



THE HUMAN RIGHTS
SITUATION OF LGBT
PEOPLE IN ARMENIA
DURING 2023

ANNUAL REPORT

The photo of the candlelight vigil organized in memory of the murdered trans woman is used in the cover image. It is related to the case presented on page 18.



Annual Report: The Human Rights Situation of LGBT People
in Armenia During 2023

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GLOSSARY OF TERMS AND ABBREVIATIONS¹

Bisexual	■ A person who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with more than one sex or gender.
Conversion practice	■ Refers to any action taken by others with the intent of changing a person's sexual orientation and/or gender identity from non-heterosexual to heterosexual or from a non-heteronormative gender identity and expression to a heteronormative one.
Gay	■ A man who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with another man.
Gender expression	■ The expression of a person's own (or perceived) gender identity.
Gender identity	■ Each person's deeply felt internal and individual experience of gender, which is a category of social identity and refers to the identification of an individual as male, female, or another gender(s).
Heterosexual	■ A person who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relations and relationships with another gender.
Homosexual	■ A person who is sexually and emotionally attracted to people of the same gender or sex.
Homophobia	■ Fear, unfounded anger, intolerance, and hatred towards homosexuality.
Lesbian	■ A woman who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relations and/or relationships with another woman.
Queer	■ Formerly used as an umbrella term encompassing individuals with non-heterosexual lifestyles. However, its meaning has evolved to represent an anti-identity associated with actions that defy accepted norms, legitimacy, and dominance. It now signifies a resistance to, rejection of, deconstruction of, and subversion of normality and heteronormativity, acting as a form of pressure against prevailing systems.

¹ The main source of these terms is "Guide to Working with LGBT People: A Guide for Helping professionals" (in Armenian). Pink Human Rights Defender NGO, 2021.
<https://pinkarmenia.org/wp-content/uploads/2024/02/specialists-guideline-2021.pdf>

Sex	■ The classification of a person as male, female, or intersex. A person's sex is a combination of bodily characteristics including chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.
Sexual orientation	■ The totality of a person's deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with another person.
Trans or transgender	■ A person whose gender identity and gender expression differ from the sex established at birth. This includes people identifying as transsexual/cross-dresser, transgender, transvestites, etc. Trans is an umbrella term inclusive of transgender, transsexual, and non-binary gender identities.
Transphobia	■ Negative cultural and personal beliefs, opinions, attitudes, and behaviors based on prejudicial disgust, fear, and hatred of transgender people or gender identities and/or variations in gender expression.
CoE	■ Council of Europe
ECtHR	■ European Court of Human Rights
ECRI	■ European Commission against Racism and Intolerance
LGBT	■ Lesbian, gay, bisexual, trans
RA	■ Republic of Armenia
SOGI	■ Sexual orientation and gender identity (and gender expression)

INTRODUCTION

Pink Human Rights Defender Non-Governmental Organization annually compiles a report summarizing documented violations occurring during services provided to LGBT people. This report focuses on the human rights situation of LGBT people and relies on data obtained from beneficiaries' submissions and results from the organization's monitoring activities.

The first section of the report compiles recorded violations for which Pink Human Rights Defender NGO provided consultation and essential support. Cases are categorized according to the rights infringed, though they may encompass violations of multiple rights. Each section provides a concise overview of the violated right in the given situations, drawing upon international documents and interpretations by relevant bodies acting upon these documents. This aims to present the scope of the right's interpretation, the state's obligations for their protection, and the necessary measures to clarify the rationale behind qualifying the act.

In 2023, LGBT individuals continued to face discrimination and violence across various aspects of life, including family, the armed forces, law enforcement, care facilities, educational institutions, and public spaces. Throughout the year, 260 individuals sought assistance from attorneys and lawyers at Pink Human Rights Defender NGO, receiving consultation or various legal support. The alarming increase in registered offenses stands out when compared to previous years. In particular, 51 cases were documented, with 49 involving individual victims and 2 categorized as group cases involving severe, criminally accountable expressions of hate speech directed towards the LGBT community. These group cases included multiple offenders, but the expressions were connected within a singular context.

Out of the documented cases, 22 involve cases of domestic violence. In five of these cases, the victims initially wanted to file a complaint with law enforcement authorities. However, four of them later decided against filing a complaint or reporting the crime altogether, and one case was suspended by the investigative body, citing the justification that the parent intended to address a perceived "sick" phenomenon.

There are four cases of physical violence recorded, with two victims expressing fear of applying to law enforcement authorities. In the other two cases, criminal proceedings were initiated, but the current status of the process remains unknown.

Six cases of threats to life or health were documented, with victims turning to law enforcement authorities in only two instances. One of them later withdrew the complaint, while the investigation for the second case is still ongoing.

Two cases of disseminating information regarding private life were recorded, but the victims chose not to contact law enforcement in both instances.

One case of murder and one case of suicide were recorded, leading to the initiation of criminal cases. However, investigations for both incidents are still ongoing.

Additionally, five cases of ill-treatment by law enforcement bodies were documented. Complaints were filed, and three criminal cases were initiated, but one victim later withdrew their complaint.

There was one case of violence during military service, another case in a psychiatric institution, and a third case in a juvenile care center. In all three cases, the victims opted not to file a complaint with law enforcement bodies.

There were five recorded violations within the educational system, and in none of these instances did the victims choose to contact law enforcement bodies.

Out of the total registered cases, only 12 victims sought assistance from law enforcement bodies. Two additional cases involve murder and suicide, where the investigative body is obligated to initiate criminal proceedings. The continued mistrust towards law enforcement agencies by victims, as observed in previous years, can be attributed to several factors, including:

- Mistreatment by law enforcement agencies, mockery, and justification of violence,
- Dissemination of information related to the personal life of victims by the authorities investigating the case, including within families,
- Ineffectiveness of investigating cases leading to impunity,
- Fear of facing further violence as a consequence of filing a complaint.

The second part of the report addresses hate speech, briefly explaining the criteria used to define and identify it and the legal regulations outlined in international documents and the domestic legal system. The report also presents various cases of hate speech, each with different degrees of danger; some are punishable under the RA criminal law, while others are not.

Numerous instances of calls for violence, justification of violence, and preaching were recorded, although none of these received attention from law enforcement bodies.

In the presentation and quoting of hate speech manifestations, the report focuses on selecting only sections of expressions of hatred and intolerance that include calls for violence or justification of violence. Phrases containing profanity were intentionally excluded.

In the second section of the report, we seek the reader's understanding as we quote examples of hate speech, acknowledging that they can potentially cause psychological stress and depression.

PART 1

VIOLATIONS OF THE HUMAN RIGHTS OF LGBT PEOPLE

State Obligations to Protect Human Rights and Prevent Discrimination

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

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

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

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

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

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

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

³ Ibid, Article 3, Clause 3

⁴ Ibid, Article 5, Clause 3

There are also special procedures and special independent experts within the UN who are mandated to request information from states on the human rights situation within their jurisdiction and measures taken by the states. Reports are submitted to these bodies by non-governmental organizations as well. Based on the presented information and subsequent communication with states, treaty bodies present recommendations to states on how to address the issues.

The Implementation of Recommendations Submitted to the State by International Institutions and Mechanisms in 2023

In 2023, multiple reports were submitted to various international structures, utilizing mechanisms to highlight the RA Government's shortcomings in meeting its obligations and addressing the underlying reasons for failures.

In particular, a report was submitted to the *United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*. The report's focus was the impact of religion on safeguarding the human rights of LGBT individuals. The report drew upon information documented in recent years, highlighting "conversion practices" applied to LGBT individuals, including the involvement of religious organizations using various rituals to change the orientation of LGBT individuals. Summarizing the collected data, the Independent Expert submitted a report to the UN Human Rights Council in June 2023 titled "Freedom of Religion or Belief, and Freedom from Violence and discrimination based on sexual orientation and gender identity." Through an analysis of the principles and essence of these rights, as recognized and interpreted by international legal acts, the expert concluded that freedom of religion or belief is fully comparable with the right to be free from discrimination and violence based on sexual orientation and gender identity. The former is a right subject to restrictions but is broadly interpreted as the right to follow or not follow any religion, to have or not have any belief. Importantly, this interpretation should not lead to violations of the fundamental rights of others. At the same time, due to certain historical events, such as colonization or the compulsory integration of religious laws into legal systems, the rights of LGBT people are restricted in several states. In extreme cases, these restrictions extend to imposing the death penalty for same-sex relations, purportedly in the interest of preserving national and religious values. In Armenia, too, the church consistently intercedes in discussions surrounding legislative initiatives by the state aimed at ensuring the rights of LGBT individuals. They provide extreme assessments of legal regulations addressing violence and discrimination, characterizing them as attempts to undermine Armenian national values, the family, and the church. As noted in previous years' reports, representatives of the church have organized protest events, gatherings, and interviews, opposing any measures or steps aimed at protecting the rights of LGBT people. Consequently, educational organizations in Armenia not only engage in attempts to change the sexual orientation or gender identity of individuals through "conversion practices," causing severe psychological harm, but they also unconstitutionally interfere in the activities of the state's political power. This interference has a tangible impact on measures designed to protect human rights fully.

Given the prevalence of such situations worldwide, the Independent Expert recommended refraining from or, where applicable, eliminating any legal act or policy that does not align with international human rights standards. This extends to acts related to the activities of religious organizations, which may lead to discrimination against LGBT people. Further, it was advised to refrain from justifying with religious narratives any act of violence and discrimination based on SOGI. The recommendation also stressed the importance of condemning incitement to violence and discrimination against LGBT and other gender-diverse persons and those who defend their rights by religious leaders and adherents. The Expert also presented several recommendations to raise awareness and promote an understanding of historical and cultural realities and diversity.

While there is no specific legislation in the Armenian legal system regulating the activities of religious organizations that could lead to discrimination against LGBT people, the state refrains from condemning the public activities of the church directed against the LGBT community and the movement. This non-condemnation constitutes an intervention by the state in the church's affairs, contributing to division, hatred, and intolerance between different groups within society.



The Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) releases annual data on hate crimes submitted by member states and civil society. The report specifically highlights the status of vulnerable groups through an analysis of criminal offenses committed with motives of hatred and bias towards various personal or social characteristics.

