

A decorative graphic on a red background consisting of a dense field of small circles and larger ovals. The colors of these shapes transition from yellow and orange in the upper left to blue and purple in the lower right, creating a sense of movement and depth.

Human Rights Situation of LGBT People

Annual Review Armenia 2013

Annual Review: Human Rights Situation of LGBT People in Armenia, 2013
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Introduction

Armenia is proclaimed as a democratic country, the basic guideline of which is the institutionalization and implementation of liberal values; therefore, the state and all interested organizations and associations acting within the framework of the Constitution and existing laws need to contribute to the process of forming the society as a bearer of a democratic culture. Issues regarding sexual orientation and gender identity are usually approached from a negative point of view, defenders of LGBT rights are considered as “traitors of the State”, and LGBT people are presented as enemies of society. As a result, any sphere of social life is becoming a place for discrimination, degradation, and ill treatment and violence. The intimidating activities toward LGBT people and supporters are considered to be new challenges which were not addressed in a comprehensive way. The statements of state officials contribute to human rights violations of LGBT people, creating an atmosphere of impunity.

Despite being a signatory to several international declarations and conventions, the Government of Armenia has failed to address the issue of discrimination based on gender and sexual orientation. Moreover, recent events show that there is also a lack of knowledge and awareness among society regarding these issues. As a result, the human rights of LGBT people as well as their advocates are being violated in almost all spheres of life.

This report summarizes public and highlighted cases of human rights violations of LGBT people and subsequent events in 2013.



General overview of human rights situation of LGBT people

Human rights violations of LGBT people remained of much concern during the year of 2013. Violations are widespread and cover almost all social spheres. Family, educational institutions, healthcare institutions, police and military institutions are the main spheres where human rights of LGBT people are violated¹.

¹ Monitoring of Human Rights violations of LGBT people in Armenia, 2013
<http://issuu.com/pinkarmenia/docs/lgbtmonitoring>

Recorded cases of human rights violations in 2013 mostly include physical violence, insulting speech, harassment, threatening statements, blackmail, and hate speech towards LGBT people. All the misconducts/offences noted above were mostly accompanied by discrimination and intolerance towards these people.

The incidents of physical violence towards LGBT people are mostly bias motivated, i.e. are based on sexual orientation and/or gender identity of an individual. Mostly all the cases have been the result of initiation of conflict by the perpetrators, as an illustration of the “belief” that being LGBT is wrong, which has been accompanied by various forms of violence, including but not restricted to battery, infliction of bodily damage, violence through use of weapons, threats of use of violence, blackmail for not harming a person, harassment, etc.

These cases of violence that happened with LGBT people forced them to deal with Police forces and Prosecution bodies of RA more than ordinary citizens would, and it has resulted and continuously results in abuse of power by police officers and improper treatment of LGBT people by the former. There have been cases when police officers maltreated LGBT people in disrespectful and ironic manner both when an LGBT person was victim and when apprehended by public bodies².

It is important to note that there is a trend of avoiding dealing with human rights violations of LGBT people by Police forces and Prosecution bodies. This exclusively refers to the cases where the violations of the rights of LGBT people are litigated. Moreover, in many cases where a LGBT person reported about a violation of his/her rights, there was a trend among investigators to declare about insufficiency of facts to investigate the case further and they initiated a criminal case against the victims themselves for reporting false crime, as envisaged in article 333 of the Criminal Code of the Republic of Armenia³. This phenomenon has served for LGBT victims to avoid reporting new human rights violations to Police.

The other type of human rights violations that has been widespread throughout the year includes insulting, harassing, and threatening speech towards LGBT people, mostly by private individuals. These human rights violations include speech that aimed to harass and to intimidate the targeted people, to create an atmosphere of fear. There have been cases where a person has been followed and threatened for his sexual orientation to be disclosed among his family and friends. These cases have almost never been litigated for two main reasons: for the fear of the victim that his/her sexual orientation and/or gender identity may be disclosed and for the difficulty to find the perpetrators of relevant cases, considering the fact that in some of the cases the perpetrators were individuals unknown to the victim, and it was unlikely for perpetrators to be found.

