall have the right to inviolability of his or her private and family life, honor, and good reputation.*

*2. The right to inviolability of private and family life may be restricted only by law, for state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health, and morals, or the basic rights and freedoms of others.*

*The RA Constitution, Article 31*

---

Everyone has right to privacy, family, honor, and reputation.<sup>21</sup> The right to private and family life defines the right of every person to recognition before the law, as well as the right to privacy.<sup>22</sup> "Private life" is a broad concept, which includes the physical and psychological integrity of the person. In some cases, it includes aspects of a person's physical or social identity. Circumstances, such as gender identity, name, sexual orientation, and sex life are protected by the right to privacy and family life.<sup>23</sup>

The right to physical integrity (right to inviolability) is a fundamental, inalienable right inseparable from human dignity, the meaningful protection of which is a necessary precondition of democracy. This right is protected under prohibition of torture, and inhuman or degrading treatment or punishment.

Torture is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from them or a third person information or a confession, punishing them for an act they or a third person is suspected of having committed, or intimidating or coercing them or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>24</sup>

Under its international obligation to protect individuals from torture, the state must, first and foremost, refrain from inflicting torture. State officials, law enforcement officers, persons in an official capacity should not inflict physical or mental abuse against private individuals based on any grounds protected against discrimination. It should be emphasized that the right to be free from torture and cruel treatment is an absolute right and is not subject to any restriction.<sup>25</sup>

To distinguish torture from inhuman and degrading treatment, torture is damage inflicted intentionally on the person that has caused serious and severe suffering, while degrading treatment is treatment that arouses feelings of fear, threat, or inferiority,<sup>26</sup> injures the person's reputation and role, or their human dignity or forces them to act

---

21 See, RA Constitution, amended in 2015, Article 31

22 See, International Covenant on Civil and Political Rights, 1966, Article 16

23 See, *Pretty v. The United Kingdom*, No. 2346/02, §49

24 See, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Article 1

25 See, *Pretty v. The United Kingdom*, No. 2346/02, §4

26 See, *Aydin v. Turkey*, No23178/94



against their own will or conscience.<sup>27</sup> In certain cases, discrimination and threats on the grounds of SOGI are considered degrading treatment.<sup>28</sup>

Nonetheless, the ban on torture, inhuman and degrading treatment applies beyond state officials. Under the international instruments protecting this right, the state is obliged to prevent the violation of a person's physical safety by others,<sup>29</sup> must prohibit physical abuse, such as battery, harming a person's health, hitting, stabbing and any other injury to the body of the person. At the same time, the state is obliged to create mechanisms to remedy the violation of the right to physical integrity. Such remedy mechanisms include criminalization of these acts, and redress provided to victims.<sup>30</sup>

A person's physical and mental integrity are also protected under the right to private and family life, honor, and reputation.<sup>31</sup> In a number of its judgements, the ECHR has taken the position that state authorities bear a positive obligation in relation to the protection of the right to physical and mental integrity from assaults by private individuals under the Convention's Articles 2 or 3, and in other cases, under Article 8 (separately or in conjunction with Article 3) to create and ensure an adequate framework of legal norms that enable the protection of private individuals from violent acts.<sup>32</sup>

In Armenia, intentional physical injury to a person is a set of offences punishable under the Criminal Code.<sup>33</sup> Punishment is prescribed for offences of physical influence (injury) of various degrees of graveness and various types of injury.

### **Physical Violence Based on Sexual Orientation or Gender Identity**

A young man, around 22 years old, saw two female partners holding hands while walking down the street. He came up to them and started to shove them, hitting one of them over the head with a bag, and swearing at them with sexual swear words. He also said, "I do not serve in the army so that people like you can freely walk around in this country." One victim of the assault had an appearance that stands out in the Armenian public, with tattoos on her arms and a half-shaved haircut. She did not wish to report the assault to the police for fear of the disclosure of her and her partner's sexual orientation as she has children and lives with her family.

27 See, *East African Asians v United Kingdom*, No 4715/70, 4783/71, 4827/71

28 See, *Smith and Grady v United Kingdom*, No 33985/96, 33986/96

29 See, CAT, General Comment No. 3. A v United Kingdom, No. 25599/94, Rep. 1996-VI, Judgement of 23 September 1998

30 See, *Blanco Abad v Spain*, CAT Communication No. 59/1996, 14 May 1998, *Members of the Gldani Congregation of Jehovah's Witnesses v Georgia*, op. cit., §97. CAT, General Comment No. 2.; *Torture in International Law, a guide to jurisprudence*, Association for the Prevention of Torture, page 72

31 See, RA Constitution, amended in 2015, Article 31; European Convention on Human Rights, Article 8

32 See, *Osman v. the United Kingdom*, §§ 128-130; *Bevacqua and S. v. Bulgaria*, § 65; *Sandra Janković v. Croatia*, § 45; *A v. Croatia*, § 60; *Đorđević v. Croatia*, §§ 141-143; *Söderman v. Sweden* [GC], § 80

33 See, RA Criminal Code, Chapter 16 <https://www.arlis.am/documentview.aspx?docid=149259>

A co-worker punched a gay person in the face during a quarrel over a trivial issue. Later, the assailant confessed to that person and other co-workers that they were really getting angry and nervous over the fact that the applicant is gay and "is making gay gestures."

The victim reported the assault to law enforcement, however, they refused to open a criminal file.

A group of boys aged 9-15 gathered in the backyard of an apartment block in a town in one of Armenia's regions and started insulting a gay person and his family with sexual swear words and insults about his sexual orientation. Two of the teenagers, around the age of 15, approached the person and offered to go behind the building of a nearby kindergarten to "clear up the matter." Here too, the two teenagers continued swearing and were joined by three other boys. One of them came closer and hit the victim, who at that time took out tear-gas spray and sprayed it into the eyes of two of the teenagers. The victim then ran towards the entrance of the kindergarten.

The teenagers started throwing stones at the victim while they were running away. At the entrance of the kindergarten, one of the teenagers approached him again and threw stones at his feet, then proceeded to hit his legs four times with a wooden stick. These acts were accompanied by repeated calls to go away and into a place out of the public eye, but the victim feared further violence and remained at the entrance of the kindergarten. The teenagers continued shoving him around. One of the teenagers told him to immediately leave the spot, because the brothers of the sprayed boys were coming after him. After a while, the victim saw around 7-8 boys, some aged between 12-15 and others 17-18, coming in their direction. They had stones, sticks and knives in their hands. The victim decided to enter the kindergarten building. Earlier, during the fight, at around 16:20, the victim had called the police and reported the threat, asking for the police to arrive. At around 17:30, the police had not yet arrived. The victim called a taxi and accompanied by kindergarten workers sat in the taxi and headed towards the police department of their town. He first tried to find out why the police did not react to his call. Police officers answered that he must have called a Yerevan-based phone number, which was the wrong number, and should have called their town's local police phone number. In fact, he had called the police hotline, 1-02, which is a centralized number operating all over the country.

### **Violence Based on Gender Identity and/or Gender Expression**

A trans woman called Yandex taxi at 2am. Upon arrival, the taxi driver saw that the client is a trans woman and refused to take the order. The woman demanded that the driver carry out the order. The driver started swearing at the trans woman and walked towards her. Having experienced abuse many times in the past, the trans woman anticipated an assault by the driver and took out the knife she kept on her for self-defense. The driver shoved her around, snatched the knife and cut her hands

multiple times with the blade. The driver also slapped the trans woman several times, and headbutted her. As a result, the trans woman lost her balance and fell to the ground. The driver then proceeded to kick the woman.

The crime was reported to the police. A criminal file was opened on the basis of Article 195, Part 1 of the Criminal Code of Armenia (Physical influence (Battery)). The woman is recognized as a victim.

A trans woman went out for a walk at around 3am. While walking, she noticed two men sitting on a nearby bench who were staring at her. She also heard them using slurs at her, to which she did not react. But when she was passing closer by them, the men came up to her and asked what time it was. The woman responded, which made it clear that she was a trans woman. The men started shouting and swearing at her. The woman asked them to clear her way so she could pass because they were strangers and she was attempting to avoid a fight. One of the men forcefully shoved the woman while continuing to use slurs. The woman started screaming for help, after which the two men began to fully attack her. One of them attempted to cover her mouth, and then forcefully kicked her in the mouth and cheeks three times, knocking out her teeth. The other man hit her in various parts of her body, including the abdomen, back and feet. Afterwards, the men ran away from the scene.

The woman decided not to turn to the police, deeming it absolutely pointless as similar assaults had repeatedly happened to her and her family members in the past and the attempts to turn to the police resulted in the police blaming her.