As of November 16, 2023, according to published data, civil society has documented a total of 53 cases, with 50 of them classified as crimes against LGBT individuals based on their sexual orientation and/or gender identity and/or expression (hereinafter referred to as SOGI).⁵

While referencing the recent legislative regulations in the country, ODIHR noted that law enforcement bodies do not record the biased motives of criminals, thereby hindering proper and comprehensive investigations. ODIHR also underscored the importance and necessity of collaboration between civil society and the state in addressing hate crimes, including establishing victim support mechanisms. It is important to note that currently, there are no support mechanisms for victims of hate crimes in the country, nor is there any established practice of providing support or sensitive treatment. ODIHR reiterates the state's obligations based on Ministerial Council 9/09 and 13/06 decisions, emphasizing the need to investigate hate crimes to evaluate the hate motive properly. Furthermore, the state is urged to demonstrate an active and inclusive approach to civil society, recognizing it as a key factor in addressing these issues.



The Committee of Ministers of the Council of Europe has granted the state a two-year timeframe to fulfill the obligations stemming from the judgment in the case of Oganezova v. Armenia.

On May 17, 2022, the European Court of Human Rights published its judgment on the Oganezova v. Armenia case concerning the 2012 explosion at the "DIY" club.⁶ The

⁵ OSCE ODIHR Report on Hate Crimes, 2023. <https://hatecrime.osce.org/armenia?year=2022>

⁶ Oganezova v. Armenia, ECtHR judgment. <https://hudoc.echr.coe.int/eng?i=001-219523>

ECtHR found that Armenia had violated the applicant's rights to be free from torture, inhuman and degrading treatment, and to be free from discrimination. These violations were attributed to legislative gaps and the ineffectiveness of case investigations.

The Republic of Armenia is implementing the Court's judgment, with the Committee of Ministers of the Council of Europe overseeing this process. Recommendations for necessary actions resulting from the execution of the judgment were submitted not only to state bodies but also to the Committee of Ministers to ensure effective control over the execution process.

On June 6, 2023, the Committee of Ministers of the Council of Europe reviewed the implementation of the European Court of Human Rights judgment in the case of *Oganezova v. Armenia*, assessing the effectiveness of the measures taken.⁷ The Committee obliged the authorities to inform the Committee of Ministers about the relevant developments of the reopened criminal proceedings.

As regards general measures, the State is to

- promptly complete the drafting process of the Law on Equality in line with the relevant international standards and the Court's findings in this case and adopt it without further delay;
- provide information on their practical application of the new Criminal Code, including examples of criminal cases in which homophobic motives were investigated and taken into consideration when determining sanctions, as well as provide statistical data on the number of complaints submitted on hate crimes and hate speech on SOGI grounds, the number of investigations initiated, the number of cases sent to court and their outcome;
- continue taking determined action to raise awareness about discrimination and prejudice experienced by LGBTI people, as well as conducting general and specialist training for law enforcement and criminal justice practitioners on issues related to effective investigation of hate crimes and the needs of victims.

The Committee also welcomed the new elements introduced in the criminal legislation, which allow an adequate criminal law response to homophobic hate crimes, and the readiness of the authorities to implement at the domestic level the Council of Europe guidelines on policing hate crimes and their plan to elaborate guidelines on the investigation of discrimination and hate speech.



In June 2023, the *European Commission against Racism and Intolerance (ECRI)* published its regular report on the current situation in Armenia. This report summarizes the situation of hate crimes based on the results of the sixth monitoring phase.⁸

The Commission, in particular, reiterated concerns about discrimination based on SOGI, hate crimes, and hate speech in Armenia. Emphasizing the importance of adopting legislative regulations and their effective application in practice, the Commission also highlighted the necessity for an anti-discrimination law. It noted the need to establish an

⁷ Decision of the Committee of Ministers of the Council of Europe regarding the implementation of the judgment in the case of *Oganezova v. Armenia*, 06.06.2023.

https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680ab57e5

⁸ Report of the European Commission against Racism and Intolerance (ECRI), 2023.

<https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/armenia>

equality body or provide the Ombudsman with an adequate mandate and resources. To combat discrimination, ECRI proposed conducting educational and awareness activities in various areas, including schools, migration services, law enforcement agencies, and society in general. Proper recording and management of statistics were crucial to enhance the effectiveness of investigating hate crimes. ECRI also underscored the importance of addressing hate speech on media platforms and ensuring the effectiveness of legislative regulations in this regard.



Therefore, it can be concluded that throughout 2023, the Republic of Armenia has been provided clear obligations from various international mechanisms, both at the legislative and practical levels, to enhance the human rights situation of LGBT individuals. Through the analysis of the situation presented below, an attempt will be made to assess the extent to which the state has demonstrated a will to address the issue of violence and discrimination based on SOGI in 2023.

RIGHT TO BE FREE FROM DISCRIMINATION

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

RA Constitution, Article 29⁹

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

All major human rights instruments call for adherence to human rights without discrimination. By this, they underscore the universal and inviolable nature of the right to be free from discrimination.¹⁰

In international law, discrimination is defined as any distinction, exclusion, restriction or preference which is based on particular circumstances or features, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.¹¹ In other words, discrimination is the treatment of persons in similar situations in a different manner without any reasonable or objective grounds.¹²

In international law, direct discrimination is defined as a form of discrimination when an individual is treated differently from others in an analogous situation based on a particular personal, social, or other characteristic.¹³ Indirect discrimination is a seemingly neutral provision, standard, or practice whereby unfavorable conditions are set for individuals from a specific group compared to others.¹⁴ Another type of discrimination is associative discrimination – when, although not having a protected characteristic, a person is associated with another person with such a characteristic, e.g., their husband, mother, father, etc., and is therefore subjected to discriminatory treatment.¹⁵

Discrimination is based on a personal characteristic, which is called the grounds for discrimination. Neither the Constitution of the Republic of Armenia and domestic laws, nor most international treaties directly mention sexual orientation and gender identity

⁹ RA Constitution <https://www.primeminister.am/hy/constitution/>

¹⁰ Articles 1 (3) and 55 of the UN Charter, Article 7 of UDHR. Article 2, 4 (1) and 26 of ICCPR, Article 2 of ICESCR, Article 2 of CRC, Article 14 of ECHR, Protocol No. 12 of the ECHR

¹¹ HRC, General Comment No. 18, § 7. <https://www.refworld.org/docid/453883fa8.html>

¹² ECtHR, Judgement of 23 July 1968, Case of Certain Aspects of the laws on the Use of Languages in Education in Belgium. *Willis v. United Kingdom*, No. 36042/97, § 48, ECtHR 2002-IV, *Virabyan v. Armenia*, No. 40094/05, 02/01/2013.

¹³ Non-Discrimination in International Law A Handbook for Practitioners, 2011 Edition, p. 17-18. <https://www.interights.org/handbook/index.html>

¹⁴ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, (b) point of Article 2 (2). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0043>

¹⁵ *Molla Sali v. Greece* [GC], 2018; *Guberina v. Croatia*, 2016, § 78; *Škorjanec v. Croatia*, 2017, § 55; *Weller v. Hungary*, 2009, § 37

and/or gender expression (SOGI) as grounds for protection against discrimination. Nonetheless, the list of grounds for protection against discrimination in Armenia's domestic law is not exhaustive; meaning that, other than the directly outlined characteristics, the legal acts do not exclude as discrimination other circumstances of a personal or social nature based on differentiated treatment. This means that SOGI can and must be treated as personal or other social circumstances and must be considered grounds for protection against discrimination on an equal footing as gender, race or disability. Human rights treaty bodies have repeatedly reaffirmed this assertion, stating that SOGI is grounds for protection against discrimination.¹⁶

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

While a number of legislative acts contain prohibitions against discrimination,¹⁷ Armenia still does not have a separate law on non-discrimination which would define discrimination and its forms, and would set out an effective remedy for the protection of groups most vulnerable to discrimination. A law with an effective remedy mechanism should primarily:

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

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

¹⁶ *Sidentoba and Others v. Georgia*, 2015, § 96; *Salgueiro da Silva Mouta v. Portugal*, 1999, § 28; *Fretté v. France*, 2002, § 32; *Vejdeland and Others v. Sweden*, 2012, § 55; Committee Against Torture, General Comment No.2: Implementation of Article 2 by State parties, § 21, 22. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/catcg2-general-comment-no-2-2007-implementation>

¹⁷ Study on whether a separate non-discrimination law is needed for the domestic legal system of Armenia, Vahe Grigoryan, Ara Ghazaryan. <https://epfarmenia.am/document/Is-it-expedient-to-adopt-separate-non-discrimination-law>

In 2023, the Draft Law on Ensuring Equality (as a separate law addressing legal regulations on discrimination) was brought back to the agenda after a hiatus of about two years. Despite establishing requirements and efficiency standards for the framework and provisions of the law by various international bodies and its previous extensive discussions involving civil society and other stakeholders, the Ministry of Justice opted to submit the draft to the Council of Europe for expert opinion.

At the same time, on September 28, 2023, the Action Plan for 2023-2025,¹⁸ stemming from the National Strategy for the Protection of Human Rights, was adopted. According to this Plan, the Law on Ensuring Equality is scheduled for adoption during the first half of 2024.

The human rights violations outlined in this report are intertwined with discrimination. In essence, the documented offenses occurred due to the victim's sexual orientation or gender identity. The examples below categorize human rights violations by offense, all linked to discrimination based on gender identity or sexual orientation.

¹⁸ Draft decision of the RA government on approving the 2023-2025 action plan arising from the national human rights strategy. Available on the e-draft platform.<https://www.e-draft.am/projects/5472/about>

RIGHT TO LIFE

1. *Everyone shall have the right to life.*
2. *No one may be arbitrarily deprived of their life.*
3. *No one may be sentenced or subjected to death penalty.*

RA Constitution, Article 24

The state's obligation to ensure the realization of a person's right to life implies not only refraining from direct interference but also providing protection against encroachments by private individuals.¹⁹ In other words, the absence of direct responsibility on the part of the state in cases of interference with a person's right to life does not absolve the state from responsibility for violating that right.²⁰ However, the right to life must be interpreted in a manner that does not disproportionately burden the authorities. In instances of harassment by third parties, a violation of the right to life can be recognized if it is determined that the state knew or was obligated to know, at the given time, about the existence of a real and immediate threat to the person's life by third parties and failed to take necessary and reasonable measures within its powers to prevent the life-threatening danger.²¹ Within the obligation framework to ensure a safe environment for all groups of society and individuals, the state must effectively address the issues facing groups vulnerable to encroachments based on individual and certain group characteristics. Such encroachments have the potential to harm the health and life of individuals.

At the same time, as a positive obligation, the state is required to conduct a comprehensive, thorough, and impartial investigation in cases of murders committed by private individuals. This serves the dual purpose of ensuring justice on the one hand and preventing further violations of the right to life on the other. The state's failure to conduct a proper and effective investigation is also considered a violation of the right to life resulting from its failure to fulfill its positive obligation.

