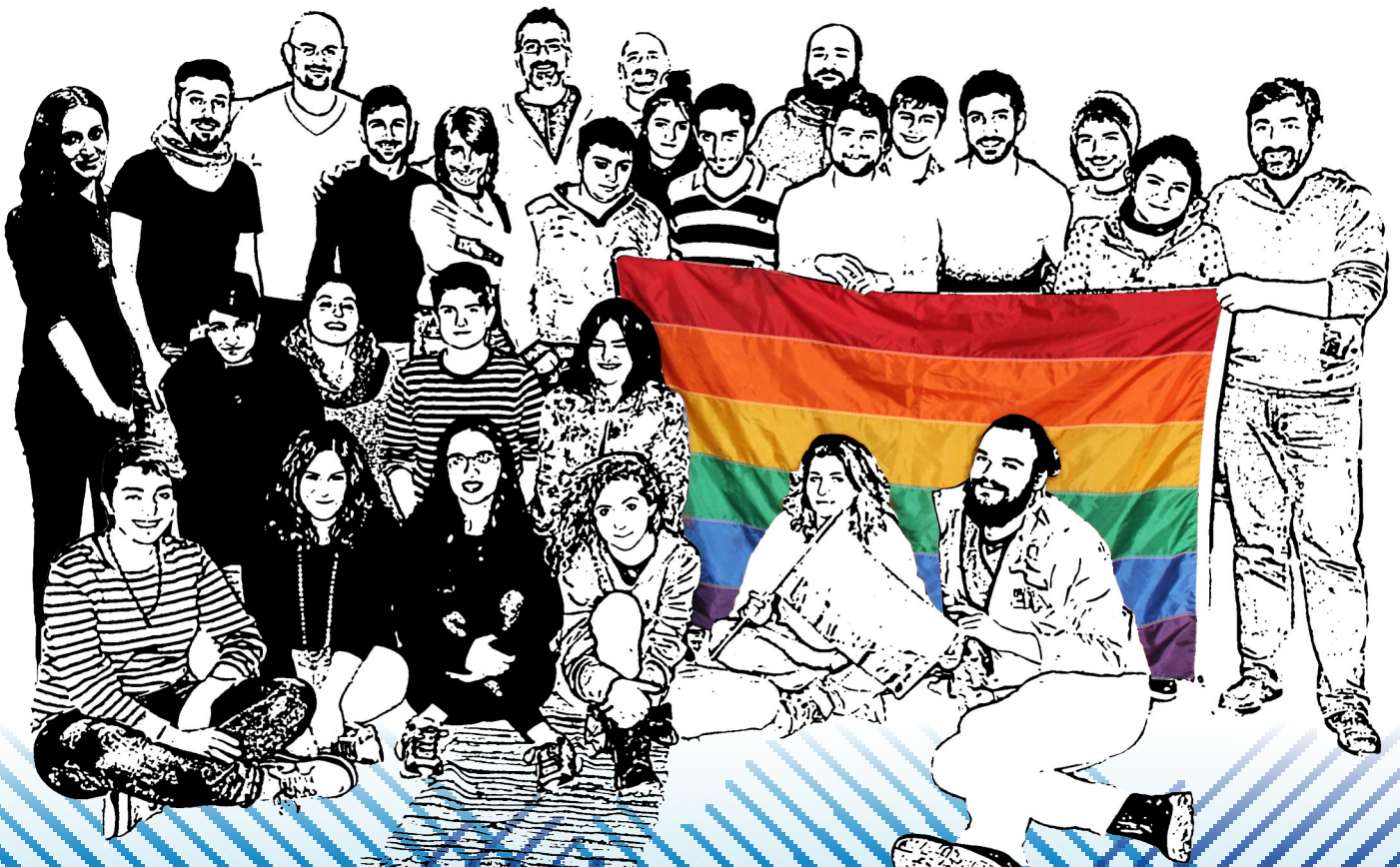


HUMAN RIGHTS SITUATION OF LGBT PEOPLE

Annual Review Armenia 2015



Annual Review: Human Rights Situation of LGBT People in Armenia, 2015

Published in Armenia (May, 2016)

By Public Information Need of Knowledge NGO

With funding provided by the Sigrid Rausing Trust

Introduction

2015 was a regressive year for LGBT people's rights in Armenia, since the newly accepted Constitution restricted marriage as a union only between a man and a woman. The issue of same-sex marriage was brought up in a broad manner during debates about the new Constitution, when homophobic political blocs accused authorities of paving the way for same-sex marriages with the new Constitution, which resulted in the redefining of the article on marriage so that homosexual people would not have the possibility to marry.

When the "Rainbow" forum took place for the first time in Armenia, and a photograph featuring some of the participants was published, a new wave of hatred arose against LGBT people and their allies. Hatred against LGBT people increased so much that the US Embassy, the office of the United Nations in Armenia, and Frontline Defenders all expressed their concerns in public statements.

2015 saw no changes in the state's or wider society's attitude toward LGBT people. The dissemination of derogatory and malicious information about LGBT people, discrimination, violence and calls for violence, and the spreading of hate speech through the media and online networks all had a continuous nature in 2015.

2015 was also marked by the first-ever outing of an anti-LGBT political figure in Armenia, after it was publicly revealed that a well-known homophobic figure is in fact homosexual.

LGBT people continued to rely on the assistance of non-governmental organizations in 2015, rather than filing their complaints to government bodies. In 2015, only two people applied to the Republic of Armenia's Human Rights Defender's Office for violations of LGBT people's rights.

This report summarizes Public Information Need of Knowledge NGO's (PINK Armenia) recorded and documented incidents of 2015, transcripts of interviews conducted with LGBT people, judicial proceedings, and publications from online and mass media.

Forty-six people applied to PINK Armenia in 2015 with issues involving rights violations. The reported incidents were connected to the applicant's real or perceived sexual orientation and/or gender identity. The report shows what violations the state has perpetrated in its interactions with LGBT people, the nature of rights violations that have been recorded in interactions with third parties, and the situation created as a result of the state's failure to create equal opportunities and a safe environment for all.

The violation of LGBT people's rights is presented in the report in the following structure.

1. The main provisions of national and international legislation related to human rights protection that have been violated or restricted in the recorded incidents.
2. General descriptions of specific incidents of recorded rights violations.

At the end of the report is Public Information Need of Knowledge NGO's recommendations for governmental bodies, the media, international and regional organizations, the realizations of which will make possible the creation of a safe environment for LGBT people in society, where they can exist as full members of society, and have the possibility to realize their rights and freedoms in a productive way.

1. The state's responsibility to respect and protect LGBT people's human rights

1.1. The right to life

1. *Every individual has the right to life*
2. *No one can be deprived of life arbitrarily*
3. *No one can be sentenced or subjected to death penalty.*

*Article 24, RA Constitution*¹

The state's responsibility to secure the realization of a person's right to life presumes not only that the state not interfere directly in that realization, but also that the state protects it against attacks from private individuals.² In other words, even if the state is not directly responsible for interfering with an individual's right to life, this does not eliminate the state's responsibility when such a violation occurs.³ Nevertheless, the right to life must be interpreted in such a way that a disproportionately heavy load is not placed on authorities. In the event that a third party commits a violation, an encroachment on the right to life can be reported when it is established that the state was aware of or is obliged to be aware of the real and immediate danger inflicted by a third party to an individual's life and, did not undertake, in the framework of its obligations, necessary and adequate measures to prevent this threat.⁴

Threats to harm one's life or health, and other threats

"Rainbow" LGBT Forum

Armenia's first LGBT forum took place on October 17-18, 2015.⁵ After PINK Armenia published details about the forum on its website, including a photo of the forum's participants, various news outlets re-published the news. On social media, readers of the news left threatening comments directed at the forum's participants, including death threats.