A trans woman sex worker had an encounter with a client at her apartment. After the sexual act, the client demanded that the payment be returned, which was rejected by the trans woman. The client started threatening her, yelling at her, and swearing, after which he took out a knife and held it against her neck demanding that the money be returned. Fearing for her life and health, the trans woman was forced to return the payment for her service to the assailant. According to her, because of her gender identity, the assailant shouted and made lots of noise in the apartment building in order to create issues for her in the neighborhood and have her expelled from the apartment.

Two trans women were in an area considered a cruising place for trans sex workers. They were approached by three young men aged between 23 and 28, under the influence of alcohol. The young men started using slurs and sexual swear words at them, including insults about their gender identity and work. They then proceeded to shove them around, pulling the hair extensions of one of them, and pulling her finger in such a way that it was injured. Leaving her high heels behind, one of the women ran to cross the street. A car started driving at her with the intention to run over her and then chased her. The young men slapped the other trans woman who was wearing high heels, causing her to lose her balance and fall on the ground. The young men started kicking her, threw cigarettes at her, and spat on her. The woman tried to stop a police patrol car that drove by at that time but the patrol did not pull over. The assailants remarked on this, "See, even the police do not help you."

The trans women called the police, who arrived one hour later. Together with the assailants, they were taken to the police station, where the assailants continued to swear at them with sexual swear words, calling on police officers “to allow them to slaughter and annihilate these ones.” The police officers took no measures to prevent the calls for violence, they only pulled them to the side and said, “Come over, these ones are trouble,” meaning the trans women.

A trans woman was walking on the street when she was approached by two young men, and the three continued walking together. The young men gave her a beer and invited her to sexual intercourse. The trans woman rejected, after which one of the young men snatched a knife from the bag and attempted to stab the woman, but she managed to escape. The other young man took the knife away from his friend’s hands and put it back into the bag. After a while, the young man again took out the knife and forced the woman to perform oral sexual intercourse while he held the knife over her head. The second young man also forced her into oral intercourse while the knife was visible. After this, the young man put the knife back into the bag but continued to utter sexual swear words and slurs. Later, he took the knife out again and started chasing the trans woman. She was able to run away and called the police.

The criminal offence was reported to the police. A criminal file has been opened for the offences of keeping a cold weapon and coercive violent acts of a sexual nature. The woman is recognized as a victim.

A video was uploaded on the internet where a man around 35 years of age livestreamed with his phone how he used slurs and swear words towards trans women. In the video, he showed the large rings he wore on his hand. He then approached one of the trans women in a gathering place for sex workers, asked a question, and then punched her. The woman fell to the ground. The man continued to livestream as he proceeded to kick and beat her while swearing at her. After a few minutes, the woman was able to get up and run away, while the man continued swearing.

A few hours later, a YouTube user by the name “Karen Arayan” uploaded this video titled “ՍԱՏԿԱՑՐԵՑ ՏՐԱՆՍԳԵՆԴԵՐԻՆ ԵՐԵՎԱՆԻ ՓՈՂՈՑՈՒՄ / ԿԵՑՑԵՍ ՎԱՂԵ” (“How the transgender got battered on the street in Yerevan / Well done Vahel!”). The video also featured comments by “Karen Arayan,” the person behind a militarist social media channel called “Army of Light.” All throughout the video, “Karen Arayan” publicly justified the violence and stated that the assailant, Vahe Yeghiazaryan “was awarded a gratitude award by the Army of Light because he had committed a patriotic act by battering a trans person.” These acts resonated greatly in the public and have continued to be encouraged and justified. A criminal file was opened.



Walking towards a kiosk, a trans woman encountered three young men around 30 years of age who attempted to make acquaintance with her, which she rejected. At another encounter, this time near the entrance of her home, they used slurs and asked whether she does oral sexual acts. The applicant responded that it is none of their business. The young men proceeded to swear at her, then kick and beat her. The woman fell to the ground, while the assailants continued kicking and swearing. The young men stopped only when they noticed a police patrol car passing by. For fear of being caught, they then ran away.

A trans woman was standing at a cruising area for trans sex workers together with other trans persons. Two young men passed by them on a scooter, and one of them spit at her and used swear words stating, "people like these should be beheaded."



Physical abuse is one of the most common crimes faced by LGBT persons. These assaults normally are carried out by strangers who make assumptions about the sexual orientation or gender identity of the persons they subject to wrongdoing based on their appearance or based on the area in which they encounter them. Trans persons are predominantly assaulted in an area where trans sex workers gather or are assaulted because their appearance is perceived to be trans. Repeated physical assaults taking place and reported from the same location for years speak to the inaction of the state. Law enforcement bodies fail to ensure the safety of people in areas notorious for cases of abuse and fail to fully investigate cases of abuse, which creates an environment in which such crimes routinely go unpunished. This toxic environment has escalated to a level where the act of abusing a person accompanied by statements of encouragement and calls for further violence against transgender persons can be aired live and 'go viral' with no attempt to conceal the identity of the assailant and yet still go unpunished. When such unlawful inaction by law enforcement is repeated, we may well conclude that it is not the policy of the decision-making bodies in charge to combat hate crimes.

Survivors of violence are reluctant to report crimes to law enforcement bodies. They have repeatedly experienced disappointment; therefore, they do not trust that their cases will be investigated, and that the perpetrators will be brought to justice. Also, they prefer to avoid double-victimization and ill-treatment by the police. These concerns are well reflected in the violations described below; wherein LGBT victims of hate crimes have been directly mistreated by representatives of law enforcement.

### **Power Abuse by Law Enforcement Bodies**

A gay couple was watching a film in a car when two patrol officers came by. They demanded the couple show what they had in their bags and proceeded to search the seating compartment and other areas of the car. Figuring out that they were gay, they ridiculed them, asking questions such as, "Who is the female out of the two of you?" "Don't you want to change your sex?", "Are you with both girls and boys?", "your girlfriend..." The patrol officers said that the couple were committing an illegal act by

engaging in sexual intercourse in a public area and were subject to a fine. They stated that the couple were supposed to pay it directly to them because the officers prevented the crime, and they demanded 20,000 AMD from each of them. The applicants were able to convince the patrol officers that they had not committed any illegal acts and were not going to pay the amount demanded.

The couple did not wish to report the incident to law enforcement for fear that they would violate their confidentiality as they did not wish to make their sexual orientation public.

While documenting a crime report by a survivor of domestic violence, the investigator learned that the person was abused because of their sexual orientation and remarked that all normal parents would act in the same manner if they learned that their child had a different sexual orientation. Without trying to hide their discriminatory attitude, the investigator asked the person who drew him into "that circle," referring to LGBT people.

While documenting testimony, the investigator summoned the victim and her mother at the same time. The mother, showing up with the victim's 3-year-old brother, started psychologically abusing her and incited insulting statements from the brother addressed to his sister. She said, "Look, you're never going to see this piece of dirt again."

Police officers ridiculed trans victims of violence, laughed at them and called them "trouble."

At an investigator's office, the investigator got into an argument with the victim after the victim remarked that police officers discriminate. The investigator smirked and demanded that the person behave "in a normal way," only answering the questions and not making other remarks. The investigator also said that no such behavior is to be tolerated in the office and that only they, the investigator, would decide what is permissible and what is not. The representative of the victim interfered and demanded a respectful attitude towards the victim reminding the investigator of applicable international norms and that because the survivor of the crime may be in a difficult mental state, they may laugh, cry, or express in themselves in unusual ways, requiring patience and sensitivity from the investigating body. After that, the investigator refused to continue documenting the victim's testimony (explanation) on the computer and suggested that the victim and their representative write it themselves.

After around one hour of clarifications and calls to the Human Rights Defender's office, the investigator documented the testimony on the computer.

Police officers insulted a gay person who had been abused. They asked the person why they were not using swear words, inquired as to the clothes they were wearing, and remarked that once the ears are pierced the only thing missing is the lipstick.



They commented on the person's sexual orientation and more specifically, joked that they are going to marry a man.

A woman was at her female partner's place when she noticed that her phone was missing. Together, they went to the local police department in one of the regions of Armenia. At the police station, her other phone was taken by the police officers in order to locate the stolen phone. While doing this, they secretly accessed the private videos and photos on the phone featuring her private life with her partner. The officers invited the applicant's girlfriend to a separate room and threatened her that they would tell her family about her sexual orientation and show them the photos. They coerced her to confess that she had stolen the phone. In another private conversation with the woman, the police officers told her that "those like her come and degrade the region and create conflicts," coercing her to confess that her phone had not been lost and that she was lying. The police officers also told her to stay away from the family of her girlfriend and that her girlfriend was "immoral." Conversely, the officers made negative remarks about the woman while speaking to the family of her girlfriend.