In 2023, two cases of violating the right to life were documented, and both needed to be more adequately investigated and addressed.

Case 1

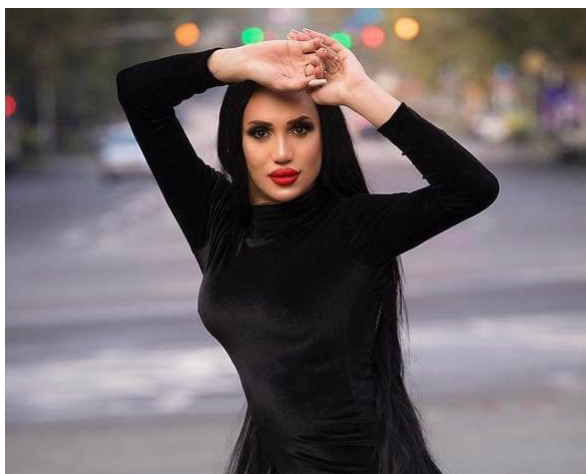
A transgender person was killed in their apartment, and the apartment was set on fire. The case is still under investigation, but the victim's transgender identity was not considered as an aggravating circumstance when characterizing the crime.



¹⁹ Angelova and Iliev v. Bulgaria 55523/00 ECHR Judgement

²⁰ Council of Europe's Recommendation of 31 March 2010 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5)

²¹ Osman v. the United Kingdom 23452/94. Judgment



A criminal case was initiated in connection with the murder of a transgender person, and the perpetrator was arrested. However, during the characterization of the act, no mention was made of the motive behind the crime, and the circumstances that could serve as indicators to evaluate the hatred or intolerance underlying the act were not discussed. Based on the new criminal code that came into effect in 2022, a petition was submitted to consider the motive of the criminal, specifically

related to the gender identity of the victim, to qualify the act with a criminal legal status. In this context, the act is deemed to have been committed under aggravating circumstances, implying more severe legal responsibility. The foundation for such regulation lies in the perspective that a crime motivated by any personal or social characteristic is directed not against the individual but against the community distinguished by that characteristic. Therefore, it harms the individual and the entire community marked by that characteristic. Consequently, such a crime creates an atmosphere of fear among those who share that characteristic and conveys to society that the particular community is not accepted. However, the hearing on the motion to assess the criminal's hate motive has been postponed, and no response has been received as of yet.

Sometime after the incident, news circulated claiming that the person's murder was linked to a dispute over drugs.²² Taking into account society's negative stance towards drugs, an effort was thus made to shift the public's attention away from the fact that the motive for the murder was the person's gender identity and to deepen further approaches justifying the act. During the initial stages of the investigation, when law enforcement had not yet examined indicators of the motive of intolerance towards the victim's gender identity by the perpetrator. Spreading such news is, at the very least, irresponsible toward the criminal case and, on the one hand, towards the victim and their relatives on the other. Disseminating any information defaming the victim's name before the court issues a legally binding judgment on that circumstance should be deemed unacceptable and qualified as an abuse of authority by the investigative body.

In addition to establishing effective legal protection mechanisms and ensuring a fair trial, the state should formulate a clear policy to address responsibility and prevent offenses committed with discriminatory motives. Specifically, speech and statements that justify such crimes and incite further discrimination and violence should be met with an appropriate response. Speech implying a criminal act should be subject to criminal liability, and expressions that do not meet the legal criteria for liability should still receive a response from political authorities. The latter should unequivocally inform the public that sowing hatred and intolerance between different groups in society and supporting criminal acts are unacceptable.

The murder of a transgender person elicited a strong reaction from society, with some

²² Armtimes.com, "They argued over the issue of drugs, then he killed. The investigative committee revealed new details about the murder of a trans woman", 23.08.2023.

<https://www.armtimes.com/hy/article/267268>

individuals justifying the criminal act on social networks. Simultaneously, there were calls for further violence and discrimination against LGBT people. However, the authorities did not respond to the incident or the widespread hate speech. In this climate of impunity, the state is directly accountable for any violence or discrimination against LGBT people, as it has failed to make even the slightest effort to prevent incitement and harassment.

However, a final assessment of the omissions by the investigative body can only be made after the completion of the murder case investigation.

The second part of this report presents a detailed analysis of hate speech and the expected intervention by the state.

Following the murder, a group of people gathered in one of the city's central parks to organize a candlelight vigil in memory of the murdered transgender person. During the candle lighting, the participants were attacked, with eggs and stones thrown in their direction, causing physical pain and injuries to some.²³ The victims promptly reported the incident to the police officers responsible for maintaining public order. However, the officers made no effort to identify or apprehend the attackers.

Case 2

On November 14, 2023, the press informed Pink Human Rights Defender NGO that 17-year-old Kh. S. had committed suicide by jumping from the Davtashen bridge at dawn. Subsequently, the organization was informed that the suicide was linked to the sexual orientation of the victim. In later interviews with the "epress.am" website, the victim's friends revealed that he had a distinctive appearance and was consistently subjected to domestic violence due to his sexual orientation. The victim's parents, both father and mother, physically assaulted him, leaving him in a bloody state multiple times, and regularly compelled him to cut his hair, subjecting him to humiliation. Before the suicide, photos of the victim, accompanied by hateful comments, were circulated on a Telegram channel, sparking a new conflict with the family. The publications (on the Telegram channel) aimed to disclose the sexual orientation of the victim. After seeing the pictures, the victim's parents evicted him from the house, and he was subsequently fired from his job. Essentially, the individual was left without any support from his parents, leading to his suicide as a result of being unable to endure the violence and hatred.



Considering the continuous occurrence of suicide cases among LGBT individuals, it is crucial to examine how the state responds to domestic violence against LGBT people in general and discrimination and violence in all social relations. The state's inaction in this matter is significant. Assessing the causes of suicide and the basis for an individual's actions is challenging, as it involves not only factual circumstances that can vary but also external pressures to which different individuals may react differently. Nevertheless, it is unquestionable that individuals subjected to marginalization and oppression based on hatred should have access to both effective legal protection mechanisms and sensitive professional support. The comprehensive provision of such support is an obligation of the state. Conversely, when the state not only fails to provide comprehensive support to those facing violence and discrimination but also exacerbates their situation by

²³ Medianews.site, "Recently, the participants of the candlelight vigil organized in memory of the murdered transgender woman were attacked: details". <http://medianews.site/449557/>

reproaching and mocking them, it creates an even more challenging environment for the affected individuals.

In addition to providing general protection, it is imperative to examine how law enforcement agencies respond to suicide cases. Past experiences reveal that in instances of suicide, a criminal case is initiated for the act of committing suicide. However, this process is largely formal, and the case is swiftly dismissed. That is, law enforcement agencies do not consider it necessary to conduct a thorough, comprehensive, and objective investigation to understand the factors or motivations behind the individual's decision to commit suicide. Consequently, we encounter public irresponsibility from the state's inaction and incoherence.

This case also triggered a surge in hate speech, with some expressions containing elements that could be considered criminal. In contrast, others might be deemed a severe psychological impact on the LGBT community. However, this speech did not receive any response from the state. A more detailed account is provided in the second section of this report.

In conclusion, even though there were no direct violations of the right to life by the state, it failed to fulfill its positive obligations. These obligations include taking measures to prevent and prosecute violations committed by third parties and establishing a safe environment for all members of society. Consequently, the state's inaction resulted in the violation of the right to life for two individuals.

RIGHT TO BE FREE 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 human treatment.*

RA Constitution, Article 26, Part 1

Torture is any act by which a state official or a person acting in an official capacity, or by their incitement 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 a third party related to a crime committed by that person or a third party, as well as intimidation or coercion of a person or a 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.²⁴ A person's freedom from torture and ill-treatment is an absolute right and cannot be subject to limitation.²⁵ If the ill-treatment is to fall within the scope of violation of the above-stated right, it must attain a minimum level of severity. It must consider the circumstances of the case, such as the nature of ill-treatment, the context within which it occurred, the duration of the treatment, its physical and mental effects, and, in some cases, the sex, age, and state of health of the victim.²⁶ It is essential to make a distinction between torture, inhuman treatment, and degrading treatment, wherein torture is qualified by the intention of the perpetrator and the intensity of suffering, i.e., it is the deliberate inhuman treatment that causes very serious and cruel suffering. Ill-treatment is the treatment that causes the person to feel fear, threat, or danger, and debasement harms the agency and reputation of the person and their human dignity and makes the person act against their will or conscience.²⁷ When causing physical or mental suffering has not attained a minimum severity or did not pursue an intention as defined by torture, then the act is inhuman treatment. In some cases, discrimination and threats based on sexual orientation or gender identity can be considered degrading treatment.²⁸ In these cases, it is not necessary to establish the intent on behalf of the state to recognize the violation of the right to be free from inhuman or degrading treatment.²⁹

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

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

26 *Price v. UK*, ECHR ruling No 33394/96, *Costello-Roberts v. UK* ECHR ruling No. 13134/87, §30

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

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

29 *Pears v. Greece*, ECHR ruling N 28524/95, as well as UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 2001 Report, UN Doc No A/56/156, 2001

III-Treatment by Law Enforcement Agencies

Case 3

The individual who experienced domestic violence sought assistance from the police. In a private conversation with the victim and his friend, one of the policemen posed detailed questions about the latter's sexual integrity. Subsequently, upon learning that the victim and his friend were gay, the policeman began making inappropriate proposals of a sexual nature. It was only the following day that the victim, accompanied by a lawyer, visited the Shengavit department of the RA Police and filed a report regarding the incident, specifying that he had endured domestic violence from his mother due to his sexual orientation. The police took immediate action against the perpetrator.

Case 4

On the evening of February 2023, a gay man was walking along one of the central streets of Yerevan. Upon reaching an intersection, he observed two patrol officers. Upon seeing the individual, the officers began shouting derogatory remarks, cursing, and mocking him. These expressions were linked to his homosexual orientation, as well as his appearance—specifically, his long hair and clothing. They remarked, "Is it a girl or a boy?" "Let's take and fuck him" and other expressions, including sexual slurs.