One participant who appeared in the photo said, that a male acquaintance wrote a threatening message to her privately on Facebook, saying that he had shared her location with others so that they can come and annihilate her. "He wrote, 'I 'fixed' one girl and she ended up in a hospital as a result, watch out so that we don't "fix" you too".

Another participant of the forum received a private message from a stranger on Facebook, who threatening to eliminate them and their family, writing, "Just wait till I find out your address and come after you, or even better, after your family. From what I know so far, you are Vardan from Aresh, the rest I will find out soon."



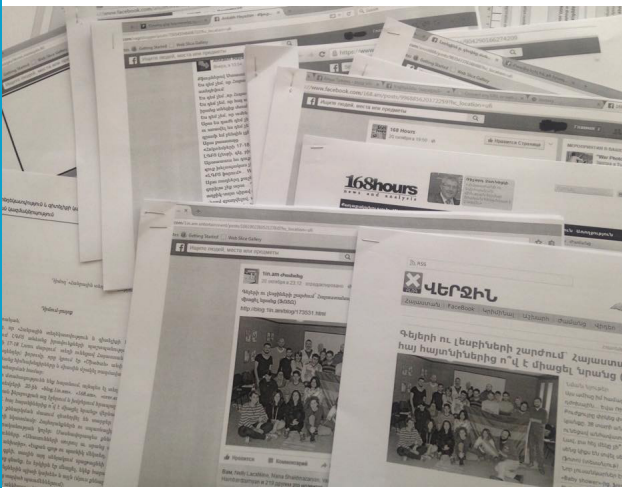
¹ Article 24, Constitution of the Republic of Armenia, accepted 06.12.2015

² Angelova and Iliyeva v. Bulgaria Number 55523/00 ECHR ruling, §93

³ European Council CM/Rec(2010)5 "Concerning means to combat discrimination based on sexual orientation and gender identity" recommendation

⁴ Osman v. United Kingdom Number 23452/94 ECHR ruling

⁵ The first LGBT forum has taken place in Armenia, <http://www.pinkarmenia.org/en/2015/10/lgbt-forum/>



As the organizer of the forum, PINK Armenia applied to law enforcement bodies for criminal proceedings to be initiated based on the abovementioned two cases and so that the users who issued the threats can be held accountable. However, the request for criminal proceedings was denied, because of an apparent lack of evidence.

“Iravunk” newspaper, determining that the forum took place at the “Tej Ler” resort in the Lori province of Armenia, demanded to know why the resort had provided the space for the forum. Ella Ghambaryan, a representative of “Tej Ler” responded by saying that they were not aware of the kind of

meeting that was taking place at the resort. When asked if they would provide a space in the future for the forum, Ghambaryan said, “I think not. It never crossed our minds that such a problem would emerge.”

The author of the article, Sona Davtyan, exhorted rest houses in a note to be careful before they provide a space to NGOs or individuals, so that afterwards they would not be forced to “spend large amounts of money on disinfecting rooms.”

State officials did not refrain from commenting on the forum either. In a quote included in an “Iravunk” article titled “The mayor of Vanadzor shames the preachers of homosexuality,” the mayor of Vanadzor Samvel Darbinyan said, “Shame on them. That rest house does not belong to my community. But really, shame on them for organizing such a meeting. If the people of Lori knew that such a meeting was being organized, they would not be able to have a meeting like that.” When asked what steps would be taken to prevent such meetings in the Lori province in the future, Darbinyan said, “You keep us informed, we know the rest.”

PINK Armenia sent a question to Samvel Darbinyan in order to verify the validity of his statements in the interview, to which he replied, “... I consider the words that I said in the October 22 Iravunk newspaper article, ‘You keep us informed, we know the rest,’ important now as well, because we really know, that under the current conditions of globalization, the education of the young generation in a spirit of Armenianness, and the preservation of the traditional values of the Armenian family are very important.”

In response to Darbinyan’s statements, PINK applied to the RA Ethics Committee for Senior Officials expecting to commence proceedings for Darbinyan’s violation of ethics regulated through the RA law “On Public Service.” The committee refused to initiate proceedings, arguing that the presented query was outside the Ethics Committee for Senior Officials’ jurisdiction.

⁶ The mayor of Vanadzor shames the preachers of homosexuality, <http://goo.gl/v8LNVc>

The story of a picture of a flag

On May 17, International Day Against Homophobia and Transphobia, a group of LGBT rights advocates were photographed on one of central Yerevan's main streets with a rainbow flag. After the photograph appeared on social media and then on online media publications, many people began directing death threats and insults at the individuals seen in the photograph. PINK applied to law enforcement bodies, but the investigative committee refused to initiate criminal proceedings, citing a lack of evidence.



Threats

An incident was recorded by PINK Armenia, when an individual informed that their maternal aunt's son, who found out about them being homosexual, beat them in the street while cursing and insulting them because of their sexual orientation. After that incident, the individual's cousin continued to threaten them, saying that they would beat them again if they continued to live that life. The individual was also subjected to blackmail, when their cousin threatened to tell their parents and relatives about their sexual orientation.

A 21-year-old gay man applied to PINK Armenia because of conflicts within his family related to his sexual orientation. His father's brother happened to see a short message sent to him by his boyfriend. The message contained love confessions and intimate language that led the man's uncle to understand that the sender of the message was a man and that his nephew is gay. The man's uncle subsequently begins to argue with him, attacking his honor, and subjecting him to physical violence. As a result, the uncle throws the man out of his house, not allowing him to take any of his belongings with him.

In another incident recorded by PINK Armenia, as a gay man was leaving his university, he was followed by a group of people who stood near the building entrance which he entered, from where he continued to be followed and threatened with reprisal. His followers cited the fact that his outward appearance was very feminine and not appropriate. His friends' intervention prevented the dispute from continuing.

1.2 The right to protection from torture or inhuman, degrading treatment

1. *No one can be subjected to torture, inhuman or degrading treatment or punishment.*
2. *Corporal punishments are prohibited.*
3. *Prisoners have the right to humane treatment.*

*Article 26, Part 1, RA Constitution*⁷

Torture is any act by which a state official or a person acting in an official capacity, or by their instigation and knowledge or tacit consent, intentionally inflicts severe pain or suffering, whether physical or mental, to gather information or a confession from a person or third party related to a crime committed by that person or the third party, as well as intimidation or coercion of a person or third party, or for any other reason based on discrimination of any kind. This characterization does not include pain or suffering arising from lawful sanctions, inseparable from those sanctions or derived from them inadvertently.⁸

A person's freedom from torture and ill treatment is an absolute right and cannot be subject to limitation.⁹ In order to cause cruel treatment in violation of the rights of a person, it is necessary to reach a minimum level of severity; depending on the specific circumstances of the case, other factors should also be taken into account, such as the nature of the treatment, the context of what happened, its duration, its physical and psychological consequences, and in some cases, a person's age, gender and health status.¹⁰ It is necessary to distinguish between torture, and inhuman and degrading treatment, where torture is the intentional infliction of pain by a person that is very serious and causes cruel suffering, whereas degrading treatment can be considered the attitude of a person that causes a person to feel fear, threatened or in danger, and humiliation,¹¹ harms the agency and reputation of the person, their human dignity, and makes the person act against his/her will or conscience.¹² In some cases, discrimination and threats based on sexual orientation or gender identity can be considered degrading treatment.¹³ In these cases, it is not necessary to establish intent on behalf of the state in order to recognize the violation of the right to freedom from inhuman or degrading treatment.¹⁴

The situation of LGBT people in penitentiaries

The situation of LGBT people in penitentiaries remains grave. The detention conditions in penitentiaries for LGBT people clearly differ from other detainees or prisoners. LGBT people are kept in separate cells, do not use common tableware, and do the dirtiest work in the institutions that are considered to be the most improper, such as cleaning toilets.