These cases reflect the situations that victimized LGBT persons are trying to avoid, ultimately declining to seek legal remedies because of the actions of law enforcement bodies. In other words, victims who have ever dealt with law enforcement never want to go back to them for help. It is important to note that survivors of hate crimes are particularly vulnerable, psychologically depressed, and insecure, which necessitates not only legal support but also psychological assistance in order to help them cope with the harm inflicted upon them because of their identity. Normally, survivors of such crimes find it difficult to even speak about what happened to them and often do not report to investigators details that may have significant importance to the full and comprehensive investigation of their complaints. When a person is not offered psychological assistance in this situation but is instead mistreated, subjected to ridicule and other degrading and offensive acts, their condition and mental integrity deteriorates.

In addition to this, the cases documented so far show that the actions of law enforcement bodies constitute offences for which they should be held accountable. However, in practice, no one in law enforcement has ever been held accountable for such acts.

Here we are dealing with a failure to adhere to human rights where the offender is the state body itself. In such a situation, it is even less likely that the violated rights of the person will be remedied as the state institution vested with the mandate to protect the person is the one violating their rights.

**Transgender persons face multiple difficulties or restrictions due to their gender identity.** It is worth stating that in order to address the issues faced by transgender persons, the state must adopt clear policies. This should include legal regulations on gender affirmation (gender-reassignment), including hormonal therapy, gender-reassignment surgeries, psychological assistance, pre-surgical examinations, and post-surgical management. Another issue is the fact that the law allows for changing the gender marked on personal identification documents only by producing medical documents that confirm gender-reassignment surgeries. In other words, a person whose

gender identity does not match their biological sex and does not wish or does not have the means to undergo gender-reassignment surgeries will face multiple issues resulting from the mismatch between their appearance and the gender noted in their passport. This issue can create complications for a person in everyday public interactions. The incident below is just one of many such examples documented by Pink in 2022.

In order to receive a new passport, a trans person had to go to the local military draft committee to obtain documentation of the completion of military service. The military committee personnel ridiculed the person. They also denied the document on the grounds that the person's appearance is female and they could not match their identity to the documents despite the fact that the person showed them their previous passport photo.



Here, we are not simply dealing with a technical issue, this is clearly a derisive attitude demonstrated by the state body. Not only did the person encounter a problem trying to obtain the official documents, but they also were targeted by the state body, which constitutes an act of violence and a lack of respect for the right to private and family life. The person was harmed psychologically and was also deprived of the most basic means of exercising their rights due to the lack of a passport. The earlier section of this report on the obligations of the state touches upon this issue by quoting the CEDAW recommendation to the Armenian government **to ensure the right of transgender persons, including women, to change gender-marking in their passports and other identification documents.**

## Cases of Domestic Violence

A young man published videos on TikTok social media where he came out. Family members saw these videos and learned that he is gay. His mother and father started an argument saying that homosexuality is wrong and that it is some sort of disturbance, an illness. They also demanded that their son leave home as "they did not wish to keep a faggot in their house." After a while, they brought their son back home and grabbed his phone. The father attempted to hit him but was prevented by family members. The father mentioned that he was not sure whether he would be able to hold himself back and that he might kill the young man. He was then transferred to a children's assistance center.

A representative from the regional governing administration stated to Pink that homosexuality is not normal and work needed to be conducted with the child, especially because the child did not understand it as a minor, emphasizing that without a prior sexual relationship the child could not be sure of his sexuality.



The parents of a bisexual woman learned about her sexual orientation by accessing her private communication and photos. They kept her locked up against her will and did not allow her to leave the house for around four months. During this time, they cut her hair, abused her physically, and shoved her around. Her father also abused her psychologically by regularly insulting her about her sexual orientation. He also threatened to harm the child of her girlfriend, saying that he knew where the child was studying and that he would go and kill the child. The family also tried to “treat” the applicant by “reversing her sexual orientation” and took her to a psychiatrist.

A user of a fake Instagram account sent previously deleted photos of an underage person to their parents that were posted on the person’s Instagram page by themselves in the summer of 2021. The photos sent to the parents could possibly suggest that the person identifies as gay. The fake account user demanded that the parents not obstruct a meeting with the victim, threatening to otherwise publish the photos. A few hours later, the same account user sent the photos of one of the victim’s close friends, which could possibly suggest that that person identified as gay. The fake account user said to the parents, “see who they are interacting with.”

The father of the underage person took them home, confiscated all means of communication, and prohibited their interaction with LGBT persons as well as visits to the community center. The entire family engaged in intensified efforts to control the person. In this situation, this person informed one of their friends that they were thinking of committing suicide.

Family members of a lesbian woman learned about her sexual orientation and tried to keep her locked up and without any means of communication. The woman escaped home and went to a park with her female friends. The father of the woman went to the same park and attempted to forcefully bring her home. However, the woman resisted as she did not want to go back. The father used force, proceeding to hit her in the face, neck, and back, and shove her towards the car while swearing at her friends. He also acted violently towards the friends who were trying to rescue her. He punched one of her friends who then started bleeding from her mouth. The woman, however, succeeded in escaping from her father while one of her friends called the police.

The sister and father of a person learned about his sexual identity which became the reason for an argument. This person left home and went to a park where another argument then broke out. According to the person, the reason for the arguments was his sexual orientation and his family’s intentions to marry him to a woman. His father told him that he would not allow him to leave home and have any contact with anyone. During a fight at home, the person hit his sister after which the family members called the police and a psychiatric brigade. As a result, the person was forcefully transferred to a psychiatric institution. The person had in the past received inpatient treatment at the psychiatric hospital, but now the fight was simply a pretext. The person’s father wanted him to receive psychiatric treatment due to his sexual identity. The person mentioned that at the beginning he agreed to the treatment, but also mentioned that he was

forced to agree. He wanted to get out of the house to meet his friend, but his father did not allow it.

The family members of a bisexual girl noticed that she was interacting with persons of a non-heteronormative appearance. They tried to ban her interaction with her friends, saying that they were creating a bad environment around her and that they were negatively impacting her. They attempted to control her interactions. After clashing with their daughter's female partner, the family members took away their daughter's phone, locked her up, and beat her on various parts of her body, including her head. The applicant secretly continued keeping in touch with her partner. This became known to her sister who demanded that she stop interacting with her girlfriend and threatened to inform the other family members. The girl had to secretly escape home in order to escape further abuse. Afterwards, her family members contacted her and demanded that she meet them, threatening to turn to the police. The girl felt compelled to meet them. During the meeting, the family members tried to convince her to return home. They also threatened her partner that they would report to the police that she had kidnapped their daughter if she did not end her relationship with her.

Having encountered the discriminatory attitude of the police in the past when police officers had threatened to disclose her sexual orientation, the applicant did not trust the police. According to her, the local police department's officers are acquaintances of her family, and therefore turning to the police would not help.



A person expects to feel safe within their family and supported towards their establishment in society at large. Therefore, abuse by family members is bound to have a more severe impact on the person, harming not only their physical, but also mental integrity. A person subjected to violence at home finds it difficult to seek remedies for their violated rights and to cope with the difficult situation regarding their identity. Protection of victims of domestic violence becomes even more difficult in the case of minors when the offender is the legal representative of the victim, and the victim must continue living with them. The law enforcement system does not have a remedy mechanism that would enable the protection and safety of a person who reports against family members. This is the main reason why survivors of domestic violence avoid lodging complaints.

It appears that the state makes no efforts towards raising public awareness about sexuality and the prohibition of violence. The public still has negative attitudes towards gay, lesbian, bisexual, and transgender persons, while violence at home is normalized and rationalized in society.

The state has also failed to provide effective remedies. After the adoption of the law against domestic violence, certain progress has been noticed regarding the preventive actions taken by law enforcement bodies. However, in the case of LGBT persons, effective remedies are still lacking. A person who suffers domestic violence does not feel safe even when turning to law enforcement, because there are no guarantees that they will not be forced back to the family of abusers upon whom they are also often financially dependent.





*Everyone shall have the right to freely express their opinion. This right shall include freedom to hold one's own opinion, as well as to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers.*

*RA Constitution, Article 42*

---

As one of the pillars of democratic society, freedom of speech encompasses almost every form and content of expression. This includes the right of people to freely express their gender identity in various forms, including ideas, opinions and information about their own identity. Freedom of speech is not an absolute right and is subject to certain restrictions.<sup>34</sup> While this right includes the freedom to express ideas and opinions, it also entails a duty to refrain from expressions that insult others and violate their rights.<sup>35</sup> Freedom of expression does not presuppose freedom of hate speech.<sup>36</sup>

### Regulations on Hate Speech

There is no single universal definition of hate speech around the world. However, in practice, international treaty bodies do provide provisional interpretations.