Case 5

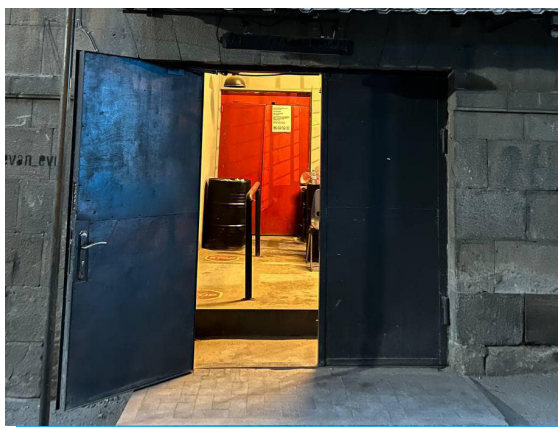
In March 2023, during the night, patrol officers in the Tsitsernakaberd area of Yerevan detained the victim on suspicion of possessing, using, and selling drugs. The patrol officers notified the police in the Malatia and Sebastia administrative districts, and officers came and detained the victim. The police officers from Malatia and Sebastia confiscated the victim's cell phone and accessed the photo section, discovering the individual's homosexuality. Upon learning this information, the police made various threats and denied the victim the right to make a phone call. One of the officers, aware of the victim's homosexuality, expressed words of hatred, stating that all "faggots" should be shot, and forcefully struck the table, creating an atmosphere of fear. Subsequently, the victim's personal belongings and mobile phone were confiscated, and the victim was forcibly taken to a cell, during which the officers shouted sexual insults regarding the victim's sexual orientation. After being held in the police station for several hours, the victim was released. A complaint was filed with the prosecutor's office, but there is currently no information about the case's progress.

Case 6

On the night of April 23, 2023, a gay man experienced physical and psychological violence during a groundless police raid on the "Poligraf" club by RA police officers. The officers used physical force against the club's employees and customers, including making the person lie on the floor, lifting him by the hair, and throwing him down, resulting in severe physical pain for the victim. Afterward, 20 minutes later, the police took him into custody and transported to the Central Department of the RA Police. During the transfer

to the department, the officers in the car verbally abused the victim with sexual insults, calling him a “faggot” and threatening that upon arrival at the department, there would be more people waiting for him. The officers repeatedly questioned the victim about the alleged location of the drugs, threatening to insert a mass of drugs into the victim’s rectum. These actions were taken solely because the victim is part of the LGBT community. Upon reaching the RA Police Center department, the officers further humiliated the victim based on his sexual orientation. They asked sexually explicit questions and, upon receiving answers, laughed at the victim. Additionally, they exposed the victim and conducted a physical examination, leading to feelings of humiliation. The officers further demeaned the victim by questioning why he wore earrings and inquiring about him wearing female clothing. The victim reported the incident to the law enforcement agency and was recognized as a victim.

Case 7



On the night of April 23, 2023, masked and armed police officers entered the “Poligraf” nightclub to investigate suspected drug sales, leading to a situation marked by insults and violence. During the police invasion, all individuals in the club were forced to lie on the ground, and discriminatory practices against LGBT people were reported. Specifically, a lesbian woman in the club says that she was kicked on her left side by a police

officer, and then she lay down on the ground. She could not get up or do anything since the police had exhibited their weapons, making everyone obey their commands. While lying on the ground, the girl made derogatory remarks about her appearance, questioning her gender and asserting that she had no right to be called Armenian.

Further, the police officers directed sexual insults toward the appearance and gender expression of individuals in the club. The girl says mocking and insults were targeted at a boy wearing a short top, perceived as feminine, and another boy with yellow-dyed hair. Following the arrest and transfer to custody, the victim was not informed about their rights, denied access to a lawyer, and prevented from notifying anyone of their whereabouts. The victim’s phone was forcibly turned off, and the atmosphere of fear intensified with the sounds of screams from adjacent rooms. When brought before an investigator, the victim was not allowed to call a lawyer, was not informed of the right to remain silent, and was coerced into providing testimony. The victim signed statements and documents without reviewing their content. In a rude manner, the investigator demanded access to the victim’s phone and scrutinized personal photos and correspondence. In response to the victim’s assertion that the investigator did not have the right to conduct certain actions, the investigator reportedly stated, “I will do whatever I want in the criminal case.” Through the reflection in the investigator’s optical glasses, the victim observed that the investigator was reading both the victim’s and their partner’s correspondence and examining intimate pictures. Following this intrusive act, the investigator proceeded to ask mocking questions regarding the victim’s sexual

orientation, including explicit inquiries such as “Do you have sex with boys or not? Have you seen a real penis? Do you use an artificial penis, cucumber, or banana?” The investigator further threatened to detain the victim in the basement for 72 hours if they disobeyed. Eventually, around 5-6 in the morning, the investigator released the victim with a signature, instructing them to come immediately upon receiving a call. Criminal proceedings were initiated, but the victim declined to file a complaint, explaining that they felt pressured when appearing at the investigative department and expressing a reluctance to participate further in the case investigation.



In the described cases, the state violated its primary obligation to respect human rights and refrain from harassment. In some instances, individuals faced ill-treatment from law enforcement agencies when seeking legal protection after being victims of a crime. In such situations, the police play a crucial role as the primary body that should provide sensitive support to hate crime victims and ensure an effective investigation. Specifically, individuals subjected to violence due to their identity should be treated in a manner that fosters trust in law enforcement, encouraging them to openly disclose all relevant circumstances, which may be of significant importance for the investigation of the case. The need for a particularly sensitive attitude towards the victims of such crimes is crucial because the act is directly related to the personal characteristics of the victim. The victim is often psychologically depressed and requires a cooperative, sensitive, and accepting attitude from law enforcement authorities to feel safe. Additionally, the support of professionals such as psychologists and social workers is essential for recovery from the effects of psychological pressure and to prevent social isolation. Unfortunately, law enforcement agencies do not exhibit accepting, sensitive, and cooperative behavior in Armenian reality. They often fail to take measures to ensure the future safety of the victims and do not suggest involving psychologists or social workers. Moreover, when the person representing the state, who is supposed to provide protection, continues the chain of offenses, the victim finds themselves in an even more difficult situation. The actions of the police in such situations can be assessed not only as an abuse of authority but also as psychological influence, inhumane and degrading treatment, and, in some cases, a crime against sexual integrity. It is a result of such manifestations that many cases of hate crimes do not reach law enforcement agencies because victims do not trust the law enforcement system. This lack of trust is evident in research on hate crimes published in 2016,³⁰ where about 200 cases were described and no complaints were filed. Therefore, we are dealing with a situation where, on the one hand, the state fails to provide effective protection against harassment by third parties. On the other hand, it directly violates the victims' fundamental rights.

In other recorded cases, police officers, entrusted with ensuring public order and the safety of every member of society in their daily lives, directly violated people's fundamental rights by making public spaces unsafe for them due to their appearance. In other words, it is impossible to talk about preventing offenses committed by private individuals and providing a safe environment when the entity responsible for this obligation directly threatens society. It should be noted that the policemen who exhibited such behavior are part of the patrol force and were integrated into the police system

³⁰ Hate Crimes and Other Hate Motivated Incidents against LGBT People in Armenia, 2016. https://pinkarmenia.org/wp-content/uploads/2024/02/hate-crime-monitoring-2016_en.pdf

due to police reforms, undergoing short-term training. One of the goals of the police reforms was to create a reliable and supportive police system for the public in various situations, which, however, can be considered a failure until the police officers who have unlawfully interfered with human rights are held proportionately accountable. In other recorded cases, the police officers directly violated the rights of individuals through illegal interventions, subjecting them to inhumane, degrading treatment and sexual harassment. The victims were reluctant to pursue the examination of their complaints because every time they appeared as victims at the summons of the body examining the case, they experienced the same feelings and felt oppressed. In other words, the victims, due to the police's attitude, do not expect any positive outcome from filing their cases. Therefore, it is unlikely that they will seek legal protection if they become a victim of an offense in another case.

It is also noteworthy that the police targeted the "Poligraf" club, where a diverse group of people attend. During the arrests, LGBT people were treated with particular humiliation and inhumanity. This is evidenced by the expressions and insults of the police related to the actual or assumed sexual orientation of the victims.

Armed Forces

Case 8

A gay person entered service in the x military unit and has been serving in the armed forces for more than seven months, attempting to keep his homosexuality a secret within the military unit. However, due to his distinctive appearance, he experienced sexual harassment twice by fellow service members within seven months. In the army barracks, two servicemen forcibly held the applicant's hands, and a third one touched different parts of his body, attempted to kiss him, etc. A similar incident occurred with another serviceman while the applicant was sleeping, but the applicant is reluctant to report this to the command staff or law enforcement agencies. Afterward, news about the applicant's homosexuality spread among the service members, leading the commanding staff to isolate him by transferring him to a military hospital, claiming that it would ensure his safety.



In cases of violations against gay, bisexual, and transgender people recorded during military service, the victims hesitate to turn to law enforcement agencies due to the fear of facing further violence. The closed and controlled nature of the military environment makes it difficult to react or implement measures to address violations. It is entirely under the control of the state, and the state must, above all, refrain from wrongdoing and ensure security in the area under its complete control. However, the state has failed to protect LGBT individuals in the army as well.

The next section will also describe another offense committed by the armed forces.

Psychiatric Institution

Case 9

The person in question has a mental health condition, and the general jurisdiction court of the city of Yerevan ordered their treatment at a mental health care center. Disturbingly, the person reported from the center indicating that they are experiencing harsh conditions and facing violence and humiliating treatment by the staff due to their sexual orientation. The mistreatment is specifically attributed to the individual being homosexual. Further, the person has reported instances where they were forcibly restrained and injections were administered, exacerbating their already compromised health. The individual has chosen not to file a complaint with law enforcement agencies.



Psychiatric institutions, being closed structures, should also be under the special control of the state so that individuals have the opportunity to restore their mental integrity in an environment free from discrimination and violence. As a state entity, any mistreatment by the staff within a psychiatric institution should be regarded as a direct infringement on human rights by the state. The persistence of such cases could suggest that psychiatric institutions are not fulfilling their intended function.

Juvenile Care Center

Case 10

At the temporary shelter for minors, the social worker presented a pre-drafted document to the transgender individual and instructed them to sign, renouncing the foster family, with the statement: "Nobody would want to take you anyway." The individual signed the document. The social worker also consistently scrutinized the person's appearance, including their hair, choice of accessories like rings, and colorful clothing. The social worker also suggested that the individual take measures to conceal their sexual orientation and gender identity, advising against discussing their identity, altering their appearance, and refraining from wearing brightly colored clothes.



Discrimination against LGBT individuals can have particularly severe consequences for a minor in need of care and attention, impacting both their well-being and the vital information about their identity for self-perception. Children should be afforded additional protection mechanisms by the state. Staff and professionals at care centers must undergo training to ensure alignment with the fundamental principles of human rights and be attuned to the unique needs of minors.