It should be noted that mistreatment of LGBT people is due not only to their real or perceived sexual orientation, but also because of the stigma associated with the label "homosexual" in existing sub-cultural norms and standards in penitentiary institutions, norms and standards that must be met and maintained.

⁷ Article 26, RA Constitution, accepted 06.12.2015

⁸ Article 1, Torture and cruel, inhuman or degrading treatment and other forms of punishment against 1984 UN Convention

⁹ *Pretty v. United Kingdom* ECHR Ruling Number 2346/02, §49

¹⁰ *Price v. United Kingdom* ECHR Ruling Number 33394/96, *Costello-Robertson v. United Kingdom* ECHR Ruling Number 13134/87, §30

¹¹ *Aydin v. Turkey* ECHR Ruling Number 23178/94

¹² *East African Asians v. United Kingdom* ECHR Ruling Number 4715/70, 4783/71 and 4827/71

¹³ *Smith and Gredi v. United Kingdom* ECHR Ruling Number 33985/96 and 33986/96

¹⁴ *Pierce v. Greece* ECHR Ruling Number 28524/95, as well as the U.N. report on Torture and cruel, inhuman or degrading treatment and other forms of punishment Doc. No. A/56/156 2001

For example, at the Hrazdan penitentiary institution, 18-year-old gay inmate Artur Mikaelyan called tert.am news and said that he wished to be moved to the Nubarashen penitentiary institution or temporarily transferred to a prison hospital, because he was subjected to pressure.¹⁵

Speaking to Tert.am, Mikaelyan said that he had applied to the Penitentiary Department Head, Arthur Osikyan, and to the president of the placement commission, 10 times to be moved to another prison, but received no response.

“The person in charge here calls me things like, to tell you the least, ‘Hey fag, hey, I don’t know what, hey minor.’ He has blackmailed me and threatened to take me to court, but for what? [...] I already have an enemy here. The Hrazdan penitentiary chief blackmailed me yesterday, he said he would beat me, break a chair on my head, pushing me to commit suicide, he said that even if I hang myself they wouldn’t help me,” said the prisoner, noting that he had self-harmed himself before and would do it again.

In a Medialab.am article titled, “‘Sexual exploitation’ and ‘dirty work’: Homosexual prisoners live in ‘hell’,” a former detainee who over 7 years has seen 4 different detention centers—Artik, Sevan, Kosh, and Nubarashen—says, that in all the centers, if you are homosexual, you are subjected to the most cruel and humiliating treatment, including sexual harassment.¹⁶ “In the prison yard there are 12 toilets, they have sex there everyday, they force the homosexuals into the toilets and...” he said, noting that the prison officers were also to blame for the abuse. “The ‘good boys’ of the prison give the officers 1000-2000 AMD to bring a gay prisoner to their cell. Even if he [the gay prisoner] doesn’t want to, they force him; they use him in any way imaginable. Afterward, the same officer takes him back to his cell. The officers give the prisoners the go-ahead; they tell them to do whatever they want.”

Despite the violence he was subjected to, he did not want to complain while he was at the detention center. “4-5 people beat me, because I did not consent to sex with someone I did not want to. It was clear from my appearance that I was beaten, but I did not complain, neither did the officers ask me what happened to me,” he said.

He insists that they falsely accused him of murder and theft, because they knew about his sexual orientation.

The Situation of LGBT people in the armed forces

Unfavorable conditions for LGBT recruits emerge from the very beginning of a soldier’s time in the armed forces, during military registration, medical examinations and inspection, and afterward because of the problems these processes can cause.

People whose sexual orientation or gender identity becomes known during their service also continue to remain vulnerable while enlisted in the RA armed forces.

In a case registered by PINK Armenia, a person who had been serving for one year says that when a fellow service member found out about his sexual orientation, the information became known in the entire unit. Unit commanders said that the person must submit an application to change units, as well as see a psychiatric institution. The person was kept in a mental institution. After officials were convinced that he was not lying about his sexual orientation, the person was moved to a military hospital to continue his military service. The person insists that at the Vardenis Hospital there are only a few homosexuals who do cleaning work at the hospital, and that they live in extremely poor conditions in a cabin that

¹⁵ Homosexual prisoner demands that “Hrazdan” Penitentiary Institute move him to “Nubarashen”, instead he is subjected to suppression, <http://www.tert.am/am/news/2015/12/16/nubarashen/1876424>

¹⁶ ‘Sexual exploitation’ and ‘dirty work’: Homosexual prisoners live in ‘hell’, <http://medialab.am/news/id/6632>

is separate from the hospital, where there is no heating and other basic conditions for living. The gay soldiers are kept separate from the entire hospital staff, they are not permitted to communicate with other servicemen at the hospital, nor are they permitted to use the common kitchen, dishes and silverware, and other household items. In addition, not only does the entire hospital staff know about the person's and a few other's sexual orientation, but people who live in residential buildings in the area also know why some soldiers are kept separate from the general unit.

According to another case, a person who serves in the RA armed forces is continually subjected to blackmail by a former fellow soldier, who says that he will tell others information about the person's sexual orientation if they do not agree to actions in the former soldier's favor, and especially if the person does not pay him money. Finding himself in this alarming situation, the soldier was forced to do what was asked, finding that he would be in an even worse situation if his unit found out about his sexual orientation.

Violence toward transgender people

On the night of October 26 and in the early morning of October 27, a group of 5 people attacked 2 transgender people in central Yerevan. Before being beaten up, the victims ran to the entrance of the Prosecutor General's Office, with the hope that the Office's security would assist them. However, as stated by the 2 victims, the Office's security did not respond, did not open the door, and instead watched the beating silently from inside the Office.¹⁷

One of the victims reported the facts of the incident to the RA Yerevan Central Police Department's investigation department. A criminal case was initiated, however the victim withdrew the complaint. Read more about this in section 1.6.

¹⁷ They beat them for being homosexual, <https://youtu.be/INL5tzhDmGU>

1.3. The right to freedom from discrimination and hate speech

The ban on hate speech and on speech containing intolerance implies not only that the state must not disseminate such speech, but also a responsibility to take appropriate measures to ensure that such speech is not encouraged by third party persons.¹⁸ In this regard, it is the responsibility of the state to take legislative and other measures to prevent the spread of intolerant and hate speech toward people in certain platforms and forms of content dissemination.

Hate speech limits freedom of speech. Freedom of speech is not an absolute right and is subject to certain restrictions.¹⁹ It includes the freedom to express ideas and opinions, but at the same time imposes a responsibility on a person to avoid statements that contain insults toward other people and that violate their rights.²⁰ In particular, the right to free speech does not imply the freedom to express or spread hate speech.²¹

Hate speech is defined as all forms of expression "...which spread, incite, promote or justify racial hatred, xenophobia, intolerance, anti-Semitism, or other forms of intolerance or hatred, including aggressive nationalistic intolerance, discrimination and hostility against minorities and other groups...."²²

The negative attitude of public officials toward LGBT people

Speeches delivered by state officials against LGBT people did not decline in 2015 compared to the previous year. But unlike 2014, leaders and members of new political parties contributed to anti-LGBT rhetoric in 2015, particularly the leader of the "Prosperous Armenia" party and president of the European integration committee Naira Zohrabyan, who said in an interview with LGBTnews.am that her attitude toward LGBT people was negative and that she would do everything to ensure that LGBT people are unable to "spread like metastasis."²³

"Unlike many of my colleagues, I do not suggest that they [LGBT people] should be burned over a fire or marginalized from society, but I directly accept that as long as our society remains free of such perversion, we will be able to preserve our nation's moral and ethical character. For me, all of that is absolutely unacceptable," said Zohrabyan, tying her position to religion, "I know, that there is a natural law, the law of God, commandments, and the class that will go against the commandments of God, will receive God's punishment. Yes, perhaps among them there is a class that is genetically sick, another class that has mental deviation, but we should not give them tribute."