² Cases registered by the project “Legal Clinic for most at risk population”
<http://www.hrarmenia.info>

³ Article 333, Criminal Code of the Republic of Armenia, available at: <http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=eng>

Elections

The manipulation of LGBT issues through authorities acts as one of a few mechanisms, through which authorities mobilize the public, which is then naturally used to establish and secure power. Furthermore, this practice shows that in the period of the post-presidential elections in Armenia LGBT issues were artificially raised on the agenda again. The Presidential and Yerevan Council of Aldermen Elections were not exceptions from this point of view.

Presidential Election, 2013

A presidential election was held in Armenia on February 18, 2013. The elections resulted in a victory for incumbent President Serzh Sargsyan, who received 59% of the vote. Raffi Hovannisian came second with 37% of total votes. In the days following the election, mass protests took place in both Yerevan (Freedom Square in particular) and other cities and towns throughout Armenia, arguing that the official results of elections are a product of electoral fraud.

Raffi Hovannisian is the leader of the Heritage (“Zharangutyun”) Party, who visited the gay-friendly DIY pub after the hate crime attack in a show of solidarity in 2012. After visiting the DIY pub, Raffi Hovannisian has been criticized a lot both from politicians and society, and the fact of visiting a gay-friendly pub has been overused from the opponents both in the pre-electoral campaign, and after election campaigns. In a press conference, reflecting the outcome of the presidential election, MP from the faction of the ruling Republican Party of Armenia Hayk Babukhanyan⁴ during a press conference, reflecting the outcome of the elections claimed those who voted for Raffi are “gays or ignorant” people. But later, Raffi Hovannisian hit back at attacks on minority groups in his response: “All Armenian citizens have the same protection under the Constitution”. “We need a constitutional state, where everyone’s interests and rights are protected, and whoever violates [the rights of] any group, minority or majority, will answer before the law⁵”.

Yerevan Council of Aldermen Elections, 2013

Yerevan Council of Aldermen Elections were held on May 5, 2013. The Republican Party of Armenia won 56% of the total vote; Prosperous Armenia had 23%, while Barev Yerevan won over 8%.

During the pre-electoral campaign, one of the most discussed topics was how the mayoral candidates are going to free the “Komaygi” cruising park from trans sex workers. During his press conference, mayoral candidate Armen Ertisyan from Rule of Law Party, who is also the Minister of Emergency Situations, announced “[...] to light up the park

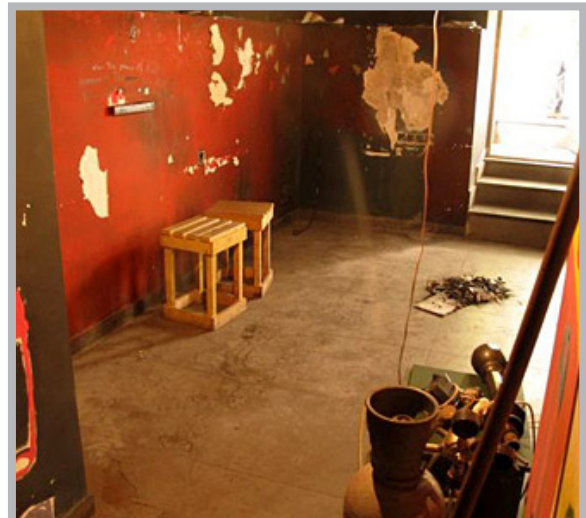
⁴ Hayk Babukhanyan during a press conference, reflecting the outcome of presidential elections claimed those who voted for Raffi are “gays or ignorant” people (links in Armenian) http://youtu.be/Ufjwaj_Gnbl, <http://www.aravot.am/2013/02/22/206502/>

⁵ Raffi Hovannisian’s interview on “Kentron” TV (interview in Armenian) <http://youtu.be/vtuX9MnyDJI>

and set recording cameras and broadcast everything that is happening in the park on Youtube⁶.” During his pre-electoral rally, one of the candidates of Yerevan Council of Aldermen, Mesrop Arakelyan from Mission Party, announced that “[...] though we have a liberal party, I stand for criminalization of homosexuality⁷”.