RESPECT FOR PRIVATE AND FAMILY LIFE

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

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

The RA Constitution, Article 31

The right to private and family life defines the right of every person to recognition before the law and the right to privacy.³¹ It includes the duty of the state to recognize the person's accepted sex and gender identity³² to ensure the exercise of the person's right to private life. "Private life" is a broad concept that includes the physical and psychological integrity of the person. It sometimes includes aspects of a person's physical or social identity. Circumstances, such as gender identity, name, sexual orientation, and sex life, fit in the context of protections of the right to privacy and family life.³³ A person's body is considered the most intimate component of his personal life.³⁴ The right to private and family life also provides for the right to the self-development of a person, the right to establish and develop relationships with other people, the right to the effective realization of personal relationships, and the right to have a safe environment in the given community.³⁵

In a number of its judgments, the ECHR has taken the position that state authorities bear a positive obligation in relation to the protection of the right to physical and mental integrity from assaults by private individuals under the Convention's Articles 2 or 3, in other cases, under Article 8 (separately or in conjunction with Article 3) to create and ensure an adequate framework of legal norms that enable protection of private individuals from violent acts.³⁶

Even though internationally declared human rights are guaranteed by the Constitution, their effective operation is ensured by mechanisms provided in legislative acts. In Armenia, intentional physical injury to a person is a set of offenses punishable under the Criminal Code.³⁷ Punishment is prescribed for offenses of physical influence (injury) of degrees of graveness and various types of injury.

At the same time, it is necessary to distinguish harm, which is considered a violation of the right to private life, from such influence, which can be considered inhumane, degrading treatment, and torture. There is often a fine line between the violation of the right to private life and degrading treatment.

31 International Covenant on Civil and Political Rights, 1966, Article 16

32 Articles 16 and 17, HRC General Comment 16

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

34 *Y.F. v. Turkey*, No. 24209/94

35 *Connors v United Kingdom* ECtHR Judgment No. 66746/01

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

37 RA Criminal Code: Article 194, 195, as well as crimes against health.

<https://www.arlis.am/documentview.aspx?docid=153080>

This subsection includes:

- cases of domestic violence,
- cases of physical violence by strangers,
- threats to life or health,
- cases of dissemination of information about private life.

In many cases, of course, the actions can be present in parallel, when, for example, domestic violence followed the dissemination of information about a person's sexual orientation or gender identity, physical violence was combined with threats, etc.

Domestic Violence Based on SOGI

Case 11

In December 2022, upon learning about the person's sexual orientation, his father and uncle physically assaulted him, using their hands and feet to strike various parts of his body. Moreover, from December 24, 2022, to January 23, 2023, the victim's father, aware of his sexual orientation, restricted his freedom of movement, kept him under lock at his house, and confiscated all communication devices, including his phone and internet access, and prohibited any interaction with others, including his partner. The victim contacted Pink Human Rights Defender NGO through a computer provided by his father. Pink intervened by informing the police about the situation. Only afterward was the victim able to leave the house. He reported the incident, including his homosexual sexual orientation, to the police on January 23, 2023, leading to the initiation of criminal proceedings. However, after a year of investigation, the investigator decided not to pursue charges. The decision was appealed, and a petition was submitted to consider the motive of hatred. However, the petition was denied because the parents thought they were treating a sick phenomenon.

Case 12

In March 2023, a 17-year-old individual arrived at the premises of the Pink Human Rights Defender NGO carrying a suitcase, seeking assistance from a social worker. Through the conversation with the social worker, it was revealed that the person had decided to leave home following a dispute with their parents, primarily sparked by the family's disapproval of the individual's appearance, particularly related to their sexual orientation. Before this incident, the victim had experienced regular abuse from family members based on their sexual orientation and gender identity, including instances of having their hair forcibly shaved and being deprived of freedom for varying durations. Another time, due to a similar incident, the person resorted to throwing themselves out of the second-floor window of their house. After leaving home due to this incident, the victim learned their parents had reported them missing to the police. The parents made regular calls to the victim and issued threats on social media, warning that not returning home would result in more severe consequences. Despite the situation, the victim chose not to engage with law enforcement agencies.

Case 13

In April 2023, a gay man's mother broke into her son's apartment in Yerevan, where he lived with his partner. The mother argued with the victim and his partner. The mother pulled her son's shirt, grabbed and pulled his hair, hit the face and different parts of the body, tore his shirt, and then started hitting different parts of his body again. Afterward, she issued threats to kill him and his partner due to their sexual orientation. After a long time after the incident, police officers arrived at the apartment, convinced the victim and his partner not to file a report about the crime and refused to accept the report. During a private conversation with them, one of the policemen asked detailed questions about the latter's sexual integrity. Then, after learning that they were gay, he started making offers to have sex. Only the next day, the victim went to the Shengavit department of the RA Police with a lawyer and submitted a report about the incident, that he was subjected to domestic violence by his mother because of his sexual orientation. The police applied urgent measures against the perpetrator. The victim did not file a crime report.

Case 14

In February 2023, the family members of a lesbian woman learned about her sexual orientation and same-sex relationships. After that, her older brother began to control her life, restricted her freedom for about a month, subjected her to psychological abuse, threatened her with physical violence, as well as threatened to retaliate by locking her partner in the basement. The applicant managed to escape from the house and find shelter with her partner at a friend's house, fearing that her brother would pursue them. The person did not want to contact the law enforcement agencies.

Case 15

The person experienced domestic violence at the hands of his father in their home in July 2023. Upon discovering his sexual orientation, the father initiated a confrontation regarding the latter's sexual identity. He attempted to strike his son twice with a knife in his hand. Although both attempts were unsuccessful in making contact, the victim sustained leg injuries from kicks by the father. Subsequently, the father attacked him with a knife again, expressing intentions to kill and uttering many curses. The victim managed to flee the residence and sought refuge at a friend's house in Yerevan. He reported the incident to the police in the Kotayk region and was recognized as a victim. He underwent a forensic medical examination but later opted not to participate in the investigation, and the current status of the case is unknown.

Case 16

The trans woman was relocated to temporary housing to avoid violence based on her sexual orientation. She then returned home to spend the New Year with her family. Still, she faced regular insults from her parents, minor sister, and relatives who expressed embarrassment and attributed her sister's problems at school to the trans woman's sexual orientation. Between January 1-9, 2023, the family subjected her to repeated

insults and derogatory remarks of sexual nature about her appearance, clothing, and gender expression. By her own will, the trans woman returned home again on another instance, where her uncle continuously insulted her appearance, cursed her, and pulled her clothes. The uncle said, "Such a thing cannot happen in this house," and even made threats, suggesting, "If you get beaten on the street, don't be surprised; these are the people I hired, and it already happened once." Eventually, the entire family forcibly restrained the victim and cut her hair against her will.

Case 17

The gay man reports having a strained relationship with his father, who consistently insulted him regarding his behavior and preferences. Whenever the father noticed him engaging in needlework, he commented, "Behave a little more like a boy; stop doing feminine things." Feeling restricted, the individual sought assistance from the social worker at Pink Human Rights Defender NGO because his father prohibited him from working and restricted him from leaving the house late at night. The person further alleges instances of physical aggression, including pushing and shoving, with the father breaking things to intimidate him.

Case 18

A bisexual woman was subjected to domestic violence by her father's wife. The latter tried to strangle her. The person states that her father also joined in the last incident, beat her with a belt, and threatened to kill and harm her friends. The person ran away from the house, and when the family convinced her to come back, she reminded them about the strangling. The person's father's wife said, "No such thing happened, and whatever happened was for your good." Then, the parents, knowing about the person's sexual orientation, began to threaten and oppress her. They threatened to take her to a psychiatrist and a sexologist to treat her. The father told the person: "Choose either your family or that girl, but consider that we know where she lives; we will tell her mother how perverse her daughter is." The person did not contact the law enforcement agencies.

Case 19

Upon discovering his bisexual sexual orientation, the person's mother began exerting pressure on him, resorting to threats of suicide. During one incident, she took a javelin and drank in the applicant's presence, manipulating emotions and causing mental distress. The mother further threatened to disclose the sexual orientations of the person's friends to their parents and also find and harm them. The person had previously experienced physical abuse from his mother. Despite seeking assistance from law enforcement agencies, the initial attempt to file a report was rejected. With the Ombudsman's intervention, the report was eventually accepted, but officers discouraged the victim from pursuing the case, citing concerns for the mother's well-being. After some time, the victim decided not to proceed with the report.

Case 20

Upon learning about the person's homosexual sexual orientation, the mother and uncle initiated physical abuse with the intent to "correct" him, deeming it shameful. Additionally, the mother confiscated the person's belongings, including identification documents. Fleeing from this hostile environment, the minor sought refuge on the streets and chose not to involve law enforcement agencies.

Case 21

Upon discovering the trans man's intimate relationships with women, his mother and brother subjected him to physical abuse, claiming it was to correct his behavior and deem it all shameful. Additionally, the mother confiscated his belongings, including identity documents. In response to the hostile environment, the minor chose to run away from home and live on the streets without seeking assistance from law enforcement agencies.

Case 22

Upon discovering the lesbian woman's sexual orientation, her father initiated physical violence and verbal abuse. Her sexual orientation was revealed and disclosed by her friend. Fearing further harm, the victim chose to run away and is currently living on the streets.

Case 23

The person's sister disclosed her sister's girlfriend's sexual orientation to their parents and uncle. Consequently, the girlfriend, who resided in their house, faced insults and curses and was kicked out by the father and uncle. They further threatened to harm her if she maintained contact with their daughter. The person's father contacted the girlfriend's parents, revealing information about their daughter's sexual orientation. When the individual, accompanied by Pink's employees, went to retrieve belongings, the father unleashed a barrage of curses, stating, "I'd rather you were with someone with a penis, not that pervert." During this episode, the father closed the door, locking in the people inside. When the person threatened to call the police, the father, in a fit of anger, opened the door and brandished a kitchen knife. The victim's father added, "Look, don't let that friend of yours die naively, like in a car accident; her death shall be at my hands." The person opted not to file a complaint.

Case 24

The father and brother of the applicant's partner disclosed his sexual orientation to his parents. They compelled him to reveal his correspondence with his partner, following which the father physically assaulted him and kicked him out of the house.

Case 25

The applicant is a gay man who took an underage partner home. The partner's mother, finding out her son's whereabouts, goes to the applicant's house, reveals the person's sexual orientation in the presence of the parents and threatens to kill him. The person's parents throw both of them out of the house. The partner's mother regularly writes letters where she states: "You know I can find you; I'll kill you wherever I catch you."