All forms of expression that promote, incite, encourage, or justify racial hatred, xenophobia, antisemitism, or other forms of hatred that are based on intolerance count as hate speech, including intolerance and hatred expressed by extreme nationalism, ethnocentrism, discrimination and hostility against minorities, immigrants, and persons of migrant origin.<sup>37</sup>

Article 19 (2) of the UN Covenant on Civil and Political Rights recognizes freedom of expression, affirming, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice."<sup>38</sup>

Limitations to freedom of expression under Article 19, Part 3 of the Covenant may apply, if the following conditions are met:

- a) are provided by law and are necessary.
- b) are aimed at respecting the rights and reputation of others, protection of national security, public order, public health, or morals,
- c) are strictly necessary in order to protect these interests in a democratic society. The mere existence of one or two conditions is not sufficient to prescribe the legality of the restriction.

---

34 See, UN Human Rights Committee, General Comment No. 34 <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

35 See, *Erbakan v Turkey*, No 59405/00

36 See, UN Human Rights Committee, General Comment No. 11

37 See, Recommendation No. R (97) 20 of the Committee of Ministers to Member States on "Hate Speech", 1997. <https://bit.ly/2wa4QoE>

38 See, International Covenant on Civil and Political Rights, 1966, Article 19(2)

Article 20 (2) of the Covenant states, "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

Hate speech is expressed not only by advocacy, justification or calls for violence and discrimination but also by an insulting, demeaning, hostile attitude, and the instilling of intolerance towards certain groups. It can lead to hate crimes against groups or individuals and it can violate the psychological integrity of individuals with certain characteristics, causing mental suffering or strain.

Hate speech is addressed at various levels in various countries. For example, the laws of Canada, Iceland, Great Britain, Finland, France, the Netherlands, and other countries prescribe criminal liability for hate speech.<sup>39</sup>

Persons are held accountable for hate speech once the threshold of its graveness is established. The following factors are examined to assess the graveness of hate speech:<sup>40</sup>

- *the context in which it is expressed,*
- *the speaker, and the speaker's standing in the context of the audience to whom the speech is directed,*
- *the intent: whether the speech was expressed with an intent to achieve a specific effect or negligently,*
- *its content: the degree to which the speech was provocative and direct,*
- *the extent of the speech, such as the reach of the speech, its public nature, its magnitude and the size of its audience,*
- *the likelihood that an act of hate directed at the target group may be incited by the hate speech.*

The analysis of these circumstances will suggest the degree of punishment for hate speech. In a society in which 95% of the public holds negative attitudes towards LGBT persons, even the most seemingly harmless expression of hatred can deepen the polarization within society and lead to the violation of rights. When a state official engages in hate speech, the likelihood that it will incite acts of hate is higher not only because of the official's reputation but also because it decreases the likelihood that others will be punished for such acts.<sup>41</sup>

The danger posed by hate speech can be elevated due to the identity of the author, and their role and behavior in society. In particular, the hatred expressed by officials is considered to be more dangerous because they are official representatives of

<sup>39</sup> See, relevant legislative regulations with the following links:

Canada <https://laws-lois.justice.gc.ca/eng/acts/C-46/section-318.html>

Iceland [https://www.government.is/library/Files/General\\_Penal\\_Code\\_sept.-2015.pdf](https://www.government.is/library/Files/General_Penal_Code_sept.-2015.pdf)

Great Britain <http://www.legislation.gov.uk/ukpga/2003/44/section/146>

Finland <http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

France <https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719&dateTexte=20181010>

The Netherlands [https://wetten.overheid.nl/BWBR0001854/2018-09-19#BoekTweede\\_TiteldeelV\\_%20Artikel137c](https://wetten.overheid.nl/BWBR0001854/2018-09-19#BoekTweede_TiteldeelV_%20Artikel137c)

Artikel137c

<sup>40</sup> Annual report of the United Nations High Commissioner for Human Rights, 2013, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred. <https://digitallibrary.un.org/record/746343>

<sup>41</sup> See, Pink Human Rights Defender NGO. "From Prejudice to Equality: Study of Public Attitudes Toward LGBTI People in Armenia," 2016 <https://www.pinkarmenia.org/wp-content/uploads/2016/06/From-Prejudice-to-Equality-English.pdf>

decision-making and public policy-making bodies, and accordingly are also public thought leaders. Political and religious leaders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination. They also have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping, and instances of hate speech.<sup>42</sup>

Negligent acts of hate speech should be publicly denounced and, in some cases, face legal consequences. Such expressions may be condemned by public officials, and disciplinary action may be taken against both public officials and members of a professional community as a violation of professional ethics. In analyzing the content of the speech, it is especially important to assess its effects as they can keep a certain group of people under fear, mental strain, and a feeling of constant threat. It is also important to assess the reach of that hate speech in society; in other words, to assess where it was produced, by which means it was spread, and most notably, whether it was widely disseminated by mass media. Dissemination of such speech by mainstream media should be brought to the attention of judicial bodies. Finally, the act of hate speech must be real and direct. In other words, the expressions therein must either contain clear hostility, an insult on the grounds of a certain characteristic, calls for violence and discrimination, or they must be perceived as such. Any ambiguous perception diminishes the likelihood of incitement arising from such speech.

### Domestic Regulations

In 2022, Armenia's new Criminal Code was enacted. Article 330 of the Code prescribes criminal liability for public calls for violence, public justification and advocacy of such violence, as well as for dissemination of any material or object for that effect against individuals or groups on the grounds of their racial, ethnic, national or social background, political and other views or other circumstances of a personal or social nature.<sup>43</sup> This offence was enacted in the earlier Criminal Code in April 2020 as an amendment; however, it was never effectively applied to situations of calls for violence on the grounds of sexual orientation or gender identity. Crimes reported to the police were often not criminally investigated usually under the justification that the alleged perpetrators were exercising their right to freedom of expression, that these expressions did not contain real and imminent threats, and were simply made recklessly.

It is important to note that the offence of public calls for violence is categorized as a formal offence; in other words, criminal liability for such an act is imposed regardless of the fulfillment of the intended result. As described in the previous section, in the event of hate speech, it is not necessary for the act of speech to result in violence or not. Expressions that are hostile, demeaning, or that call for violence violate the rights of the concerned individuals to a private life as well violating the rights of the targeted community. Even if the act of speech is directed at only one person but is on the grounds of the person's sexual orientation or gender identity, it nonetheless harms other persons with the same characteristic.

<sup>42</sup> Annual report of the United Nations High Commissioner for Human Rights, 2013, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred. <https://digitallibrary.un.org/record/746343>

<sup>43</sup> RA Criminal Code, Article 330 <https://www.arlis.am/documentview.aspx?docID=153080>

Article 329 of the new Criminal Code prescribes liability for inciting or advocating, via speech as well as dissemination of materials or objects for that effect, hatred, discrimination, intolerance or hostility against an individual or group of persons on the grounds of racial, national, ethnic or social background, political or other opinions or other circumstances of personal and social nature.<sup>44</sup>

The section of this report on the “Obligation of the state to safeguard human rights and prevent discrimination” discusses the ECtHR’s elaboration on the criminal regulation of hate speech in Armenia in its judgement in *Oganezova v. Armenia*, wherein it stated that the availability of the criminal regulation is not sufficient, as it must provide for an effective remedy to calls for violence on the grounds of sexual orientation and gender identity.

In conclusion, while Armenia’s legislation sets out criminal liability for more serious expressions of hate speech, including public calls for violence or justification for such calls, the implementation of this has not been effective as it has never been effectively used as a remedy for LGBT persons who have been targeted with calls for violence.

### **Manipulative Misuse of LGBT Issues and Hate Speech in 2022**

**Manipulations in the context of the Russian-Ukrainian war:** Citizens of Ukraine have relocated to Armenia as a result of the war perpetrated by Russia against Ukraine. Pink, as an organization providing assistance to LGBT persons in Armenia regardless of whether they hold Armenian citizenship, made a statement<sup>45</sup> in which it expressed its willingness to provide legal, social and psychological counselling to LGBT persons displaced as a result of the war in Ukraine. The reason for Pink’s outreach specifically to Ukrainians was because of their unfortunate situation of having to leave their country involuntarily due to foreign aggression.

Certain pro-Russian forces proceeded to misinterpret and manipulate this. The LGBT community became a target under the pretext that it supports the enemy of Armenia’s friend, Russia. Pink was targeted by pro-Russian Telegram channels<sup>46</sup> where threads sought the authors of the statement and spread the idea that the LGBT community in Armenia, as represented by Pink human rights NGO, supports Ukraine. These posts were followed by a barrage of hate speech. Insults and hate speech were directed towards the LGBT community in general, as well as towards Pink, which was accused of engaging in anti-Armenian activities against the interests of Russia, Armenia’s “only ally.” These threads therefore concluded that Pink’s activities were against the interests of Armenia as well.