Litigation of DIY pub

DIY pub was firebombed on May 8, 2012, by a group of young people, who justified their action with the fact that the pub owner Armine Oganezova (known as Tsomak) went to Turkey in 2011 and took part in the gay pride, and also because LGBT people went to that pub. These young people were charged under Article 185 Part 3 of the Criminal Code with the intentional infliction of damage to property committed by arson, explosion or other publicly dangerous method. It should be noted that this does not fully describe the crime as it does not include the bases of hate.



DIY pub after arson attack
Photo by Nairi Hakhverdi

The same day police arrested two brothers. They were released on bail and signature as a result of sureties given by members of the Armenian Revolutionary Federation (ARF) Artsvik Minasyan and Hrayr Karapetyan. The explosion of the pub was also justified by the spokesperson of the Republican Party of Armenia (RPA) and the deputy speaker of National Assembly of RA Eduard Sharmazanov, RPA members Hamlet Sahakyan and Ruben Hayrapetyan, and ARF members Vahan Hovhannisyan and Artur Aghabekyan.

The Court of General Jurisdiction sentenced brothers Hambik and Arameh Khabazyan to 1 year and 7 months’ provisional imprisonment and 2 years’ probation. The upper court granted the defendants amnesty⁸.

Armenian authorities failed to comply with their positive obligations to prevent these attacks from taking place and to investigate and prosecute hate crimes committed against the owner of DIY pub. The absence of any hate crime legislation created a sense

⁶ Armen Ertisyan’s press-conference on “Komaygi” issue (link in Armenian)
http://henaran.am/news_view.php?post_id=21652

⁷ Mesrop Arakelyan about criminalization of homosexuality (link in Armenian)
<http://www.aravot.am/2013/04/18/232630/>

⁸ Amnesty granted to brothers accused of bombing gay-friendly bar DIY <http://www.epress.am/en/2013/10/24/amnesty-granted-to-brothers-accused-of-bombing-gay-friendly-bar-diy.html>

of impunity among the perpetrators of these attacks and resulted in the arson attack being prosecuted solely on the basis of the damage caused to the pub, without any reference to the motivation of those who carried the attack. As a result of the attacks and the abuse, threats, harassment, and intimidation directed towards the applicant, she decided to leave Armenia. The owner of the pub, Armine Oganezova, currently lives in Sweden where she has formally applied for asylum on the ground of sexual orientation.

Oganezova contends that there have been violations of a number of rights guaranteed by the European Convention for the Protection of Rights and Fundamental Freedoms. In particular, she contends that the respondent state committed clear violations of the right to freedom from inhumane and degrading treatment (Article 3), the right to respect for private and family life (Article 8), and the right to freedom of expression (Article 10). Additional claims are made in respect of effective remedy of violations of certain rights and freedoms and non-discrimination.



DIY pub in Yerevan, before and after the hate crime
Photos by Onnik Krikorian



Legislation

Propaganda bill

In August 2013, the Police Department of the Republic of Armenia drafted amendments to the Code of the Republic of Armenia on Administrative Infringements, particularly adding two articles which set forth responsibility for “propaganda of non-traditional sexual relations”.

As provided in the draft addenda, the propaganda of non-traditional sexual relations would result in penalty of 50 fold up to 100 fold of the defined minimum salary for citizens; for public officials 100 fold up to 150 fold; and for legal entities the penalty costs 200 fold up to 250 fold of the defined minimum salary. If the “non-traditional sexual relations are propagated” by using mass media sources, it shall result in penalty of 100 fold up to 150 fold of the defined minimum salary for citizens; 150 fold up to 200 fold fine for public officials; and 200 fold up to 350 fold fine for legal entities.