Case 26

A queer person filed a report about a crime, recounting an incident in November 2023. Due to his sexual orientation, hair, and appearance, his mother struck him in the face with the palm of her hand in an apartment in Yerevan. Subsequently, she approached him and delivered multiple blows to his head with her hands, causing physical pain. Additionally, about two weeks ago, his father, for the same reasons, assaulted him at home, hitting him multiple times on the head and shoulders with both hands and fists, resulting in physical pain. A warning was issued to the parents.

Case 27

A trans man endured consistent abuse from family members. Specifically, the father engaged in verbal insults accompanied by threats. He stole the person's katana, kept it under his pillow, and issued threats to kill the person's mother. Simultaneously, there were threats directed at the person's dog, with the father stating, "Next time you misbehave, I will kill your dog." The mother, having revealed the person's gender identity, resorted to emotional manipulation, threatening suicide. She ran into the street, proclaiming that she would throw herself under a car if the person did not conform, as it would supposedly harm the family's honor. The individual sought assistance from a social worker but did not involve law enforcement agencies.

Case 28

The individual's brother disclosed the person's sexual orientation and issued a threat, stating that if the person did not change, he would inform their parents, warning of potential negative consequences.

Case 29

The father of a bisexual woman has a drug addiction, and the individual has experienced domestic violence at various intervals. A friend of the father, upon learning about the person's sexual orientation, contacted and informed the father. Subsequently, the father went to the person's workplace, loudly announcing and disclosing the individual's sexual orientation to the entire staff. In the process, he falsely claimed that the person's girlfriend was mistreating them and exploiting the person for financial gain.

Case 30

The person faced bullying at school due to the spread of information about her sexual orientation. The person's father, aware of the latter's sexual orientation, came home, summoned his daughter, and slapped her.

Case 31

The asexual minor was regularly neglected and pressured by his mother and father for his appearance, behavior and clothing. The mother regularly made remarks about cutting nails and hair and repeatedly stressed that it was time for the person to have a girlfriend.

Case 32

The individual is a bisexual woman who has been a victim of domestic violence at the hands of her mother. The mother physically assaulted the person, hitting her arm, dragging her, and making threats to kill her daughter. Additionally, the mother made disturbing statements such as, "I will go to your girlfriend's house entry, I will break her legs, I will kill you and your girlfriend." Further, the mother appropriates the person's entire salary, claiming it is for rent after they moved due to the person. Unlike her sister, the mother also shows prejudice towards the girl.



In the context of domestic violence, the responsibilities of the state are multifaceted and complex. On the one hand, the state should conduct public awareness campaigns to instill the understanding that resorting to violence for "education" is socially unacceptable. Simultaneously, public education efforts should inform people about sexuality, discouraging actions that may adversely affect the psychological well-being of family members, particularly minors. On the other hand, law enforcement agencies must exhibit sensitivity and competence in handling cases involving domestic violence within the LGBTQ+ community. They should serve as a dependable and effective protection and support entity. Unfortunately, the police do not consistently approach domestic violence victims with the necessary empathy. In one instance, a police officer, upon learning the cause of domestic violence, made inappropriate sexual advances toward the victim, constituting inhumane and degrading treatment by a state representative—an unacceptable occurrence in an individual case. In another case, the police refused to accept a report altogether, leading the individual to forgo seeking legal protection. In numerous instances, the police tend to blame individuals who file complaints against their family members. This unjust accusation can exacerbate the emotional distress of the already abused person, leading to severe mental anguish. Ultimately, the lack of supportive and reassuring behavior from the police discourages many victims of domestic violence from expressing their willingness to engage with law enforcement agencies. Meanwhile, the prevalence of domestic violence continues to rise each year. The discriminatory conduct of the police is further fueled by societal attitudes that justify violence and exhibit a lack of acceptance towards LGBTQ+ individuals. In essence, the police operate within the same climate of impunity that is tolerated by the public and remains largely uncriticized.

Furthermore, the state not only neglects to conduct any public awareness campaigns on sexuality and tolerance but also fails to prevent or condemn public discourse that often disseminates unscientific and discriminatory information. Such discourse erroneously suggests that sexual orientation or gender identity is a product of propaganda and can be altered or “cured” through certain means. This, undoubtedly, reflects the state’s failure to safeguard individuals from domestic violence and ensure the realization of the right to respect for private and family life.

Cases of Physical Violence by Strangers

Case 33

In April 2023, during the evening, upon entering the subway at Republic Square in Yerevan, an unidentified man chased the individual because of their appearance. Subsequently, in the subway, the assailant approached the victim and delivered a punch to the jaw area of their face. The force of the blow caused the victim to fall to the ground, resulting in injuries. Although a crime report was filed, no criminal proceedings were initiated, and the victim opted not to pursue further action.

Case 34

In April 2023, during the night near the Embassy of Japan, a gay man was assaulted based on SOGI. The perpetrator approached the victim from behind, initially striking them and subsequently continuing the assault. During the attack, the perpetrator claimed to be targeting the victim because of their perceived transgender identity, even though the victim does not identify as trans. The victim suffered injuries, particularly to the nose. Preliminary findings suggest additional blows to the abdomen, prompting the victim, experiencing pain, to seek medical attention two days after the incident. Upon medical examination, the victim was diagnosed with appendicitis and a stomach infection, potentially linked to the assault. The victim reported the incident to the police, resulting in the initiation of a criminal case.

Case 35

In the evening, a group of 5-7 males entered the hostel wielding batons, yelling in Armenian, and engaging in a physical altercation with a foreign gay resident of the hostel. Notably, the son of the hostel owner was among the aggressors. The assailants attacked the individual and physically dragged him. However, as the victim did not understand the Armenian language, he struggled to comprehend their intentions, only catching the word “faggot.” The person is convinced that the situation is connected to his sexual orientation. The security guard intervened, preventing further harm to the victim. Due to fear, the individual spent the entire night without sleep and decided to leave the area in the morning, apprehensive of a potential repeat attack. The victim, driven by fear, refrained from reaching out to law enforcement agencies.

Case 36

Initially connecting with the client online, who claimed to be Russian, a trans sex worker woman visited the client's residence. However, upon arrival, it was revealed that the client was Armenian. He derisively spoke to the woman and insisted on showing her genitals. Despite the discomfort, the applicant sought not to escalate the situation, attempting to collect payment for the provided service and leave to avoid potential conflict and violence. However, the client refused to pay, physically dragged the applicant, and attempted to push her down the stairs. She managed to escape and promptly notified law enforcement agencies. Criminal proceedings have been initiated.



Incidents of physical violence by strangers pose an even greater threat to society as they are not isolated acts against individuals but are targeted at those perceived to differ in their sexual orientation or gender identity. Therefore, the victim becomes a random target of aggression, and any person associated with the LGBT community could be a potential victim. Despite numerous recorded cases of attacks by unknown assailants over the years, not a single case has been effectively investigated, and the perpetrators have not been held accountable.

Repeated notifications to state authorities about this issue have yielded no substantive measures to address the situation effectively. In essence, the state has failed to take necessary actions to ensure justice and create a safe environment in everyday life. Consequently, the prevailing atmosphere of impunity among homophobic individuals fosters a sense of confidence that they can resort to violence without facing accountability.

Threats to Life or Health

Case 37

A trans sex worker woman accompanied a client to her apartment. Following the service, the client refused to depart and insisted on engaging in further sexual activities. To extricate herself from the situation, the trans woman persuaded the client to accompany her to a store. Upon exiting the building, she re-entered swiftly, closing the door and leaving the client outside. The client ran to the door, banging on it, shouting, cursing, and making threatening gestures, indicating harm to the woman, including a gesture suggesting he would cut her neck when she looked out the window.

Case 38

In August 2023, a trans woman and her partner were standing on a street in Yerevan at night when they were approached by two men who shouted sexual insults at them because of their transgender identity. The men, holding beer bottles, engaged in an argument with the applicant and her partner due to their gender identity, eventually throwing beer bottles at them. The men then fled the scene, continuing to hurl sexual

insults. Promptly after the incident, the victim sought assistance from the Arabkir Police Department. However, the victim later opted not to proceed with the case, choosing not to present it to the investigating body.

Case 39

In September 2023, the applicant personally contacted the Pink Human Rights Defender NGO, reporting an incident that occurred on the same day. According to the applicant, they had agreed to meet with their partner in the evening at the beginning of the Dilijan-Yerevan highway. Upon arriving at the agreed location at the specified time, the applicant found the partner's father and his father's friend waiting in a car. The two forcibly took the applicant into the car, where the partner was also present. The friend of the partner's father threatened the applicant with a gun, revealing details about the nature of the relationship between the applicant and his friend's son. Under duress, the applicant was compelled to open their correspondence with the partner. Convinced of the homosexual nature of their relationship, the friend of the partner's father struck the applicant twice in the face, causing severe physical pain. Subsequently, the applicant was informed that he would be taken to a location where he would be sexually assaulted, evidently as a means of exerting psychological pressure on the applicant. A friend of the applicant's partner's father, posing as a police officer, informed the applicant of his intention to take him to the police and initiate criminal proceedings, all the while brandishing a gun. Then, they coerced the applicant into disclosing his residential address, threatening to throw him down the valley otherwise. Under pressure, the applicant revealed the address, and the partner's father and friend forcibly transported him to his residence. In the presence of the applicant's parents, they compelled him to open the correspondence mentioned above, stating, "Look, you don't have a son; your son is a faggot," before leaving the applicant's house. Due to his sexual orientation, the applicant's father subjected him to physical abuse twice and ejected him from the house. Upon leaving the building, the friend of the partner's father demanded that the victim kneel and apologize. The victim fled, spending the night at the building's entrance and escaping to Yerevan the following day. The applicant continues to receive death threats but is reluctant to contact law enforcement agencies.

Case 40

On the night of 10-11, 2023, a trans sex worker woman arranged to meet a client through a social website, and they agreed to meet at her house in Yerevan. However, at the specified time, the client arrived with another man. Upon realizing the client was not alone, the applicant declined to provide services. Despite the applicant's refusal, the client insisted on both services. The woman, maintaining her refusal, closed the door. In response, the aggressor forcibly kicked open the door and discovered another trans woman in the applicant's house, leading to a barrage of insults regarding their gender identity. Only upon learning of her intention to involve the police did the aggressor and his friend flee the scene. However, they were subsequently located by the police and taken to the police station. The investigation of the case is currently ongoing.

Case 41

A trans woman who has been facing harassment and threats since August 21, following the murder of another trans woman. The majority of the harassment involves receiving personal messages on online platforms, explicitly stating, "You too will die like this," "Wait, you are the next one," and "This is what we will do with you and those like you." Additionally, during a discussion with a social worker, the person revealed that neighbors have recently gathered under their window, engaging in profanity-laden discussions and attempting to peer through the window.