Apart from social media, the issue was also misconstrued in the press. *Iravunk* newspaper dedicated an article to it, stating that those defending LGBT persons are creating a rift in the relationship between Armenia and Russia. The article specifically read:

Here is who is behind creating a rift in the strategic alliance relationship between Armenia and Russia in this tense situation. After all of this, a question arises: why

44 RA Criminal Code, Article 329 <https://www.arlis.am/documentview.aspx?docID=153080>

45 Announcement 01.03.2022 <https://www.facebook.com/pinkarmenia/photos/10160009287230238>

46 Telegram, SisMasis <https://t.me/sisumasis/29296>; ARMENIA INFO <https://t.me/armnewz/4540>



aren't these persons who are so concerned about Ukraine not going and expressing the willingness to fight on the side of the Ukrainian forces, and why were they acting as bystanders during the Artsakh war? Why it is that the Russian peacekeepers are protecting the Artsakh people, while these ones are busy "throwing dirt" at Russia? What is interesting, however, is that the National Democratic Pole of "Sasna Tsrer," the European Party of Khzmalyan, and the LGBT are to be found to be in one camp as they express their support for Ukraine.<sup>47</sup>

These forces intend to combat the negative sentiments shared by the wider society against Russia by exploiting the homophobia well rooted in Armenian society. They attempt to portray LGBT persons as supporters of Ukraine, drawing the sympathy of the homophobic masses towards Russia while attacking LGBT persons and deepening prejudices and intolerance against the community.



The participation of LGBT persons in the war by enlisting into the Ukrainian army became a target for ridicule, directed in part at photos and videos featuring openly LGBT combatants. Such ridicule proliferated in Telegram channels, based on the following news that these channels disseminated:

Promotional ads are disseminated in Ukraine where military enlistees of non-traditional orientations are inviting [their peers] to come and serve in their battalions.... The establishment of an LGBT battalion has given rise to a backlash among users of social media, local residents, and Ukrainian soldiers. Few would side with the advocates of the kind of patriotic act committed by homosexuals."<sup>48</sup>

Here the negative attitude towards LGBT persons was exploited by pro-Russian propaganda to discredit the Ukrainian army. This constituted a form of psychological harassment of LGBT persons who were once again portrayed negatively, adding to the existing environment of hatred.



**Mamikon Hovsepyan**, founder of "Pink" human rights defender NGO and chairman of Human Rights House Yerevan, **has been repeatedly targeted** and portrayed as a person affiliated with the authorities.<sup>49</sup>

**Another occasion exploited towards the goal of attacking LGBT persons was the public discussion before the appointment of Armenia's President.** Rumors were spread that the presidential candidate was Arayik Harutyunyan from the ruling party, and certain opposition circles started tying the ruling party to the LGBT community. The attempts to discredit Arayik Harutyunyan involved the resurrection of rumors from the past that he had connections with LGBT persons. During his tenure as the Minister of Education, Science, Culture and Sport, a transgender person known by the name "Karabina" visited him at citizen reception hours regarding a personal matter. The Ministry published a photo from the meeting triggering a wave of attacks and discrediting slurs against the government by homophobic groups. A user by the name "Vahe Yeprikyan" shared the photo from this meeting with the following comment: "Armenia's Potential President and First Lady."<sup>50</sup>

47 Iravunk.com, "Who supports Ukraine from Armenia"

48 Lurer.com, "LGBT Battalion in Ukraine. Scandalous photos are published (video)" <https://lurer.com/?p=455892&l=am>

49 FFacebook.com, Hovhannes Ishkhanyan, post on 05.30.2022 <https://www.facebook.com/1037606250/posts/10222205777586874/>

50 Facebook.com, Vahe Yeprikyan, "Armenia's potential President and First Lady" <https://bit.ly/3KHMIzt>

Naira Zohrabian, a political figure with a wide public audience in Armenia, also took advantage of the occasion to comment: "I am speaking about the "intimate" colleague of transgender Karabina, former Minister of Education, current Head of Staff of the Prime Minister, Arayik Harutyunyan."<sup>51</sup>



**Another wave of hatred erupted over an interview with the newly appointed Human Rights Defender, Kristine Grigoryan.** In response to a question about whether she is prepared to protect LGBT persons, she said: "I know how stigmatized the LGBT community is; it is very unfortunate. It is clear that I will handle the protection of vulnerable people that have found themselves in such a situation, because human rights are equal for all. Definitely there is a discriminatory attitude towards the LGBT community in Armenia and these persons are unfortunately being targeted."<sup>52</sup>

After this interview, she herself was targeted as the Human Rights Defender nominated by the authorities:

I heard that people were saying that this one is only the defender of Nikol's community. Look at the advocate of the LGBT community. Although, they are all in one community – LGBT. She was appointed yesterday and is raising today the most important issue in Armenia, and this is something against us.... As if there were no other issues of higher priority, issues of those left without homes, border communities that are daily terrorized by Azerbaijanis, persons prosecuted for political views, etc. No, the number one issue in Armenia is the LGBT community – they are being harassed!"<sup>53</sup>

In one derogatory post, a practicing lawyer connected the appointment of Human Rights Defender Kristine Grigoryan to the anti-LGBT rumors around the appointment of Arayik Harutyunyan as President.<sup>54</sup>



**The dissemination of lies about LGBT issues by the political opposition was rampant as well.** By doing this, they have tried to misuse the prejudiced sentiments of society about gender-reassignment and same-sex marriages. They have tried to tie these topics to the ruling political force using counter-intuitive means to pursue the aim of discrediting the authorities and gain political dividends.

**It is for the purpose of discrediting the ruling political force** that the claim that the number of LGBT persons has grown in Armenia since 2018 was inserted into public discourse. A practicing lawyer and former Chairman of the Chamber of Advocates of Armenia wrote on his Facebook page that with the unconditional support of the authorities, the number of homosexual and transgender persons rose in Armenia after 2018 ("Nikol's 'successes'. Rise in the number of prostitutes – 117%, homosexuals – 150%, transgenders – 676 %") and that this is a grave concern because homosexuals and transgender people have no place in Armenian society and "their rise in number is

51 Facebook.com, Naira Zohrabyan, "Transgender Karabina's colleague a President to Armenia?" <https://www.facebook.com/n.zohrabyan/videos/6838461376226032/?t=0>

52 Azatutun (Radio Liberty), Facebook Press Conference, "The Law provides the Ombudsperson with all the safeguards to act independently", newly elected Human Rights Defender <https://www.youtube.com/watch?v=CN9ukSXkYRA&t=2272s>

53 Facebook.com, Vardan Minasyan, personal account <https://www.facebook.com/photo/?fbid=5028094900569808&set=a.873254676053872>

54 Facebook.com, Narek Samsonyan, personal account <https://www.facebook.com/samsonyan.narek/posts/5038019122927872>

a threat to the maintenance of national identity.”<sup>55</sup>

While the Facebook followers of Ara Zohrabyan may be considered a limited audience, media outlets made sure that these absolutely baseless figures gained wider reach.<sup>56</sup>

Ara Zohrabyan went on to elaborate on this claim during a protest assembly:

You know quite well that since 2018 these authorities have started a new policy regarding perversion. During this time, we have witnessed a number of events. After taking power, they started ratifying the Istanbul Convention which is purported to be about domestic protection... This convention presupposes a new sex, the notion of “social sex.” It means that a man may decide that he is a woman and society is supposed to accept that man as a woman. If one is saying, “I am Napoleon,” they are taken to a psychiatric hospital, but if a man is saying, “I am a woman,” then they are defending his rights.<sup>57</sup>



During a rally organized by the “Resistance” opposition movement, literary critic Serj Srapionyan made the following statement:

These authorities have reached out their dirty paws to our souls; they want to desecrate our traditional Armenian souls. The media says that they have prepared a draft law on sex-change, by which they will allow homosexuals to get married and registered officially – they want to cut us off from our roots by making us non-Armenian.<sup>58</sup>



In *Yerevan.Today*, a media outlet supporting the opposition, an article was published by Suzy Badoyan, an excerpt from which speaks for itself:

It appears that the protests reconvened by the opposition have postponed the adoption of a dangerous and scandalous law by which Pashinyan’s government was going to give medical and social privileges to transgenders and homosexuals in general. *Yerevan.Today* has obtained a document which clearly reads in black and white that the government is advised to endow homosexual men with new rights in at least three areas, all the way up to free gender-reassignment surgery; by this they will resolve the issues of marriage and the official documentation of marriages between homosexuals.<sup>59</sup>

**The LGBT community experienced another wave of unleashed hate after the US Embassy Facebook page posted a news piece about the reception organized by Ambassador Lynn Tracey in honor of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) Pride Month.**<sup>60</sup> Comments were written on social media and

55 Facebook.com, Ara Zohrabyan, “SUCCESS AREAS BY THESE AUTHORITIES; WAKE UP, IF YOU STILL CAN, LET’S SAVE OUR COUNTRY TOGETHER” [https://www.facebook.com/permalink.php?story\\_fbid=3285159991715388&id=100006642580999](https://www.facebook.com/permalink.php?story_fbid=3285159991715388&id=100006642580999)