The Legal Department of RA Police justified the amendments by stating its significant role in the protection of Armenian families. In addition, the draft changes did not define what “traditional sexual relations”, “non-traditional sexual relations”, or “propaganda” mean in that context. Furthermore, in a secular and democratic state, where freedom of speech is declared part of the Constitution, the term “propaganda” should not be applied to harmless acts.

On August 8, the Legal Department of Police Forces of the Republic of Armenia withdrew the draft amendments to the Code of Administrative Infringements. As stated on the official website of RA Police, chief of Police Vladimir Gasparyan sent the bill back considering the gaps and shortcomings identified during the discussions, as well as noting that the bill is not a police priority for them. Nevertheless, the draft addenda to the law has not been cancelled but postponed.

Draft Law on Anti-Discrimination

In the end of 2012 and beginning of 2013, the Office of the Ombudsman of the Republic of Armenia initiated a draft law on anti-discrimination. The initial version of the draft law was put into circulation for receiving recommendations and opinion from different social groups, communities, civil society representatives and all the other interested parties. However, in the first version of the draft law “discrimination based on sexual orientation and gender identity” was included, but later this point was excluded from the definition of discrimination. Currently, the process of discussions and recommendations, sending the draft for opinions and applications to various international organizations, are suspended, and it is unknown when the process will resume.

Media

In terms of representing LGBT issues, Armenian media pluralism is lacking. Only few on-line newspapers' coverage on LGBT issues is neutral and provides accurate information. In 2013, LGBT people were not generally referred to by abusive words, but terms such as "homosexual" are now being used more commonly.

Media publications often manipulate the news using a variety of strategies that can alter the readers' perception. In Armenian reality, different media sources often make up fake stories concerning events to take place or about private lives of LGBT people in order to make social tensions and disruption, which creates an atmosphere of unease and tension for many LGBT persons. Comments on articles on topics related to LGBT are abusive, degrading and often include direct or indirect threats towards LGBT people; however, they are never moderated by the websites' administration.

Television remains the most homophobic source of mass media and television coverage confirms the existing stereotypes and prejudice with regards to the LGBT community.

LGBT people are often being referred to in the media as the object of some form of joke, irony, mockery, or as someone who is sick or morally deranged.

In August 2013, in a series of TV programs, Lusine Badalyan, a reporter in Kentron TV station, agreed with homophobic statements of people who spread hatred online and in Armenian media towards LGBT. She claimed publicly that she would not agree for her children's teacher to be homosexual.

A talk show "Kisabac Lusamutner" ("Half-Open Windows") on ATV has been using the sensitiveness of LGBT topic in order to make a scandalous show and present the existence of LGBT people as an abnormal phenomenon; it spreads hatred during its shows towards LGBT and more specifically towards transgender people.

In another TV program "Yere1" on Armenia TV, gay people and the word 'gender', which is being used to refer to being gay after all the 'anti-gender' propaganda, were continuously used as a topic of fun; beating and/or dismissing from a job because of being gay is being presented as something fun.

A TV personality, Nazeni Hovhannisyan, who has a big audience, has earlier promoted a video from groups who spread hatred towards LGBT people on her Facebook page, which became the cause of wider discussions and comments. Afterwards, during her TV program "Mardkayin gortson" ("Human Factor") the topic of homosexuality was discussed, and granted a 'green light' to continue homophobic and transphobic speech.

Various homophobic people and groups are invited as guests to different TV stations and get an opportunity to spread hatred. A wider society is following television as a trustworthy source of information, which results in increased aggression against LGBT people.

Engagement of Diaspora



More than two-dozen prominent Armenians in the Diaspora signed a statement supporting equality and justice for all in Armenia. Among the signatories are poet Diana Der Hovanessian, filmmaker Atom Egoyan, actor and producer Arsinée Khanjian, musician Serge Tankian, and photographer Scout Tufankjian. This array of Armenian artists, intellectuals, and professionals felt moved to release this statement in light of anti-gay legislation that was recently proposed in Yerevan.