Naira Zohrabyan, who is also a member of Armenia's delegation to PACE, has highlighted, that she had voted against all bills related to the protection of LGBT people's rights in the Assembly, and that she will continue to vote against them.

Former member of the Heritage party, Rubik Hakobyan, who was also the head of Heritage's parliamentary faction in the National Assembly, is now an independent MP. Some months after leaving the party, Hakobyan gave an interview with Iravunk newspaper about the LGBT forum, which took place in Armenia, reviling that the participants were homosexuals with European smiles, saying, "We sometimes deprive ourselves of the opportunity of

¹⁸ Ozgur Gundem v. Turkey ECHR Ruling Number 23144/93

¹⁹ Human Rights Committee General Comment Number 34

²⁰ Erbakan v. Turkey ECHR Ruling Number 59405/00

²¹ Human Rights Committee General Comment Number 11

²² Committee of Ministers of the Council of Europe Recommendation Number R 97 on hate speech, accepted October 30, 1997

²³ I will do everything possible, to prevent LGBT people from spreading "like metastasis" in Armenia: Naira Zohrabyan, <http://goo.gl/xwRS0I>

self-defense, by protecting, I don't know what values.²⁴ All rights, that are contrary to national, state security laws, should not exist for us. Today I need a soldier to protect me, not someone who benefits from international organizations or someone who belongs to sects, who says 'I don't want to serve in the military.'

Hakobyan also grounded his fight against LGBT people in religion. "I am not a fanatic in religious terms, but the Bible says to go and multiply, different sexes, protect nature. Now what, should we declare the Bible as no longer valid?"

Rule of Law faction deputy Hovhannes Margaryan proposed that LGBT people and their rights be ignored in an interview with LGBTnews.am, saying that for him homosexuals are unacceptable, although if they apply to him in connection with a rights violation, he would try to help. When asked how he would vote if a bill on the protection of LGBT people's rights were proposed in the National Assembly, he said he would not participate in the vote at all.²⁵

Deputies of the Republican Party of Armenia expressed their negative attitudes towards LGBT people again in 2015, as they have in previous years.

In an interview with LGBTnews.am, Republican Party deputy and Human Rights and Public Affairs Standing Committee member Ruzanna Muradyan said that she does not consider the rights of LGBT people to be human rights, and advised not to engage in propaganda.²⁶ "What topic have you raised, how can this be? Don't engage in propaganda. When we talk about all of this, that already is propaganda," she said.

Another deputy from the Republican party, Murad Muradyan, told LGBTnews.am that he is ashamed to speak about LGBT people and their rights.²⁷ "It's shameful, it's shameful, don't ask me those types of questions, I am against those kinds of things, go ask another deputy. Go write, say that Murad Muradyan is against it. It's shameful, it's shameful for the Armenian people, stay away from me."

Muradyan also said that LGBT people have "mental deviations" and that they emerged in the last 30-40 years.

Tachat Vardapetyan, who is also a deputy with the Republican Party of Armenia, was angered by LGBTnews.am's question about LGBT people.²⁸ "Don't ask me those types of questions; those people are the most hated people for me. I might curse them using sexual profanities now," he said, adding that for him there is no one on the planet more disgusting than LGBT people.

Hate campaign against "New Generation" NGO and the German Embassy

After the online newspaper Hetq.am published an article titled, "The Germany Embassy gave 30,000 Euros to New Generation NGO for the protection of sexual minorities," namely, providing shelter to LGBT people who have been kicked out of their homes because of their sexual orientation, a wave of attacks against the LGBT community was raised online.²⁹ Head of the Democratic Party of Armenia Aram Sargsyan and head of the Pan-Armenian Parental Committee NGO Arman Boshyan gave a joint press conference to condemn the German Embassy. During the press conference, surprise that instead of supporting the

²⁴ Now what, should we declare the Bible as no longer valid? <http://goo.gl/f064Zy>

²⁵ Hovhannes Margaryan proposes that LGBT people and their rights be ignored, <http://goo.gl/Inlcjb>

²⁶ I do not consider LGBT rights to be human rights. Republican Party member Ruzanna Muradyan, <http://goo.gl/JByGZK>

²⁷ Republican deputy Murad Muradyan thinks that LGBT people "emerged in the last 30-40 years," <http://goo.gl/LtJwmg>

²⁸ Deputy Tachat Vardapetyan is angered by LGBTnews.am's question about LGBT people, <http://goo.gl/ixpvKb>

traditional family, the German Embassy was supporting the LGBT community. “We barely just cleaned and freed Komaygi from sexual minorities (it was in this park that trans sex workers would stand). In the end, no one interferes with the work those minorities do, but they always want more,” he said, adding his worry, that an antidiscrimination law may be passed. “This is a clear project. They want to cleanse Armenia of Armenians.”

Arman Boshyan proposed a new rule to monitor foreign funds coming to Armenia. “Not only is it permitted, but there is no rule that would ban the Embassy from providing funds for homosexuals in Armenia. Furthermore, Azerbaijan and Turkey can do the same thing. In other words, there is no law that controls foreign funds, that in reality are against our national security,” said Boshyan.



Burning of LGBT flag

On November 6, the leader of the “Socialist Movement of Armenia” Robert Aharonyan and “For Law” NGO lead a group of young people to gather in front of the European Union Office in Armenia to burn the LGBT flag and to demand that the EU protect the rights of the majority and not preach about gay rights.³⁰ Statements by the United Nations and the U.S. Ambassador, which condemned the manifestations of hate after the LGBT forum, motivated the anti-LGBT protest.³¹ Although the EU had not made statements about the forum, the protesters chose the EU’s Office to hold their demonstration. According to media reports, the protesters were mainly young people under the age of 17.

In an interview, Aharonyan compared the LGBT flag to Satan, arguing, that a rainbow has 7 colors, while the flag has 6. He asked the EU to protect them from gender equality. “Our rights are being violated because I cannot imagine crossing the street with my child and having to say, who are these people wearing women’s clothes, shoes. We have no personal problem with them, we don’t go in, we don’t hit them, we don’t beat them, the point is that they completely end propaganda in Armenia. To say that a child at age 18 can decide whether they’re female [the word used here is used to describe animals of the female sex], or male [the word used here is used to describe animals of the male sex], woman, or man, that’s a paradox, its abnormal. 7 is the number of God, and the rainbow has 7 colors, even in their flag there are 6 colors, the number of Satan.”

A few days later, Robert Aharonyan was outed. LGBTnews.am published an article titled “Let’s reveal the homophobic gays.” The authors noted that Robert Aharonyan, who actively struggled against the LGBT community and their rights, was actually a representative of the community.³² They also published an acquired video where Robert Aharonyan can be seen in an online video chat room, where he was engaged in intimate chat conversations of a homosexual nature, and can be seen



²⁹ The German Embassy has given 30,000 Euros to New Generation NGO for the protection of sexual minorities, <http://goo.gl/SpuirF>

³⁰ They burned the LGBT flag, <http://news.am/arm/news/294826.html>

³¹ US Embassy, UN and “Frontline Defenders” condemn suppression of LGBT community in Armenia, <http://www.pinkarmenia.org/en/2015/11/us-un-frontline>

standing up and revealing his bare buttocks on camera.