56 Panorama.am, Ara Zohrabyan, “There is one area where these authorities have a progress” <https://shorturl.at/iORT8>

57 Panorama.am, “The number of transgenders has grown by 676% and those of homosexuals by 150% in 2021 in comparison to 2018’ Ara Zohrabyan” <https://shorturl.at/mPTXY>

58 *Yerevan. Today*, “Why should an elderly person be entitled to dishonor my hero and remain unpunished?” Srapionyan” <https://shorturl.at/nBEH8>

59 *Yerevan. Today*, Nikol Pashinyan is being rushed by Europe to give transgenders privileges by law <https://shorturl.at/qEHST>

60 Facebook.com, U.S. Embassy Yerevan, post of 09.06.2022 <https://www.facebook.com/usembarmenia/posts/pfbid0NTs8x5kpUPxspD8mjvT4tdemumWfoMcApBxCsn6RTYapTP59AYLdkmeUJJvgNCSFI>

in articles in the press that the US embassy, which is supporting Armenia's authorities, is closely tied to the LGBT community. Hraparak newspaper wrote:

Besides making statements in support of Nikol Pashinyan and the authorities, Lynn Tracey, US Ambassador to Armenia, is also engaged in defending the rights of sexual minorities. Yesterday, the Ambassador, together with the newly arrived Deputy Assistant Secretary of State, Kara McDonald, met with the representatives of the LGBT community. According to some sources, they stated that they are developing actions together with the Armenian authorities towards the protection of their rights. Some participants in the meeting were sharing photos from their meeting with the Ambassador, thanking Lynn Tracey, who is completing her tenure, for her support."<sup>61</sup>

The goal of this kind of article is to discredit the authorities by portraying them as defenders of the LGBT community.

**The same rhetorical methods were applied by the ruling forces as well**, who disseminated news about the meeting of the opposition group Armenia Alliance with the US Embassy, by making speculative misuse of the news for their own political gain. One of the media outlets supporting the authorities reported: "We are, of course, quite indifferent to this colorful Western party, but it is an unheard of kind of news that a political force making bombastic statements about national values is meeting with an AMERICAN official working on LGBT issues."<sup>62</sup> Another article stated that the behavior of the opposition is not clear since, on the one hand, they are speaking about preserving national values, but on the other hand, they are meeting with an American official defending LGBT persons.<sup>63</sup>

It appears that not only the opposition but also the authorities misuse and manipulate information to portray the LGBT community as against national values and the defense of LGBT persons as something 'unpatriotic' and negative. The political landscape has been poisoned by these methods of seeking political gain without regard for the hostile social environment and negative consequences they create for LGBT persons.



**Another occasion of acts of hate speech followed the announcement of the ECtHR judgement in *Oganezova v. Armenia*.** As already described elsewhere in this report, the Court recognized the violation of Armine Oganezova's rights on the grounds of her sexual orientation and obliged the state to pay her compensation. This news was covered by local and international media outlets with demeaning comments flooding the articles about the winner of the case, who is the victim of the violations addressed by the Court. Her name and identity are now well known in society. This person, a victim who received no legal remedy to a hate crime ten years ago that forced her to leave the country, has fallen victim to hate speech again when she was supposed to find redress.



A person identifying themselves as Vahe Yeghiazaryan, who **livestreamed how he was abusing a transgender person, calling them bad names, swear words and calling for violence**, not only was not held accountable, but was also encouraged by some who

61 Hraparak, US Ambassador in Armenia Met with Representatives of the LGBT Community <https://hraparak.am/post/964ebe2d4065a41089a66a134e2e1998>

62 Representatives of the opposition met yesterday with the American official handling LGBT issues Medianews <http://medianews.site/349204/>; Pozitive-news <https://bit.ly/3z1SSLb>

63 media24, My logic has reached a deadlock <https://bit.ly/3ARicoN>

consider themselves “nationalists.” While live, Vahe Yeghiazaryan specifically said: “I am now going to smash two people. Honestly, I am going to do it live. Let the police come and detain me.”<sup>64</sup>

An organization named “Army of Light” awarded Vahe Yeghiazaryan a gratitude award<sup>65</sup> for his “*patriotic actions*” and encouraged its followers to go in his footsteps and abuse trans people. The video with the following caption was circulated on the Army of Light Telegram channel: “An hour ago, our compatriot, friend of the Army of Light, TRUE ARMENIAN, Vahe, who had arrived from Moscow, slew a transgender in the heart of Yerevan. Yes, this is an act worthy of encouragement and worthy of an ARMENIAN MAN.”

In the comments underneath the video,<sup>66</sup> various people left calls for violence and hateful posts with the following content:

“We must clean all of Armenia from this type of trash so that the name of Armenians is not disgraced.”

“We must liquidate all of them with the efforts of all true Armenians in all ways and manners. We are few, but if they are also accounted for, we don’t need that, we don’t need that quality.”

“They must be ‘eradicated,’ those weeds. They are godless creatures. Yuck! Where have you seen an Armenian man become a woman? Do they have the right to be called “Armenian” or “human”? They are servants of Satan.”

A criminal file has been opened for the accounts of physical influence (abuse) and public calls for violence.



A new occasion for unleashing hate speech was the opening of the new office of Right Side, an NGO dedicated to the protection of transgender persons. The opening ceremony was attended by Kristine Grigoryan, Human Rights Defender of Armenia, who was also targeted because of her activities.

Articles unleashing intolerance and hate speech went viral in the media. *Iravunk* newspaper wrote, “A new office was opened in Yerevan by the “Right Side” human rights NGO belonging to transgender **LILIT** or **VAGHO MARTIROSYAN** who spoke from the National Assembly floor after Nikol Pashinyan came to power. The office will provide space for the LGBTQ (Lesbian, Gay, Bisexual, Transgender, Transsexual, Queer) trans community.”<sup>67</sup>

The following comments were posted underneath the article published on the News.am website that emphasized Kristine Grigoryan’s participation in the opening of the office:<sup>68</sup>

“I mourn you, Armenian people, these ones need Stalin in 1937. [An apparent reference to the Great Purge.] Burn in hell!”

64 Telegram, SLEW A TRANSGENDER IN YEREVAN <https://t.me/s/luysibanak/1868>

65 Telegram, letter of appreciation to Vahe Yeghiazaryan <https://t.me/s/luysibanak/1872>

66 Facebook.com, Barev Blog, In addition, he says he is Armenian... How a man batters a transsexual in Yerevan. Video - post comments <https://www.facebook.com/681835431995427/posts/pfbid0ZPx6G822FkU8tFseETej7YX4smegSfSe9tju9NeWS14ouUmt0Yk3q2F3G3V8QTKAl/?d=n>

67 Iravunk.com, The famous transgender opened a new LGBTQ office with the support of Human Rights Defender and EU ambassadors <https://iravunk.com/?p=235264&l=am>

68 Facebook.com, News.am, An office for the LGBTQ trans community has been opened in Yerevan. Kristine Grigoryan was present, see comments <https://www.facebook.com/136273049729218/posts/5843440012345798>

"You animals, what did you bring upon us? To what degree do you want to take that perversion? May those like you be uprooted, may you die and free us from yourselves, ..."

"May all the possible and impossible offspring of Kristine be trans. Rejoice Armenian world, all the lines are crossed, and what is left are the trans and the office opened by them, no value is left without being desecrated in our country anymore."

Oragir News conducted a poll to test public attitudes towards the opening of the new office of the Right Side NGO. Respondents generally had a negative attitude to the event, noting that the state is now facing serious security challenges and these issues should not be on the agenda. *One of the respondents stated that he would not protect the border for gays.*<sup>69</sup>

Hayk Ayyvazyan, the director of Luys Information Center, also remarked upon the opening of the office stating that the organizations dealing with the protection of LGBT persons are political tools in the hands of the West and have nothing to do with persons of other sexual orientations. He also noted that if Kristine Grigoryan took part in the opening it meant that it was a state policy, and added that if those who committed an arson on DIY club "got away with it" by being granted amnesty, now the perpetrator of such an act will be sentenced to prison.<sup>70</sup>

During these discussions, the supporters of the government were no better regarding their methods than their adversaries in the opposition. They would state that those "nation-destroying" organizations, the opposition's favorite epithet, were registered and started operating under the previous authorities. They also suggested conducting a public knowledge survey asking who knows that Pink human rights organization started its activities under Robert Kocharyan.<sup>71</sup>

Manipulations and calls for hatred towards LGBT persons were triggered by the visit to Armenia of the Speaker of the US House of Representatives, Nancy Pelosi. Some people posted on social media that we should not seek help from advocates for gays, since the Bible does not condone homosexuality and considers it a vice.<sup>72</sup>