“This anti-gay legislation is part of a disturbing pattern of intolerance for marginalized people and opposition voices in Armenia,” said publisher Veken Gueyikian. Writer Nancy Agabian said, “People of conscience must not stand by as our LGBT cousins are targeted and demonized.” The statement represents their collective commitment to human rights and to Armenia’s nascent civil society movements.

Response of international institutions

Letter to Armenian President Regarding Proposal for Anti-LGBT Legislation from Human Rights Watch

Any measures to limit LGBT peoples’ freedom of expression and assembly on the basis of their sexual or gender identity would further reflect the Armenian government’s noncompliance with its obligations to promote tolerance towards LGBT people and protect them against discrimination. They could also possibly condone homophobia and transphobia, which contributes to a climate of hatred and violence⁹.

Amnesty International documented widespread harassment of Armenia’s LGBT community. Amnesty International’s researcher on Armenia, Natalia Nozadze, said: “The targets of such attacks are often left without adequate protection and offenses against them go unpunished, which has a chilling effect on others. Frequently the result is that journalists and human rights defenders self-censor on contentious issues, which further contributes to the shrinking space for difference of opinion within Armenian society.” There are no legal protections for LGBT Armenians¹⁰.

⁹ Human Rights Watch letter to President Sargsyan regarding proposal for Anti-LGBT Legislation <http://www.hrw.org/news/2013/10/18/letter-armenian-president-regarding-proposal-anti-lgbt-legislation>

¹⁰ Armenia: No space for difference: Amnesty International <http://amnesty.org/en/library/asset/EUR54/002/2013/en/6d6a852f-6494-4ef5-bc13-1373f154e0de/eur540022013en.pdf>

Human Rights Ombudsman

On October 11, 2013, Human Rights Ombudsman of Armenia, Karen Andreasyan, made a statement: “Perversion of Komaygi [cruising park] should be abolished. It is possible. It is European. [...]Such perversion should be abolished, as it is not only immoral, but also illegal.” He confirmed his statement also on October 31, during conversation with journalists¹¹. He suggested putting up a fence around the park, and closing it at night¹².

Gender equality law

In May 2013, Armenia’s Parliament adopted the law on “Equal Rights and Equal Opportunities for Men and Women.” For the past two months, adoption of this piece of legislation has been the topic of an extremely frenzied debate. The discussion became even more heated during the last two weeks of August, when it drew in voices from almost all segments of Armenian society, including civil society groups, the church, nationalists, traditionalists, state representatives, various NGOs, human rights advocates, bloggers, mass media, pop stars, and political parties. The main focus, at least in the beginning of this hysteria, was Article 3 of the legislation, wherein gender is defined as the “acquired, socially fixed behavior of persons of different sexes.” Essentially, this definition of gender was either ill understood, not understood at all, or deliberately distorted by many, making gender related issues—LGBT among them—the most discussed topic in Armenia¹³.

The bill, which continued current and previous governmental efforts to promote gender equality, included references to “gender equality”, which religious and conservative leaders portrayed as anti-Armenian, “untraditional”, and generally perverted or sinful. Debate quickly grew in mainstream and online media, as “gender” became synonymous for transgender, homosexuality, and perversion, focalizing societal anger and garnering a reputation of all things un-Armenian. Proponents of the rights of women and LGBT persons were portrayed as “national traitors”, “destroyers of families” and a “threat to Armenian values”. Extremist groups started disseminating misinformation on social networks sites, targeting women’s non-governmental organizations and gender equality advocates¹⁴.