After his outing, Robert Aharonyan became more aggressive towards the LGBT community, insisting to the media that the person seen in the video was not him. Online, he cursed and threatened people who had shared the video, even visiting their homes. He stopped visiting people's homes after a Facebook user contacted the police. In connection to the incident, PINK Armenia called for a refrain from attacks against Aharonyan, and offered to provide Aharonyan psychological and social support.³³

³² Robert Aharonyan, who burned the LGBT flag, is a representative of the LGBT community: video, <http://goo.gl/dTRi97>

³³ PINK Armenia calls for a refrain from of attacks against Aharonyan, http://www.pinkarmenia.org/en/2015/11/solidarity_aharonyan

1.4. The right to a private and family life, dignity and honor

1. *Every individual has the inviolable right to a private and family life, dignity and reputation.*
2. *The right to an inviolable private and family life can only be restricted by law for national security, for the country's economic welfare, to prevent or expose crime, and for the protection of public order, health, morals, or the fundamental rights and freedoms of others.*

*Article 31, RA Constitution*³⁴

The right to a private and family life defines each individual's right to recognition before the law, as well as the right to privacy.³⁵ It includes the state's responsibility to recognize an individual's sex and gender identity as provided by the individual exercising the right to privacy.³⁶

"Private life" is a broad concept that includes a person's physical and psychological integrity. In some cases, it also includes the aspects of a person's physical and social identity. In such circumstances, a person's gender identification, name, sexual orientation and sexual life, for example, all fall within the context of personal and family life.³⁷ A person's body is the most intimate part of their personal life.³⁸

The right to private and family life also anticipates self-development, and ensuring the right to establish and develop relationships with others,³⁹ effective realization of personal relations, and the right to have a safe environment within a given community.⁴⁰

The incident of the transgender athlete

A transgender person, who is a well-known athlete, said that after participating in the "Rainbow" forum, they were not given their salary and that they were removed from their team. "Right when the news went up online, my coach called me and said, 'What have you done? Didn't we tell you it's your life, do whatever you want, we had accepted you, but why are you spreading propaganda? You could have done whatever you wanted after leaving sports, you knew that while in sports you were not to do that.' After that they all received their salary, but not me. If they cut your salary, it means you're not in the team," the athlete says.

According to the athlete, there were rumors in the team that they had participated in the "gays' protest" (that is how they described the LGBT forum), and for that reason they were removed from the team. A team member even asked the transgender athlete, "Is it true that they cut your salary and removed you from the team because you participated in the gays' protest?"

³⁴ Article 31, RA Constitution, accepted 06.12.2015

³⁵ Article 16, "On civic and political rights" 1996 UN international treaty

³⁶ See 35 Articles 16 & 17, Human Rights Committee overall comment 16

³⁷ See 9

³⁸ Y.F. v. Turkey ECHR Ruling Number 24209/94

³⁹ See 9 38

⁴⁰ Connors v. United Kingdom ECHR Ruling Number 66746/01

1.5 Equality and equal protection under the law

Individuals have the right to effective judicial protection of their rights and freedoms...

*Article 61, Part 1, RA Constitution*⁴¹

Protection of equal rights implies not only a ban on direct intervention by the state, but also the state's duty to protect possible interference by third parties. Tolerance of such interferences by the government is unacceptable, because it would mean that prejudice and discrimination against certain minorities is justified and acceptable.⁴² Proper implementation of this law means the implementation of necessary legislative, administrative and other measures by the state to fulfill its obligation to ensure the equality of persons before the law and de facto.⁴³ Moreover, securing the principle of equality does not mean identical treatment in identical conditions for all people, but also provides for constructive means of action by the state in cases when it is necessary to reduce or eliminate any conditions that cause or spur discrimination against a particular group.⁴⁴

The attitude of law enforcement officials toward LGBT people

As documented by PINK Armenia, three young men followed an individual in central Yerevan near Northern Avenue. After some time following the individual, one of the three men attacked, while the other two pushed and shoved the individual. Shortly afterward the three attackers escaped. The victim went to the nearest city police station without hesitation and filed a complaint detailing the related circumstances. As instructed by the police officers, a report was compiled, noting that the three attackers probably did not have the intent of robbing the victim, because they had not taken their wallet or other belongings. During the scuffle the victim's phone fell out of their pocket, and they believe the attackers took it. The police also asked the victim if they were homosexual. The victim replied saying yes, though, it could not be found in the recorded complaint. Thus, it can be assumed that the police probably understood the motive of the attack.

According to another case registered with PINK Armenia, a transgender person who was accused of theft was summoned to a police station to give a testimony, during which police officers displayed a negative toward the person. They mocked the transgender person, using offensive words and phrases.

In another case, a gay man told PINK Armenia that the police officers of his district would follow him, and on several occasions came to his parents' home to find out where he was. They did not offer any other details. After that, a police car followed the man several times, and he later received a phone call asking him to come to the police department, which he refused. He thinks the police were looking for him because they found out about his sexual orientation, probably taking into account the fact that he was exempted from military service.

PINK Armenia registered another case involving a person living in Gyumri who was receiving nonstop phone calls from police in Yerevan, asking the person to come to a Yerevan police department. The police did not say why they were requesting the person's presence, or in what capacity they were inviting him to the police station. According to the person, the reason they called was related to their sexual orientation and/or gender identity.

⁴¹ Article 61, RA Constitution, accepted 06.12.2015, part 1

⁴² Union of Jehova's Witnesses of Gldan v. Georgia ECHR Ruling Number 71156/01, §141

⁴³ Human Rights Committee comment 18, part 6

⁴⁴ Human Rights Committee comment 18, part 18

The legal proceedings against Iravunk newspaper

The Appeals and Cassation Courts rejected the claims filed by 16 citizens against Iravunk newspaper in 2015, which were also rejected by the Court of First Instance in 2014. The cases were sent to the European Court of Human Rights (ECHR).

In 2014, Iravunk newspaper published an article titled, “They serve the interests of the international homosexual lobby: the blacklist of enemies of the nation and state.” The blacklist included the names of 60 people, and urged readers to have “zero tolerance” for them, to not hire them, to fire them from government jobs, and to not greet them when they see them. The article called those blacklisted “zombies” and “enemies of the nation and state.” Iravunk published the names because those people had condemned singers Inga and Anush Arshakyan after they expressed their “disgust” at Austrian singer Konchita Wurst during a press conference with Radio Free Europe/Radio Liberty on Facebook. Of the 60 people listed in the article, 16 submitted a claim with the court.

Immediately after the appeals trial, Judge Nakhshun Tavaratsyan asked the plaintiff, “Does Konchita know that she has this many supporters?” indicating that the judge was biased against the case.⁴⁵

Before the appeal hearing, 22 PACE delegates released a statement drawing attention to the fact that Armenian authorities left Iravunk’s hate speech and spreading of discrimination unpunished, and urged the delegates of Armenia, particularly representatives of the Republican Party, to explain to their colleagues that they must avoid promoting hatred and discrimination. PINK Armenia sent this statement to Republican Party deputy and PACE delegate for Armenia Hermine Naghdalyan to find out whether she was aware of PACE’s call and what steps she planned to take. In response, Naghdalyan sent two copies of Iravunk newspaper.

The 16 citizens sent their appeal to the court of appeals, which received the case on April 20. On April 29, the court decided to reject the proceedings. If we take into account that April 23, 24, 25, and 26 were all non-working days, the court then reached its verdict in a maximum of 5 days.

In respect to the same article by Iravunk, the Court of First Instance partially granted the request of three staff members of “New Generation” humanitarian NGO, obliging the newspaper to apologize publicly to all the plaintiffs and to pay 250,000 AMD to two of them. The parties appealed the judgment, but the Court of Appeals’ decision remained the same.

As part of the same case, an Iranian citizen named on the so-called blacklist filed a separate claim with the court, which the Court of First Instance also rejected.

“New Generation” humanitarian NGO filed another lawsuit against the newspaper and one of its writers, Ilona Azaryan, for an article written by Azaryan titled, “When the grant-sucking protectors of homosexuals receive state assistance.” However the Court of First Instance rejected the lawsuit and forced the organization to pay “Iravunk Media” LLC and Azaryan 100,000 AMD.

⁴⁵ Has the Judge’s Prejudice Towards the Case Already Sealed the Verdict <http://www.epress.am/en/2015/02/20/has-the-judges-prejudice-towards-the-case-already-sealed-the-verdict.html>

1.6 Right to access to justice and effective legal protection

“Each individual has the right to protect their rights and freedoms by all means not prohibited by law...”