### **Suicide Committed by a Young Couple and the Public Reaction to It**

On October 20, 2022, the joint suicide of two young men caused a massive public outcry. Before committing suicide, the couple published photos on their Instagram page in which they kissed and showed their "wedding rings" with the caption: "Happy End. We made the decision about publishing the photos and our future actions jointly." The news about the suicide was followed by other news about threats against these young men,<sup>73</sup> which, in turn, was followed by disinformation that the young men were

69 Facebook.com, Oragir.news, vox pop <https://fb.watch/kuqp2zQsqz/>

70 Newspress.am, Years ago, a group of young people burned an office like that. Hayk Ayyvazyan on the opening of the office of the LGBT community <https://bit.ly/3g1JfVP>

71 Facebook.com, Facebook post by user Movses Harutyunyan <https://www.facebook.com/movses.harutyunyan.7/posts/pfbid024w9cLWpzQsVyfcyBJzQWTz3kqHTCFfrZGKmZtzakKJ3i99ztmoqDR8RZxuPdEny9l>

72 Facebook.com, Broyan Azo, Facebook post: "Look who has come to save Armenia" <https://shorturl.at/belT8>

73 Epress.am, Before the suicide, the lovers got threats [https://epress.am/2022/10/21/a\\_t.html](https://epress.am/2022/10/21/a_t.html)



minors or one of them was a minor.<sup>74</sup> A heated debate ensued on the Internet about what made the young men commit suicide.



Armenia's Public TV channel proceeded to produce a TV show on the tragic event in the format of sparring sides. Public TV invited Pink NGO; however, Pink rejected the offer. Pink explained that the suicide of these young men should not become a subject of a sparring debate. Pink also made it clear that the organization's position was expressed in its public statement, whereby it decried the societal intolerance towards LGBT people that had once again led to a tragic consequence, and that the organization considers any speculation on the tragic event unacceptable.

Eventually, on October 24, 2022, the TV news show *Differing Opinions with Astghik Sargsyan* from the Public TV Company put the issues of LGBT people in the spotlight, putting the legal, moral, and psychological aspects of the alleged suicide cases into a sparring format. The program hosted psychologist Irina Tsaturyan, as well as lawyer Ara Zohrabyan, a former Chairman of the RA Chamber of Advocates, and member of the "Initiative for the Protection of National Values." Positioning herself as a practitioner who works with LGBT people, psychologist Irina Tsaturyan voiced anti-scientific claims, spreading prejudice and misconceptions about homosexuality to the uninformed public. She specifically noted that when "choosing" a homosexual orientation, people should be prepared for the negative attitude of society.

The international medical and psychological community has taken an official position that homosexuality and homosexual relationships respectively are among the natural variations in human sexuality. These communities urge the rest of the professional community not to promote misconceptions about sexual orientation that are not based in scientific facts and, instead, to promote non-discrimination on the grounds of sexual orientation.<sup>75, 76</sup> There are no valid and reliable scientific facts to support the idea that a person's sexual orientation can be altered by external factors. Therefore, there is no scientific evidence that information about homosexual relationships has a negative impact on the mental health of children or adolescents. The international psychiatric and psychological community criticizes any professional attempt to alter an individual's sexual orientation.<sup>77</sup>

74 <https://hraparak.am/post/f300be8e3ba89efa45f385cb3c27c374>, <https://24info.am/3147/>, <https://oragir.news/hy/material/2022/10/21/59782>, <https://bit.ly/3ZDZT0e>, <https://mediaroom.am/lrahos/item/40001-2022-10-21-19-21-31.html>

75 World Medical Association (WMA). WMA STATEMENT ON NATURAL VARIATIONS OF HUMAN SEXUALITY (2013) <https://www.wma.net/policies-post/wma-statement-on-natural-variations-of-human-sexuality/>

76 World Psychiatric Association (WPA). WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction, and Behaviours (2016) [https://www.wpanet.org/detail.php?section\\_id=7&content\\_id=1807](https://www.wpanet.org/detail.php?section_id=7&content_id=1807)

77 World Psychiatric Association. WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction, and Behaviours (2016). [https://www.wpanet.org/detail.php?section\\_id=7&content\\_id=1807](https://www.wpanet.org/detail.php?section_id=7&content_id=1807)  
The British Psychological Society. Position Statement Therapies Attempting to Change Sexual Orientation (2012) [https://www1.bps.org.uk/system/files/Public%20files/theapies\\_attempt.pdf](https://www1.bps.org.uk/system/files/Public%20files/theapies_attempt.pdf)

Canadian Psychological Association. CPA Policy Statement on Conversion/Reparative Therapy for Sexual Orientation (2015) <https://www.cpa.ca/docs/File/Position/SOGII%20Policy%20Statement%20-%20LGB%20Conversion%20Therapy%20FINALAPPROVED2015.pdf>

Australian Psychological Society. APS Position Statement on Psychological Practices that attempt to change Sexual Orientation (2015) <https://www.psychology.org.au/getmedia/ebd486a2-761c-403c-bdef->

In other words, statements that LGBT ‘propaganda’ is being spread or that people can change their sexual orientation after becoming ‘informed,’ are baseless and anti-scientific. The guest on the Public TV show, who claims to be a psychologist working with the LGBT community, as a matter of fact, may harm her clients with her misunderstanding of homosexuality. And if she attempts to alter or “fix” her clients, she may subject them to inhuman treatment.

In addition to the fact that the entire TV show featured anti-scientific claims that did not adhere to the norms and standards of the guests’ respective professions, one of the guests, Ara Zohrabyan, also used an expression that qualifies as degrading hate speech. In particular, he called transgender persons “deviants.”



When asked how similar suicide cases should be prevented, Ara Zohrabyan replied that one should have a healthy family since deviations are rare in a healthy family.

Pink Human Rights Defender NGO sent a statement to the management of the Public TV Company, expressing concern about the anti-scientific ideas containing hate speech that were featured in the program and requested removal of the video of the program from the Internet or alternatively that airtime be provided to present a scientifically based, objective perspective on the issue.

The Public TV Company responded that the participants of the program were expressing their subjective opinions which did not contain hate speech, therefore, there were no grounds to remove the video of the program. At the same time, the TV Company noted that considering the workload of the broadcast network and the selection of topics based on relevance, that if this topic comes up on the agenda in the future, a platform will then be provided to Pink’s representative.

Pink Human Rights Defender NGO also turned to the Media Ethics Observatory with a request to assess the compliance of the Public TV Company with the ethical principles for broadcasting a program with such content.

According to the conclusion of the Media Ethics Observatory, the fact that the guests of the program were unable to oppose each other and generally shared the same subjective point of view did not allow them to present the subject matter in a comprehensive and in-depth manner. The Observatory considered this a violation of provisions 1.4 and 1.5 of the Media Code of Ethics.

The Observatory noted that calling homosexuality a “deviation” by the guests and interpreting sexual orientation as a person’s choice should have been corrected or interrupted by the host, and that failing to do so is considered a violation of provisions

[406fda87dc4b/Position-Statement-Sexual-Orientation.pdf](https://www.rcpsych.ac.uk/pdf/PS02_2014.pdf)

Royal College of Psychiatrists’ statement on sexual orientation (2014) [https://www.rcpsych.ac.uk/pdf/PS02\\_2014.pdf](https://www.rcpsych.ac.uk/pdf/PS02_2014.pdf)

American Psychiatric Association. Position Statement on Therapies Focused on Attempts to Change Sexual Orientation (Reparative or Conversion Therapies) (2000) <https://www.psychiatry.org/file%20library/about-apa/organization-documents-policies/policies/position-2000-therapies-change-sexual-orientation.pdf>

American Psychological Association <https://www.apa.org/about/policy/booklet.pdf>

IPsyNet Statement on LGBTIQ+ Concerns (2018) <https://www.apa.org/ipsynet/advocacy/policy/statement-english.pdf>



5.1 and 5.2 of the Code of Ethics.

The Observatory, in regard to the airtime promised by the Public TV Company to Pink Human Rights Defender NGO, highlighted that the provisions of the Code of Ethics presuppose a more specific answer by the Public TV Company in terms of the date and format of the airtime.

A second letter sent by Pink Human Rights Defender NGO regarding the format and date of airtime was left unanswered. The Public TV Company did not react to the conclusions of the Media Ethics Observatory either.



**Additional manipulations and waves of hate speech surfaced after the State Duma of the Russian Federation adopted, in a third reading, a law prohibiting “LGBT propaganda”<sup>78</sup> in Russia.** The law specifically stipulates that “propaganda, through mass media, the Internet, advertising, literature and cinema, of non-traditional relationships” and child molestation and spread of ‘LGBT propaganda and information that induces among children, as well as persons of any age, a desire to alter their sex’ is prohibited. A ban is imposed on granting distribution certificates to all films that contain material “advocating non-traditional sexual relations.”