Case 42

A lesbian woman was communicating with other LGBT people in one of the parks in Yerevan. During this interaction, those people attempted to divert her attention and stole her phone. Upon realizing the theft, the woman expressed her intention to report the incident to the police, prompting one person to threaten: "If you bring a cop, I'll make trouble for you." The woman's partner, whom she met in the park, then pressured her to take a loan, stating, "If you don't take it, it means you don't love me."

Further, she was informed that she couldn't be considered a genuine lesbian until she engaged in sexual activity with a lesbian from the park, where she was expected to assume a "passive" role.



Cases involving threats based on sexual orientation or gender identity often do not receive adequate responses from the state, as observed in instances of violence where a more proportionate responsibility and punishment could have deterred further harm. Criminals exploit the fact that victims, when reporting to the police, must disclose the reasons for the threats, thereby revealing their sexual orientation or gender identity, which puts them in a vulnerable position.

Due to a lack of trust in law enforcement, even when faced with threats, members of the LGBT community hesitate to turn to authorities and disclose their identity, anticipating protection. Consequently, individuals frequently persist in an atmosphere of fear and pressure rather than seek assistance.

Dissemination of Information Concerning Private Life

Case 43

In March 2023, a gay man underwent a medical examination at the Vanadzor military commissariat as part of the process for compulsory military service enlistment. While undergoing the examination, the applicant disclosed his homosexuality to the psychiatrist present on the commission. After duly noting the health information, the psychiatrist referred him to the chairman of the regional conscription commission. According to the applicant, the commission chairman proceeded to ask inappropriate

questions related to his sexual orientation. In April 2023, the military commissariat contacted the applicant's father to inform him about the issuance of a referral. When the father sought clarification on the basis for the referral, the commissariat officer revealed that the reason for referring the applicant to the "Avan" mental health center was his homosexuality. The officer expressed surprise that the applicant's father was unaware of this information. Since then, the applicant has experienced conflicts with his father. In May 2023, by the referral, the applicant went to the mental health center and returned to Vanadzor on the same day. On that very day, the father engaged in another argument with him, proposing a condition: either he submits an application to the conscription committee asserting that he is not actually gay and can "fulfill military service, returning as a man," or he would leave home along with his grandmother, leaving the applicant to having responsibility for his own needs. The individual chose not to involve law enforcement agencies in the situation.



Disclosing an individual's sexual orientation during conscription or military service and subsequently disseminating this information, among others, is a prevalent phenomenon with different consequences for the victims. As outlined in the preceding section, in another documented case within the military, the disclosure of a person's sexual orientation to fellow soldiers leads to various forms of pressure and violence, including sexual harassment. Moreover, informing about the homosexual or bisexual sexual orientation of individuals by commanding staff does not go without repercussions. Most often, victims find themselves unable to continue their military service and are instead relocated to segregated areas, where they live until the completion of their service, enduring discrimination, labeling, ridicule, and other forms of pressure. Similarly, informing family members about an individual's sexual orientation is not an exceptional occurrence. Naturally, after such information is disclosed to family members, the victims encounter problems within their families as well.

Thus, the state violates several fundamental human rights, failing to fulfill its obligations. On the one hand, state representatives disseminate information about an individual's private life yet fail to provide any protection to prevent or prosecute violence against the victim, whether within the family or in the military, as a result of this dissemination of information. In this respect, the state has much to accomplish, primarily through education, training, and capacity building within the military command to protect people's rights in their interactions with the armed forces. Military service, as a person's obligation, entails ensuring the state's security, which must be carried out under dignified conditions that safeguard rights. The state is responsible for prioritizing each service member's physical and mental integrity and ensuring the army's internal security, solidarity, and strength. Otherwise, military service becomes meaningless, and the state's security is compromised when it fosters a discriminatory and hostile attitude towards individuals based on their sexual orientation or gender identity.

Case 44

A bisexual man who is married and has a child, he also had sexual relations with men. In December 2023, an unknown person accessed a photo of the applicant, his wife, and child from the applicant's Facebook page and shared it on the Telegram channel. The photo was posted in the "Arm Gay-69" channel with a caption stating: "I wonder if

the wife has been informed that her husband has sexual relations with men.” This act violated the privacy of the applicant’s personal life, exposing his sexual orientation. The victim chose not to contact the police.



The described case is not unique. A group was formed on the “Telegram” application where persecution of LGBT individuals commenced. This included the dissemination of personal photos, information regarding their actual or perceived sexual orientation, and calls for discrimination, violence, insults, and demeaning expressions. It is important to note that in the case of the suicide discussed in the section on violations of the right to life in this report, information about the individual was circulated on the same channel, resulting in severe repercussions in his life and eventually leading to his tragic death. This pattern of targeting individuals through the spreading of private life-related information, which has already resulted in a devastating outcome, unfortunately, remains beyond the effective attention of the state and continues to pose threats to the lives and well-being of LGBT individuals.

Many individuals are consistently affected by disseminating personal information on social media platforms and applications, often originating from unidentified sources due to fake accounts. However, there are instances where personal information is shared by individuals with clear identities as well. As mentioned, the disclosure of information related to sexual orientation or gender identity results in the isolation of individuals both in society, where labeling and discrimination occur in various environments, and within families, where LGBT individuals face physical, psychological, and economic violence. Consequently, victims cannot fully engage in public life, socialize, earn a living, and secure equal social conditions. Domestic violence poses an especially grave threat to minors, who generally lack access to support from human rights defenders. Even when access is available, legal obstacles often hinder the complete protection of their interests. The guardianship bodies display a similarly discriminatory, isolating, and exclusionary approach, rendering them ineffective in protecting minors. This is evident in the previous section’s situation described in care centers.

The state also bears a significant responsibility in preventing the isolation and discrimination of individuals by society and preventing their exclusion from public and social relations upon the disclosure of their sexual orientation or gender identity. However, the state needs to catch up in this regard as well. In cases of discrimination, there needs to be more legislative regulation specifying the peculiarities of identification, proof, and examination of cases, rendering the evaluation of the effectiveness of legal protection mechanisms futile. Due to a deficiency in professional capabilities and political will, law enforcement bodies cannot directly apply constitutional norms and fundamental documents to protect human rights.

RIGHT TO EDUCATION

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

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

RA Constitution, Article 38

The society serves as the foundation of the state; however, it is not a homogeneous mass. Rather, it comprises individuals who, within their capacities and identities, influence social life and development in diverse ways. The key to societal progress lies in the education of individuals. At the same time, education empowers individuals to actively participate in public life actively, creating social and economic conditions conducive to a flourishing existence. In this respect, the state must raise public consciousness and ensure society's continuous development by enabling conditions for exercising the right to education. The RA Constitution stipulates that everyone shall have the right to education. At the same time, nobody shall be denied the right to education.³⁸ The right to education includes secondary education and education at higher institutions.³⁹ By entrusting higher education institutions with a self-governance authority and predicting the possibility that some learners will be dismissed, the state stipulates that the dismissal of students shall be conducted according to the institution's internal procedures and rules.⁴⁰ This regulation is an additional safeguard to protecting the right to education in higher institutions.

Case 45

The individual is a bisexual woman who interacted with another woman at school. Subsequently, rumors about the person's sexual orientation circulated within the school, leading to frequent teasing and bullying.

Case 46

A homosexual person participating in an educational information camp discovered that their girlfriend's mother disclosed information about their homosexual sexual orientation to the camp participants. The mother also threatened to inform the person's family members, aiming to cause harm to the individual.

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

39 Leyla Şahin v. Turkey [GC], § 141; Mürsel Eren v. Turkey, § 41

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

Case 47

A trans woman faced continuous bullying from both students and staff, including the headmaster and psychologist. The students subjected her to sexual suggestions and verbal abuse due to her gender identity. One classmate even commented inappropriately: "Let's go under the wall, and I'll show you." Despite the person's complaints, the psychologist at the school dismissed them, stating that "no boy in the school has long hair or wears an earring; it's his fault, he should keep himself under control, and his classmates are very good children." Instead of addressing the issue, the headmaster consistently questioned the person, asking, "When will they finally take you out of this school? You create problems."

Case 48

The individual chose to tell a classmate about his homosexual sexual orientation. Initially, the classmate reacted positively but added: "You have to do what I say so that I don't tell the other guys." When the person refused, the classmate informed other classmates about his sexual orientation. Consequently, for several days, a group of classmates assaulted the person on his way home from school because of his sexual orientation.

Case 49

A queer person experienced bullying from a lecturer at an educational institution. The lecturer consistently ignored the person's request to present the lesson, basing this behavior on the person's external characteristics and assumed or actual sexual orientation. On numerous occasions, the lecturer made discriminatory remarks about members of the LGBT community, which the person perceived as direct insults.



Any form of discriminatory and labeling behavior towards students in a public school is a concerning phenomenon. It has the potential to directly drive students away from education, leading them into a life where they face rejection by society and lack opportunities for socialization, participation in public life, and the pursuit of a normal and prosperous life. In the context of Armenian society, the disclosure of a person's sexual orientation or gender identity, especially when they lack an established social position and economic conditions, inevitably results in labeling, targeting, and isolation. When such situations occur in public educational institutions, and the victims are minors without established socio-economic positions and conditions, their exclusion from public life and opportunities becomes unavoidable.

As previously mentioned, the state has obligations to ensure the effective realization of human rights. Simultaneously, the state is obligated to provide special protection for children by guaranteeing equal development opportunities for them. As influential bodies in shaping individuals, public educational institutions should establish a secure environment for education and socialization tailored to the unique characteristics of each child. This includes providing sex education. For LGBT individuals, it is crucial to understand their sexual orientation and gender identity, fostering harmony with their identity. Additionally, it plays a vital role in helping other children accept diverse sexual orientations, gender identities, or expressions, discouraging violent, oppressive, or

mocking attitudes toward them. Only under these conditions can an informed and harmonious society be cultivated.

To achieve this, it is essential to prepare public educational institutions' management staff and teachers, who are pivotal in the education and training process. As influential bodies in shaping individuals, public educational institutions However, the documented cases indicate that teachers not only fail to promote sexual education and a respectful environment among children but, contrarily, isolate LGBT individuals and exert pressure. This constitutes a violation of human rights by the state, involving direct infringements on several child rights by state institutions. So, it can be concluded that the state, by neglecting to safeguard a child's right to be free from inhumane and degrading treatment, has also violated the right to education. Such violations can lead to a societal group's marginalization, isolation, and exclusion, fostering intolerance and hostility between different groups. Considering that schools are where individuals are shaped as members of society and citizens, the lack of appropriate education and upbringing can contribute to future violence and offenses. In other words, the conditions in institutions providing basic education can comprehensively elucidate the discrimination and hate crimes prevalent in other settings.