*Article 18, RA Constitution*⁴⁶

“Each individual has the right to restore rights that have been violated, as well as to determine the validity of charges against them under equal conditions, by a fair, independent and impartial court within a reasonable time by the right to a public hearing...”

*Article 19, RA Constitution*⁴⁷

Although the Constitution and internal legislation of the Republic of Armenia recognize the rights of access to justice and to fair trial under international treaties, their utilization is limited within the national juridical bodies due to the biases of national courts, and their dependence on the other branches of government, and the constitutional non-compliance of the separation of powers and restraint mechanisms. The verdict in the case against Iravunk newspaper (made in 2015) serves as an example for such a claim. The verdict was made as a result of MP Hayk Babukhanyan’s offensive statements directed at LGBT people and his continuous attempts to influence the court proceedings. Verdicts are also being influenced by officials’ hateful statements, such as those already discussed in the report, which can immobilize the courts in their decision-making.

The absence of effective legal protections for LGBT people in 2015 was also attributed to a number of problems: the absence of appropriate legislative measures, the failure of victims of violations to file complaints, the ill-treatment by law enforcement authorities toward LGBT people when complaints are filed, the absence of proper investigations of cases by the courts, as well as the promotion of ill-treatment by public authorities.

Legislative issues

Although the direct application of the Constitution is intended by the Constitution itself, which stipulates the prohibition of discrimination, in practice, domestic courts do not directly apply Constitutional norms, if they have not been subject to detailed regulation through other laws or sub-acts. As a result of this misguided practice, crimes and violations committed in the context of discrimination are not recognized as such.

The Republic of Armenia has not yet adopted a law against discrimination, which will enable us to define the concept of discrimination, its types, the means of legal protections available to persons subjected to discrimination, the regulations concerning the peculiarities of the investigation of cases of discrimination, which means, that LGBT people affected by discrimination have not had effective means of protection against discrimination and their cases have not been properly examined nor adequately investigated.

Besides that, national law on the regulation of hate speech is very limited and does not provide for a ban on discrimination based on a person’s sexual orientation and/or gender identity. Article 237 of the RA Criminal Code includes **national, racial or religious grounds in its ban on inciting enmity, but does not include a ban on the spread of hate based on a person’s sexual orientation and/or gender identity. As a result, the legal possibility to carry out an investigation and trial during instances of hate proliferation is absent.**

The Republic of Armenia has not yet reviewed the mechanisms of legal accountability for hate-motivated crimes. Crimes motivated by a victim’s sexual orientation and/or

⁴⁶ Article 18, RA Constitution, accepted 06.12.2015

⁴⁷ Article 19, RA Constitution, accepted 06.12.2015

gender identity remain without proper investigation.

A hate-motivated crime within the context of the Criminal Code is considered an aggravating circumstance, but it only applies to national, religious, or racial hatred. Committing a crime on the basis of one of the types of discrimination is not provided for under the Criminal Code, which allows the state judicial bodies to overlook the nature and motive of the threat leveled at a person, and reports received on threats are simply not processed, with the explanation that threats need to be real. **According to the sixth point of part 1 of Article 63 or the RA Criminal Code**, circumstances that aggravate the liability and punishment of a crime are crimes motivated by national, racial or religious hatred, religious fanaticism, as well as committing crimes that are committed as revenge against others' lawful acts.

As mentioned in some cases, the majority of complaints filed by LGBT people or by people associated with LGBT people were concerning serious threats to health or to destruction of property. Thus, under Article 137 of the RA Criminal Code, responsibility is provided for threats of murder, threats of serious harm to health or threats of destruction of property, when the danger of realization of such threats exists. In other words, such a crime can be committed based on any kind of motivation. Responsibility is not provided for under the Criminal Code or under any other law for a threat, which is carried out on the basis of a person's real or perceived sexual orientation and/or gender identity.

Pre-trial and trial issues

The negative attitude of bodies that conduct preliminary investigation, as well as improper preliminary examination of cases on their part, leads to the fact that cases often do not reach the courts, and to victims losing the opportunity for an examination of their rights violation by an independent and impartial court.

Almost all of the complaints filed in 2015 did not continue on to be filed as criminal cases by the law enforcement authorities conducting the preliminary investigation. In cases when they have been filed as criminal cases, they are quickly discontinued because of a lack of evidence, as in the case of Vardan Hambardzuyan, after he was continuously receiving threats against him and his family.

The same outcome was received when participants of the LGBT "Rainbow" forum began receiving threats on online social networks and through other means, and filed complaints to police.

The failure of preliminary investigative bodies to file criminal cases when complaints are raised is also due to the legislative gap, as mentioned above. There is no separate law in the Republic of Armenia on the prohibition of discrimination that gives a detailed definition of the types of discrimination.

In these cases, individuals fail to reach the desired results of having their violated rights restored, ceasing the regular and continuous violation of specific rights, and bringing offenders to justice in the courts. By violating the numerous substantive and procedural norms available to it while examining offenses, the court, the only body that realizes justice, displays unprofessional, discriminatory treatment, the result of which is its failure to fulfill its basic function. That happened, for example, in the result of the trial against "Iravunk Media" LLC, when the court did not recognize the fact of the violation of the rights of people affected by the hate speech and the disputed statements' discriminatory nature.

As a result, the victims of rights violations who apply for judicial protection, face the same discriminatory attitude, and find themselves in more adverse circumstances. Courts fail to not only bring offenders to justice and to prevent new violations from taking place, but also

deepen the atmosphere of hatred against LGBT people in different social strata, giving that hatred a legal basis that is protected by the courts.

Other reasons why victims do not file complaints

As a result of systematic human rights violations of LGBT people that are committed with impunity, LGBT people themselves resign from applying to courts or other relevant bodies because they do not expect justice. Based on the nature of the complaints PINK Armenia has received, as well as the testimonies of victims of rights violations, it is clear that the reason victims refuse to submit complaints to authorities has deep roots, and is due to a number of alarming factors which, among others, include the affected person's fear that their sexual orientation and/or gender identity will be revealed to others, that the authorities will reveal the victim's sexual orientation and/or gender identity to third parties, which they consider to be personal and confidential information, and that they will receive discriminatory treatment because of the complaint they filed.

Violations of LGBT people's human rights are linked to a more or lesser extent to their sexual orientation and/or gender identity, which the affected person does not want to make known to law enforcement agencies or other appropriate bodies when filing a complaint, because they are constrained by authorities' attitude toward their appearance, femininity or other distinctive characteristics.

The victim also avoids the possibility of being subjected to victimization by law enforcement, mainly because previous complaints issues led to negative consequences for the victim.

For example, one of the two trans victims of the attack on the night of October 26 and in the early morning of October 27, 2015, in central Yerevan, initially had concerns about the proper handling of the case, because they were subjected to discriminatory treatment when they filed a complaint with police authorities previously, which is also reflected by the police officers' hurtful, mocking and sarcastic statements, which were continuous throughout the course of the preliminary investigation. During the pre-trial investigation of the case, others, including family members and other relatives, found out about the victim's gender identity. As a result, the family members "turned away" from the victim and refused to maintain ties with them. The victim then withdrew their complaint and the criminal case was dismissed.

This is also a reason why cases of human rights violations in general do not get processed, as aggrieved persons, under the influence of a number of factors, refuse to file cases or continue with proceedings related to their complaint.

In addition to the abovementioned factors, the principle of access to justice is also violated because of the lack of privacy regulations as well as protective and preventative measures. In particular, persons whose rights are violated due to discrimination based on the grounds of their sexual orientation or gender identity, refuse to exercise their right to judicial protection of their violated rights, fearing that their sexual orientation or gender identity will become known to the homophobic sections of society and that they cannot expect proper protection from law enforcement bodies.