¹¹ Human Rights Ombudsman’s statement about Komaygi (link in Armenian)
<http://hartak.am/arm/index.php?id=8110>

¹² Armenia human rights ombudsman targets trans sex workers
<http://gayarmenia.blogspot.com/2013/10/scandalous-armenia-human-rights.html>

¹³ The “Gender Equality Law” hysteria in Armenia <http://www.armenianweekly.com/2013/09/20/the-gender-equality-law-hysteria-in-armenia/>

¹⁴ Persecution and threats towards Women’s Rights Defenders and threat to Freedom of Association and Expression in Armenia <http://www.awid.org/Library/Persecution-and-threats-towards-women-s-rights-defenders-and-threat-to-freedom-of-association-and-expression-in-Armenia>



Extremist groups and representatives of Armenian Apostolic Church protest against gender equality
 Photo by Narek Aleksanyan / Hetq.am

This became more disturbing when the traditionalists, among them priests and clergy, started spreading more and more hate messages and calling publicly to burn and attack others. In particular, one of the members of the group suggested “bombing Women’s Resource Center NGO office in a way that DIY pub was bombed”. Moreover, they are attacking and spreading misinformation, intolerance and hatred towards human rights organizations, youth organizations, human rights defenders, activists, and researchers covering gender issues and fighting against gender-based violence, gender inequality, and gender discrimination.

Although the backlash against the law began almost as soon as it was adopted, it seemed to intensify after President Serzh Sargsyan announced in early September that Armenia was ready to join the Kremlin-led Customs Union. The hysteria around “Equal Rights and Equal Opportunities for Men and Women” law has been artificially stoked in order to build popular support for Yerevan’s decision to seek membership in the Russia-led Customs Union at the expense of closer ties with the European Union¹⁵.

At a September 9 press conference, Archimandrite Komitas Hovnanian, a prominent figure within the Armenian Apostolic Church, warned that “[a] new religious movement is being formed which campaigns for homosexuality, pedophilia, incest and other immoral things. Everybody should be concerned with this. If we are Armenians, we have to take steps to prevent this decadent phenomenon¹⁶.”

¹⁵ Anti-European campaign, or fight against “gender”?
<http://en.aravot.am/2013/12/25/163181/>

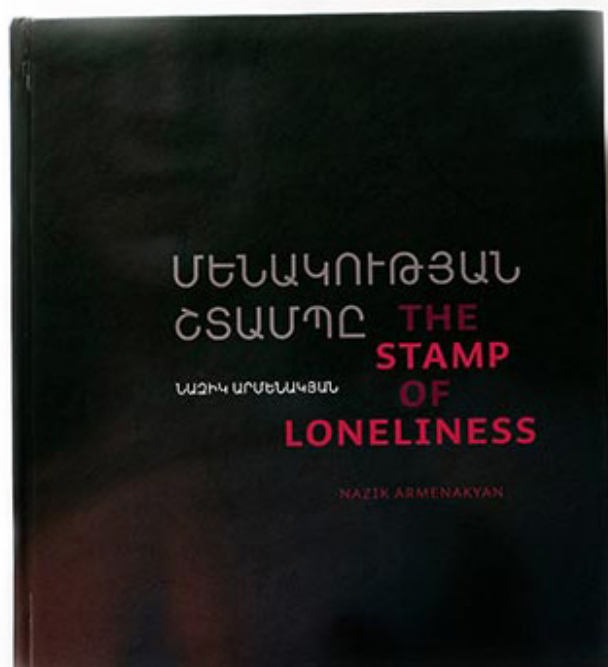
¹⁶ Armenia: Fight against gender-equality morphs into fight against EU
<http://www.eurasianet.org/node/67620>

Transphobia

In the end of November 2013, a group of young Armenians presented a petition to the mayor's administration, urging city authorities to take measures to uproot sex work in "Komaygi" (cruising park), a favored hangout for trans sex workers. About 3000 signatures were collected during the action in the park and the organizers are waiting for Mayor Taron Margaryan's response¹⁷. The issue of sex work in Komaygi appears in the public spotlight from time to time, and is often discussed on social networks.

Later, in the end of November, one of the members of the extremist group, the one who has suggested "bombing Women's Resource Center NGO office", and whom police couldn't find, started an online petition on Change.org¹⁸ website calling the Government of RA, Ministry of Culture and Armenian State Broadcaster to refuse Armenia's participation in Eurovision 2014 song contest, as a transgender performer, Conchita Wurst, is going to represent Austria in that song competition.