The adoption of such a law was cheered by some people on Armenian social media who hold the perspective that LGBT people are associated with child molestation and view them in a negative light. Users left comments that such persons do not have the right to be called human, that they are the shame of humanity, and that they should be expelled from the country.<sup>79</sup> Of course, the adoption of the law was also criticized in Armenia as a mechanism for exercising pressure on activists and human rights defenders.

An interview with Davit Gasparyan, an author of school textbooks,<sup>80</sup> also caused public fury, particularly on social media. In the interview, Gasparyan stated that two girls kiss in the 7th grade literature textbook and that showing it to children at the age of puberty is unacceptable. In the comments underneath the interview, the users called on parents to unite and demand an “Armenian” upbringing. The subject matter was in fact related to the reprint of Martiros Saryan’s “Love. Fairy Tale” painting, depicting a man and a woman. This was first stated by the Fact Investigation Platform.<sup>81</sup> Later, Sofya Saryan, head of depository of the Saryan House-Museum and the artist’s granddaughter, also spoke to clarify the issue.<sup>82</sup> However, that did not abate public agitation, with people criticizing the portrayal of the man in the picture with long hair as something confusing for 13-year-old students.

Under this pretext, the authorities were also targeted with connections made between commissioning a textbook and allegations of homosexual “propaganda.”

---

78 Official channel of the TASS agency, Duma adopted a law banning LGBT propaganda [https://t.me/tass\\_agency/168124](https://t.me/tass_agency/168124)

79 Facebook.com, comments of the post by Radio Aurora <https://www.facebook.com/RadioAurora/posts/5695316160556786>

80 Hraparak.am, Two girls kiss in one of the 7th grade pilot textbooks <https://hraparak.am/post/70de0b8b6a5977e804d0b0f2e3721c8d>

81 Fip.am, Saryan’s painting is in the pilot textbook of the 7th grade in which the kissers are not women, but a man and a woman <https://fip.am/21166>

82 Vnews.am, Saryan’s “anti-museum” series <https://www.vnews.am/culture/post/saryani-hakathanganayin-sharqy>

# CONCLUSION

During 2022, fewer cases of public calls for violence against LGBT persons were recorded. This can be explained by the amendments to the Criminal Code criminalizing public calls for violence as well as the fact that Armenia is currently facing grave challenges impacting the political agenda. Of course, it is still hard to claim that the Criminal Code is effective in preventing and punishing hate speech on the grounds of sexual orientation or gender identity. But the fact remains that since the amendments to the Criminal Code many forces that have instilled hatred and intolerance towards LGBT persons have stopped calling for violence, particularly in recent years. It is noteworthy that, unlike previous years, serious, extreme manifestations of hate speech by influential political figures have not been recorded. However, extreme manifestations of hate speech such as calls to violence have not yet been effectively prosecuted. Some cases are still under investigation, and one case is pending in the European Court of Human Rights.

The manipulative speculations made and disseminated by the political opposition that eventually lead to the targeting of LGBT persons have undeniably negative implications in terms of public sentiments and attitudes towards LGBT persons. These political figures have their own audiences and rather large resources to produce news streams. Being represented in the National Assembly, they also use their position of power to reach a wider audience. The fact that the political opposition is a minority in the National Assembly is indicative of the lower support for the opposition in the public, which in turn reduces the impact of their speech. However, by affiliating the authorities with LGBT persons, they attempt to place themselves in opposition to this so-called “unpatriotic” phenomenon and thereby win the sympathy of the public.

Nonetheless, rumors and speculations disseminated by the opposition are less problematic than those disseminated by figures that stand by or within the government. Firstly, the government has a wider audience and enjoys greater public support. Secondly, the obligation to protect LGBT persons lies with the ruling political power itself, something recognized both by the Constitution of the Republic of Armenia and international instruments ratified by Armenia. The ruling power, having assumed governance of the state, should take into account the fact that they have assumed the obligation not only to refrain from human rights violations but also to protect everyone under their jurisdiction. In this case, in order to safeguard human rights, the government should also instill a culture of equality and tolerance. Unfortunately what we are witnessing is the exact opposite. The ruling political power does not use the resources available to it for the safeguarding of harmony, tolerance and equality in society. Instead, it portrays the LGBT community in a negative spotlight and does so for political gain.

The adoption of the new Criminal Code is reassuring because now considering these acts as physical influence rather than simply as battery increases the punishment if it was committed with the motive of hatred on the grounds of the personal characteristics of the victims. Furthermore, the implementation of the judgement of the European Court of Human Rights in *Oganezova v. Armenia* also imposes due process in the investigation of hate crimes. This should find its place on the agenda of decision-makers and in the formulation of state policy. In this regard, the state reports to the Committee of Ministers of the Council of Europe about actions taken to implement the judgement. This necessitates public monitoring of the process of similar case investigations and regular analysis of changes in legal practice.

# RECOMMENDATIONS

In order to ensure the maximum protection of the rights of LGBT persons in the Republic of Armenia, we recommend that:

### **State Bodies and Political Forces**

- Cooperate with human rights non-governmental organizations to obtain more detailed information about the systemic aspects of human rights violations of LGBT persons;
- Lay out actions towards the prevention of discrimination and violence in various spheres of public life on the grounds of sexual orientation or gender identity in the action plan of the National Strategy for Human Rights Protection;
- Give clear appraisal when addressing the human rights violations of LGBT persons and not avoid condemning human rights violations;
- Carry out a comprehensive study of international human rights instruments, international legal practices and analysis of the current situation in the country in order to lay out effective regulations on hate speech in accordance with human rights standards;
- Revisit the RA legislation prohibiting hate speech, including a definition for the concept of "hate speech," and prescribe liability for speech that incites hatred and intolerance towards persons with certain characteristics, including LGBT persons;
- Adopt separate comprehensive legislation preventing and prohibiting discrimination with civil, administrative, and criminal liabilities that will ensure the right of a person to be protected from discrimination on the grounds of sexual orientation and gender identity;
- Revise RA legislation prohibiting hate crimes, in particular, making the targeting of sexual orientation and/or gender identity an aggravating circumstance for criminal punishment and liability;
- Carry out training for law enforcement bodies on the substantive, legal and procedural aspects of the investigation of crimes committed on the grounds of sexual orientation and gender identity to ensure a complete, objective and comprehensive investigation;
- Document and maintain statistics on hate crimes in RA, including crimes committed on the grounds of a person's sexual orientation and gender identity, enhancing the visibility of the problematics around hate crimes in RA visible;
- Ensure access to justice for victims of hate crimes, in particular, by providing effective remedies which will exclude the risk of double victimization of the person, ensure the security of the person and set out comprehensive mechanisms for redress;
- Organize and conduct training with law enforcement bodies on the specifics of working with victims and witnesses of hate crimes;
- Promote the ideas of tolerance and equality among employees of state bodies, in particular, members of the RA National Assembly, representatives of the RA Government and other officials;

- Advocate for the ideas of tolerance and equality within Armenian society, making public statements that advocate for tolerance, and condemning any manifestations of intolerance and violence.

## **Mass Media**

- Stop publishing incitements to hatred and intolerance towards LGBT persons, instead, supplying the public with materials that are knowledge-based, ethically acceptable, and that respect LGBT human rights;
- Refrain from manipulatively misusing topics related to LGBT persons and refrain from inciting intolerance and hatred in society;
- Refrain from spreading the words of public officials and other figures that contain hatred, intolerance, hostility, or calls for and justifications for violence or discrimination.

## **International and Regional Organizations**

- Properly monitor Armenia's fulfilment of its international obligations regarding the rights of LGBT persons;
- Make official statements in support of the importance and priority of protecting the rights of LGBT persons in RA;
- Address, in international human rights reports, the established practice of violations of the rights of LGBT persons as is described in this report.

## **Office of the Human Rights Defender**

- Raise public awareness about discrimination against LGBT persons and its negative implications, as well as the importance of non-discrimination and the principles of equality;
- Raise public awareness about hate speech and the illegality of its propaganda;
- Advocate for the development and adoption of an effective Equality Law and lay out effective legal remedies for LGBT persons through other legislation.
- In known cases of violations of the human rights of LGBT persons, issue statements of public condemnation, properly responding to the concerns raised by such violations.

### ***About the Organization***

Pink Human Rights Defender non-governmental organization was founded in 2007. The organization is known to its beneficiaries and the public as Pink Armenia. Pink is a community-based LGBT (lesbian, gay, bisexual, transgender) organization, which means the organization has been established by the LGBT community, serves and supports the needs of the community, and promotes the protection of the human rights of LGBT persons, advocating for changes in public policy around LGBT issues.

# Pink Human Rights Defender

non-governmental organization

[www.pinkarmenia.org](http://www.pinkarmenia.org)  
[info@pinkarmenia.org](mailto:info@pinkarmenia.org)  
+374 60 377277