The inaction of law enforcement bodies, their failure to prevent crimes, as well as the court's failure to restore social justice and to educate and prevent further offenses by bringing offenders to justice, leads to the continuous restriction of access to justice, as persons who commit offenses with impunity, continue their criminal activities, aware of the sensitivity of the issue and the possibility of avoiding responsibility.

Criminal allegations on “A T V”

During a 2014 broadcast of “A T V” television company’s “Half-Open Windows,” co-president of the United Youth League, Sevak Hovhannisyan, claimed that singer H.H. had raped a 16-year-old boy. During the broadcast, a video was shown where H.H.’s face could be seen. A criminal case was initiated following the accusation, however it that was dismissed because of a lack of evidence from Hovhannisyan. In response, H.H. filed a lawsuit against Hovhannisyan on charges of having insulting his honor and dignity. The case has been in court for over a year, but because Sevak Hovhannisyan does not appear in court, the sessions are constantly postponed, and the court has not issued an arrest warrant. Nevertheless, Sevak Hovhannisyan continues to speak against homosexuals.

2. The state's responsibility to secure individuals' rights and to create a safe environment

Constitutional changes

Debates about homosexuals intensified in 2015 during the discussions on constitutional changes, when there was a perception, that the new Constitution would supposedly allow same-sex marriages. For some media outlets, public and political figures, this was the main target and concern during debates about the constitutional referendum.

In Article 34 of the Constitution on the freedom to marry it was written, "A consenting woman and a consenting man of marriageable age have the right to marry and found a family with each other," while in the English version of the article sent to the Venice Commission, "woman" and "man" were written in the plural form, and the words "with each other" were absent, which gave many people the impression that same-sex marriages would be allowed.

The issue arose when 1in.am published an article, entitled "The Venice Commission is against the constitutional ban on same-sex marriages."

Former MP Gurgen Yeghiazaryan said at a news conference that Article 34 was the most terrible point. "If gay marriage is legalized and gay marriages are performed, then those gays will eat us," he said.⁴⁹

One of the most active figures struggling against the rise of electricity prices, Vaghinak Shushanyan, during a television broadcast, urged people to vote against the new Constitution, because they would no longer have the possibility to beat gays.⁵⁰ "Brother, at least now we grab and beat them, brother, at least we grab and beat them," he said, persuading, that if someone touches a homosexual under the new Constitution, he would be sentenced to life in prison. A citizen responded by saying that the same crime is also punishable under the current Constitution, to which Shushanyan responded that if a "faggot" showed up, he would "beat" them.

Republican Party MP Naira Karapetyan assured her colleagues during a speech in the National Assembly, that same-sex marriages would not be allowed.⁵¹ "Gay marriage is foreign and unacceptable to our people. This is the reason, that after being subjected to Genocide and to the danger of being destroyed, the Armenian people consider the family to be the union of a man and a woman exclusively, which ensures our people's livelihood on the face of the earth."

Republican Party MP Hovhannes Sahakyan, chairman of the state legal committee, said in an interview with aravot.am, "We are Armenian, we have our mentality and approaches. I do and will do everything for marriages to be between a woman and a man. For me personally and for many others that is not subject to debate."⁵²

Constitutional amendments committee member Gevorg Danielyan also reassured opponents of same-sex marriages, saying that the issue was closed.⁵³ "What needed to be done

⁴⁸ The Venice Commission is against the ban on gay marriage in Armenia, <http://www.1in.am/1686315.html>

⁴⁹ Those with nontraditional sexual orientations are wiped out of authorities' circles, <http://www.aravot.am/2015/08/06/598992/>

⁵⁰ Change the government, you're changing the constitution, what should we do? <https://goo.gl/86khYg>

⁵¹ It's a false idea that the new constitution sponsors homosexuals (video), <http://www.a1plus.am/1406651.html>

⁵² Hovhannes Sahakyan. "I am and will do everything for the marriages be between a woman and a man", <http://en.aravot.am/2015/08/22/171652/>

⁵³ Gevorg Danielyan: The issue of gay marriage is closed once and for all: "Armenians' World", <http://www.aravot.am/2015/08/27/603132/>

has been done, and was done quite reasonably and scientifically. In particular, our firm position is that gay marriage not only undermines the national value system, but that it is not in line with international legal standards for the protection of children's rights. International experts should first try to prove that gay marriage does not undermine children's legal protections, which have a central role in the European value system itself," he said, speaking to "Armenians' World" newspaper.

During the debates on Constitutional changes in the National Assembly, a participant accused a speaker that the new Constitution would allow same-sex marriages, to which former Minister of Justice and Constitutional Amendments Committee member Hrayr Tovmasyan said, "You may understand and interpret it however you wish. Gay marriages are not recognized by the RA Constitution as families, as subjects of state's protection; they cannot be considered organic components of the society."⁵⁴

Eventually, in order to highlight the ban on gay marriages, Article 34 of the new Constitution was formulated as follows: "A woman and man of marriageable age have the right to marry each other and form a family according to their free will." The article concerning marriage in the old Constitution was defined as follows: "Women and men of marriageable age have the right to marry and form a family." The new Constitution was adopted after a public referendum, and thus, same-sex marriage was banned in Armenia on a Constitutional level.

Before the discussions on constitutional amendments, PINK Armenia sent letters to the president of Armenia, to Prime Minister Hovik Abrahamyan, to the ministries of health and justice, and to National Assembly deputies, calling on officials to respect the rights of LGBT people, as part of International Day Against Homophobia and Transphobia (IDAHOT).

The president's office responded by saying that existing legislation included the necessary prerequisites for the elimination of discrimination, adding that if there is a need for further legislative regulations, the President does not have the jurisdiction to initiate legislation.⁵⁵

In its letter, PINK Armenia also urged the President not to award state medals to individuals and organizations that spread hate speech about LGBT people and their supporters, to which the President's office responded, that a person's worldview is not taken into account when state awards are given.

The only ministries to respond to PINK's letter were those of Health and Justice.

The Justice Ministry informed that a legal study had been conducted as part of the process that evaluated the necessity of the adoption of a special law "Against discrimination," where they analyzed issues related to the elimination of discrimination and recalled that in 2010, the Gender Policy was endorsed, and in 2011, the 2011-2015 strategic political plan of Armenia's Gender Policy was approved.

The Ministry of Health said that issue lies outside of their jurisdiction, but that they are ready to provide assistance if they receive proposals from relevant authorities.

Neither the Prime Minister, nor any of the 131 deputies of the National Assembly responded to the letter.

Thus, the adoption of constitutional amendments showed that Armenia's authorities are not only uninterested in protecting the rights of LGBT people, but are also inclined to limit these rights. Meanwhile, during the UN Universal Periodic Review, Armenia accepted all 6 proposals for the protection of LGBT people's rights.

⁵⁴ Fiery debate around gay marriages in the National Assembly, <http://goo.gl/6FqZXI>

⁵⁵ Responses from administration of the president and ministries on protection of LGBT human rights, <http://www.pinkarmenia.org/en/2015/07/staterespond>

Conclusion

The human rights situation for LGBT people continues to be of concern. A variety of circumstances contribute to the situation, including insufficient legal regulations, the attitudes of state bodies that spread hatred, a lack of awareness, and other factors.

Instead of creating a safe environment and equal opportunities for LGBT citizens, Armenian authorities only further aggravate the issues LGBT citizens face, not only allowing the manifestation of hate speech, but also encouraging such speech and other manifestation of discrimination, without applying or incorrectly applying the legal provisions envisaging responsibility for such actions. This is made clear both by the speeches of members of the ruling Republic party and other parliamentary groups, and by their violations and new legal restrictions on the rights of LGBT people.

Public attitudes toward LGBT people are becoming more and more negative, and the state does not take any steps to eliminate the phenomenon. There is an increase in crimes committed on the bases of people's sexual orientation or gender identity. There was almost no sphere where LGBT people did not fall victim to discrimination in 2015.