The recent exhibition on the life of transgender and transvestite sex workers in Yerevan, presented in mid-December by photojournalist Nazik Armenakyan, is making headlines in Armenian media and continues provoking heated debates in social networks. "The Stamp of Loneliness", a book and multimedia project¹⁹, is believed to be the first project in Armenia that addresses the issues of trans people in Armenia. Despite the fact that the exhibition was not public (by invitation only), it could not go unnoticed in Armenia, and the author was continuously received psychological harassment in social media.



¹⁷ Civil activists call on city authorities to fight against prostitution at children's park http://www.armenianow.com/society/human_rights/50085/yerevan_komaygi_prostitution_transvestites_statement_mayor

¹⁸ Petition to refuse Armenia's participation in Eurovision 2014 song contest (Petition description in Armenian and Russian) <http://goo.gl/ugMSvr>

¹⁹ Facing Taboos: Controversy over Komaygi park continues, as a photo project about trans sex workers stirs debate http://www.armenianow.com/society/51127/nazik_armenakyan_glb_t_transgender_photo_book

Conference on Combating Racism, Xenophobia and Intolerance



Photo by Narek Aleksanyan / Hetq.am

On 21st of October a group of peaceful activists staged a protest in Yerevan during a “High Level Conference on Combating Racism, Xenophobia and Intolerance in Europe” organized by the Council of Europe. Appeal to the participants of the conference was about the growth of nationalism, racism and intolerance in Armenia. Demonstrators protested outside and later entered Armenia Marriott Hotel, where the conference was being

held, pointing to the hypocrisy of Armenia’s authorities organizing such a conference. The activists recalled Armenian authorities’ reactions after the bombing of gay-friendly bar DIY, the threats against women’s rights organizations, and discrimination against members of the LGBT community²⁰.

Rainbow flag

On December 2, several hundred demonstrators marched through the central streets of Yerevan to denounce the ruling regime, Putin’s visit to Armenia and President Serzh Sargsyan’s decision to join to the Customs Union.

Along with Armenian and other flags, a Rainbow flag was also waved during the protest.

During the march, activists holding the Rainbow flag and their friends were attacked and harassed by several ultra-nationalists. These were the same people that attacked the “Diversity March” in May 2012, as well as the screening of the gay-themed Parada film in Yerevan. After the march, activists were followed by police and detained for several hours without any explanation.

On December 10, 2013, during a march on International Human Rights Day, a rainbow flag for the second time was carried in the procession next to anarchy flags and other posters. According to activists and bloggers, these two incidents were unprecedented in Armenia. The second occasion only provoked one small discussion which did not escalate, even if a female war veteran had supporters as well as opponents in a discussion with activist Lala Aslikyan holding the rainbow flag, which took place in the middle of the demonstration.

²⁰ Armenian activists protesting Conference on Combating Racism, Xenophobia and Intolerance <http://www.epress.am/en/2013/10/21/video-activists-in-armenia-interrupt-conference-on-combating-racism-xenophobia-and-intolerance.html>

²¹ Young people should better fight against sexual minorities, not transport fares <http://www.news.am/eng/news/182244.html>

Conclusion

In general, LGBT persons in Armenia face discrimination across all areas of social and economic life and are vulnerable to verbal and physical attacks and remain largely invisible out of fear of negative consequences. The LGBT population continues to experience employment discrimination, obstacles to health care, and physical and psychological abuse in the army, in public, and in families. Moreover, in 2013, Armenia clearly slid backwards as intolerant views were voiced extensively, and indeed prevailed, during a national debate around gender equality. Government officials condone violent attacks against LGBT people, characterizing the violence as an expression of “traditional values.”

“Armenian youth will bring more benefit to the people, if they fight against sexual minorities instead of fighting against transportation fare rise.”

– Galust Sahakyan, vice-president of the Republican Party of Armenia (RPA), the head of RPA parliamentary fraction.



Photo by Seda Grigoryan / CivilNet.am



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