This dangerous environment exists also because of the legislative gap that prevents the restrictions on LGBT people's rights and discrimination against them, a fact which has already been stated for years. Provisions on the prohibition of discrimination are provided for in the Constitution, as well as in international treaties, which form a part of domestic legislation. However, they do not protect LGBT people from discriminatory treatment by state authorities. Authorities avoid proposals from different countries for legislative regulations that would specifically prohibit acts of discrimination based on sexual orientation or gender identity. NGOs remain the only pillar of support for LGBT people in the realization of their rights.

Not only are incidents of discrimination based on a person's sexual orientation and gender identity widespread in Armenia, but also discrimination on the grounds of association with LGBT people. Speech inciting hatred and discrimination is not spread against LGBT people but also against their supporters or people associated with LGBT allies, which can limit them in their activities..

Thus, discrimination based on sexual orientation and gender identity is beginning to spread beyond the LGBT community, which may further complicate the situation not only for LGBT people, but also for their supporters and for the creation of a safe environment for them, as well as for the activities of individuals and organizations involved in the protection of LGBT human rights.

Speaking out against LGBT people brings one honor in Armenia, and 2015 showed that such speech could come from LGBT people themselves.

Recommendations

For state bodies:

- ▼ Damaging statements that incite hatred and discrimination against LGBT people from representatives of state bodies must stop. Take appropriate measures to prevent hate speech against LGBT people that incites hatred and intolerance from representatives of state bodies, and hold those who do spread hate speech accountable.
- ▼ Realize complete, objective and thorough investigations of the violations of rights of LGBT people, without discriminatory, prejudiced attitudes towards LGBT people by investigative bodies that stop LGBT people from applying for assistance after incidents, to the detriment of the victims.
- ▼ Take appropriate measures to ensure the safety of LGBT people in closed institutions to prevent cases of cruel and degrading treatment, and conduct proper investigations when such cases arise.
- ▼ Take proper steps to prevent discrimination against LGBT people in state bodies, including among staff serving with police authorities and in the courts, through trainings, awareness-raising, and other methods.
- ▼ Adopt separate, comprehensive legislation that will prevent and prohibit discrimination and define civil, administrative and criminal responsibility, and that will ensure individuals' protection from discrimination on the grounds of sexual orientation and gender identity.
- ▼ Review the RA legislation that prohibits hate speech, and define the concept of "hate speech," and put into force a ban on hate speech against people with certain characteristics, including LGBT people.
- ▼ Review the RA legislation that prohibits hate-motivated crimes, specifically consider a crime committed against a person on the grounds of their sexual orientation and/or gender identity as an aggravating circumstance in criminal liability and punishment.
- ▼ Promote the concepts of tolerance and equality within state bodies, particularly among the deputies of the National Assembly, representatives of the government of the Republic of Armenia and other officials.
- ▼ Promote the concepts of tolerance and equality in society, particularly with public statements that promote tolerance and that recognize LGBT people as full members of society and as citizens.

For the media:

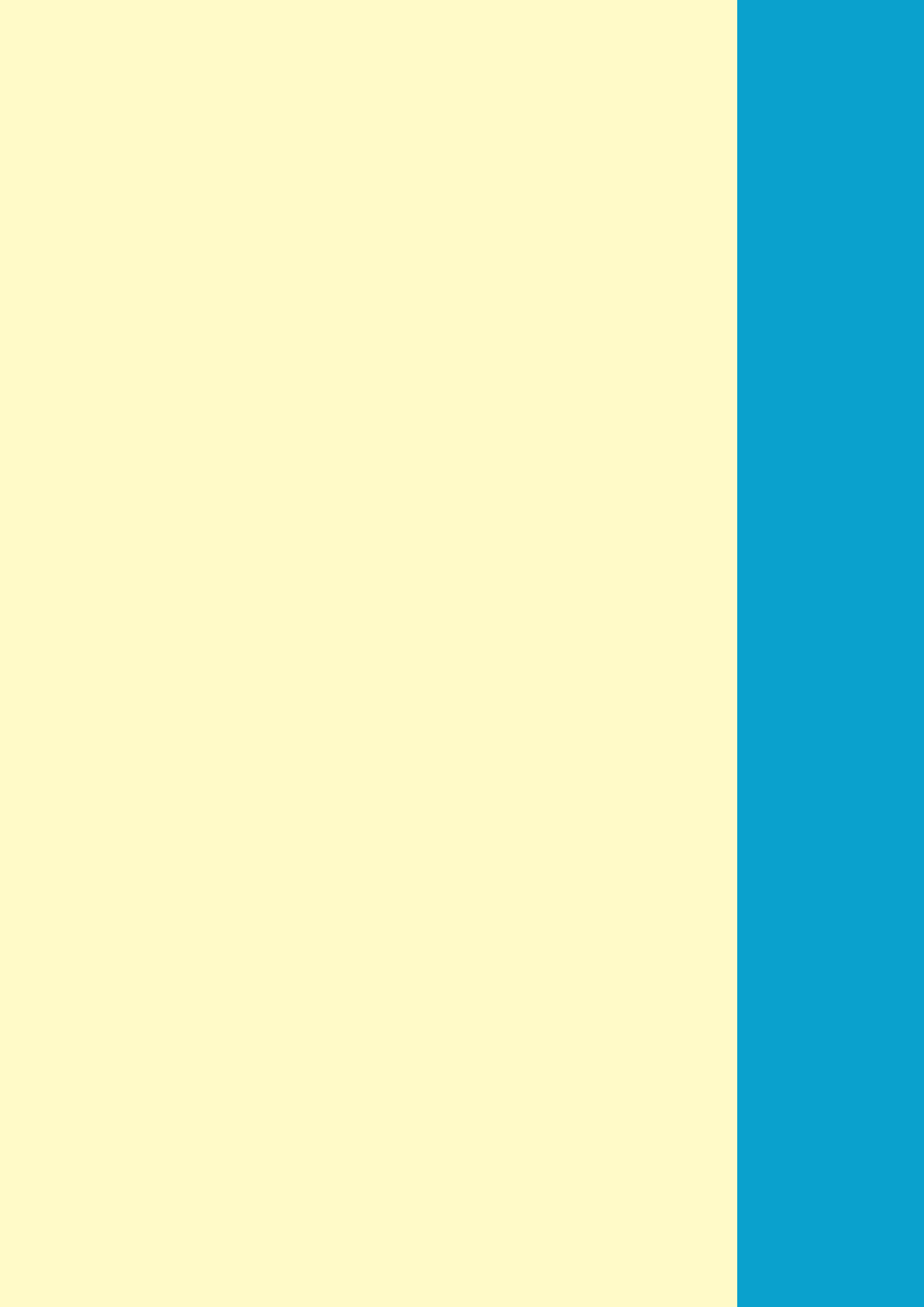
- ▼ Stop publications that incite hatred and intolerance toward LGBT people and give the public educated, unbiased, ethically acceptable publications that respect the human rights of LGBT people.
- ▼ The media should not exploit topics concerning LGBT people in their reporting, avoiding the spread of hatred and intolerance.

For international and regional organizations:

- ▼ Properly monitor the implementation of international commitments on the rights of LGBT people undertaken by the Republic of Armenia.
- ▼ Come out in support of LGBT people and the protection of their rights in Armenia with official announcements, stressing their importance and priority.
- ▼ Refer to the violations of the rights of LGBT people raised in this report in their own reports concerning human rights.

For the Human Rights Defender's Office:

- ▼ Raise public awareness about discrimination and its negative consequences, as well as the importance of the principles of non-discrimination and equality in a democratic society.
- ▼ Raise public awareness about the illegality of hate speech and its dissemination.
- ▼ Develop a strategy to create and adopt a law against discrimination, as well as to make corresponding changes in other legal documents.





Public Information Need of Knowledge NGO

Email: info@pinkarmenia.org

Phone: +374 60 377277



pinkarmenia.org