In all cases, the individuals involved did not wish to contact law enforcement agencies. This reluctance stems from several factors. Firstly, given that the victims are minors, the involvement of their legal representatives, typically their parents, would be necessary for any action taken. This also implies that the victims may face domestic violence or, at the very least, restrictions imposed by their families. Another factor is the manifestation of pressure within the school, coming from either the teachers themselves or fellow students with the approval and encouragement of the teachers. This places the victims in a vulnerable and insecure position. Moreover, if a complaint were to be filed against classmates and teachers, the victims may not envision continuing their education in the same environment. Consequently, they refrain from worsening their situation and becoming additional targets of hatred. It is also noteworthy that, in one of the documented cases, even the psychologist displayed an insensitive, oppressive, and humiliating attitude towards the individual—contrary to the expected role of providing support in any situation. All these challenges could be mitigated if the victims had the support and understanding of their families to navigate this difficult phase of life and overcome the associated difficulties.

The cases reported by the organization represent only a small fraction of the overall situation. This is due to the limited access that very few minors have to human rights organizations, preventing them from seeking advice, a safe environment, or other forms of support.

CHAPTER SUMMARY

Throughout 2023, significantly more violations of the rights of LGBT individuals have been observed across various settings, including families, public spaces, law enforcement agencies, armed forces, educational institutions, and more. In some documented instances, state entities themselves were direct perpetrators, neglecting their negative duty to refrain from direct infringement on human rights. In other cases, even when state representatives were not the direct perpetrators, the state fell short of its positive obligation to offer effective legal protection for individuals affected by illicit actions by third parties. This shortfall was evident in legislative regulations and practice, particularly in executing law enforcement functions. Moreover, the state failed to implement measures to promote tolerance, raise awareness, and prevent discrimination and violence within the public. The objective of creating a safe environment, free from discrimination and violence for vulnerable groups remains unfulfilled.

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

RA Constitution, Article 42

As one of the pillars of democratic society, freedom of speech encompasses almost every form and content of expression. This includes the right of people to freely express their gender identity in various forms, including ideas, opinions and information about their own identity. Freedom of speech is not an absolute right and is subject to certain restrictions.⁴¹ While this right includes the freedom to express ideas and opinions, it also entails a duty to refrain from expressions that insult others and violate their rights.⁴² Freedom of expression does not presuppose freedom of hate speech.⁴³

Regulations on Hate Speech

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

All forms of expression that promote, incite, encourage, or justify racial hatred, xenophobia, antisemitism, or other forms of hatred that are based on intolerance count as hate speech, including intolerance and hatred expressed by extreme nationalism, ethnocentrism, discrimination and hostility against minorities, immigrants, and persons of migrant origin.⁴⁴

Article 19 (2) of the UN Covenant on Civil and Political Rights recognizes freedom of expression, affirming, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice."⁴⁵

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

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

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

42 *Erbakan v Turkey*, No 59405/00

43 UN Human Rights Committee, General Comment No. 11

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

45 UN International Covenant on Civil and Political Rights, 1966, Article 19(2). <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

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

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

Hate speech is addressed at various levels in various countries. For example, the laws of Canada, Iceland, Great Britain, Finland, France, the Netherlands, and other countries prescribe criminal liability for hate speech.⁴⁶

Persons are held accountable for hate speech once the threshold of its graveness is established. The following factors are examined to assess the graveness of hate speech:⁴⁷

- *the context in which it is expressed. This also includes the political situation, in which the speech may sound more acute or receive less attention,*
- *the identity of the speaker, e.g., status and influence over their audience,*
- *the intent: whether the speech was expressed with an intent to achieve a specific effect or negligently,*
- *content: the degree to which the speech was provocative and direct,*
- *the extent of the expression, such as the reach of the speech act, its public nature, its magnitude and the size of its audience,*
- *imminence. Hate speech should be restrained from further action if it is tangible and poses an identifiable risk of discriminatory, hostile, or violent consequences.*

These criteria are derived from the Rabat Plan of Action on the prohibition of advocacy of national, racial, or religious hatred that constitutes incitement to hostility, discrimination, or violence. The plan provides recommendations for states to assess and counteract hate speech, proposing the six-step test mentioned above to determine if hate speech should result in criminal liability.⁴⁸

The analysis of these circumstances will suggest the degree of punishment for hate speech. In a society with a 95% negative attitude towards LGBT persons, even the most seemingly harmless expression of hatred can deepen the polarization within the society and lead to a violation of rights. In those events, when a state official conducts the speech act, the degree of its imminence is higher not only in view of the official's reputation but also in the establishment of an environment of impunity. The Armenian

46 See, relevant legislative regulations with the following links:

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

Iceland https://www.government.is/library/Files/General_Penal_Code_sept.-2015.pdf

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

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

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

The Netherlands https://wetten.overheid.nl/BWBR0001854/2018-09-19#BoekTweede_TiteldeelIV_%20Artikel137c

47 Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred, 2013. https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf

48 The Rabat Plan of Action. https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf

experience once again highlights that officials and politicians frequently employ hate speech against LGBT people, yet it rarely results in any accountability.⁴⁹

Negligent acts of hate speech should be publicly cried out and, in some cases, even be prosecuted, but not necessarily under criminal law. Public officials may condemn such expressions, and disciplinary action may be taken against public officials and members of a professional community as a violation of professional ethics. For the analysis of the content of the speech, it is especially important to assess the effects, as they can keep a certain group of people under fear, mental strain, and constant threat. It is also important to assess the reach of hate speech in society, in other words, to assess where it was produced, by what kind of means it was spread, and most notably, whether or not mass media widely disseminated it. Dissemination of such speech acts by mainstream media should be brought to the attention of judicial bodies. Finally, the act of hate speech must be real and direct; in other words, the expressions therein must either contain clear hostility, an insult on the grounds of a certain characteristic, calls for violence and discrimination, or be perceived as such. Any ambiguous perception diminishes the imminence of the speech act.

Domestic Regulations

According to the amendment of the Criminal Code in April 2020, criminal liability was prescribed for public calls for violence, public justification and advocacy of such violence, as well as for dissemination of any material or object that affects individuals or groups on the grounds of their racial, ethnic, national or social background, political and other views or other circumstances of personal or social nature.⁵⁰ In other words, the legislation in the Republic of Armenia establishes criminal responsibility for the graver expression of hate speech, which are public calls for violence or justification of such calls.

This regulation, in existence for almost four years, faces ineffective application, particularly in cases of severe hate speech against LGBT individuals based on their sexual orientation or gender identity, especially when it involves public calls for violence. Crimes reported to the police were not handled to the effect of criminal investigations predominantly under the justification that the alleged perpetrators exercised their right to freedom of expression, and these expressions did not contain real and imminent threats and were made recklessly. It is important to note that the offense of public calls for violence is categorized as a formal offense; in other words, criminal liability for such an act is imposed regardless of achieving the intended results. As described in the previous section, in the event of hate speech, it is not substantial whether the act of speech resulted in violence or not. Expressions that are hostile, demeaning, discriminatory or call for violence collide with the right of the concerned individuals to private life firstly, and secondly, with the right of the representatives of the given community.

Article 329 of the new Criminal Code enacted in 2022 prescribes liability for inciting or advocating, via speech as well as dissemination of materials or objects for that effect,

⁴⁹ Hate speech displayed by state officials towards LGBT people in Armenia. https://pinkarmenia.org/wp-content/uploads/2019/05/hatespeech_en.pdf

⁵⁰ RA Criminal Code, Article 330. <https://www.arlis.am/documentview.aspx?docid=153080>

hatred, discrimination, intolerance or hostility against an individual or group of persons on the grounds of racial, national, ethnic or social background, political or other opinions or other circumstances of personal and social nature.⁵¹

Despite the European Court of Human Rights judgment in the Oganezova v. Armenia case, issued on May 17, 2022, which highlighted the absence of legislative regulations and their ineffective implementation, Armenia has yet to take concrete measures to fulfill the obligations mandated by the ECHR. The Court specifically emphasized the need for hate speech laws to explicitly include sexual orientation and gender identity as protected features, constituting an effective legal safeguard for the LGBT community. Regrettably, Armenia not only failed to address the possibility of amending legislative regulations but also continues to demonstrate inaction in delivering an appropriate legal response to calls for violence against LGBT individuals. This situation underscores the inadequacy of the current wording of the criminal legal norm, which brings individuals to criminal liability for advocating or justifying violence. The absence of direct mention of sexual orientation and gender identity in the list of protected characteristics undermines the effectiveness of this legal tool, as it only references “personal or social characteristics.”

Manipulative Misuse of LGBT Issues and Hate Speech in 2023⁵²

Targeting the Government through Manipulation of LGBT Issues

Manipulative and reality-distorting information has been disseminated in the media to attribute to the authorities’ actions, such as “spreading perversion,” undermining Armenian values and the traditional family, and promoting unfounded claims like child abuse. This misinformation leverages societal stereotypes and fears to manipulate public perception.⁵³

These measures are employed not only to discredit the authorities and generate negative sentiments among the public but also to target and stigmatize the LGBT community. They are portrayed as a negative phenomenon, perversion, associated with unfounded claims such as child abuse and biblical sins. In a society with limited awareness of sexuality, sexual orientation, and gender identity, these manipulations are often perceived as truths, fueling further negative and aggressive attitudes. The articles in question manipulate discussions around the ratification of the Istanbul Convention (on preventing and combating violence against women and domestic violence) and the Lanzarote Convention (centered on the protection of children from sexual violence and sexual abuse). These discussions are twisted to depict them as “satanic,” “desecration,” and sowing “perversion.” In essence, the discourse surrounding the ratification of these conventions is misrepresented as “propaganda” for perversion, impurity, and “sodomy.”

The Republican Party of Armenia, which held power until the 2018 revolution and whose

⁵¹ Ibid

⁵² The examples of hate speech cited in this section are quoted and translated verbatim

⁵³ LIVEnews.am, “The Road Being Prepared by the West, Nikol, and His Group for the Survivors in Armenia, Leading Straight to Hell”, 07.06.2023 <https://livenews.am/press/2023/231329/07/23/25/>, “The Road Being Prepared by the West, Nikol, and His Group for the Survivors in Armenia, Leading Straight to Hell (video). 2”, 08.06.2023. <https://livenews.am/press/2023/231579/08/23/15/>

members were prominent purveyors of hate speech against the LGBT community, issued a publication outlining the main distinctions between themselves and Nikol Pashinyan. Notably, the publication stated, among other points: "In our view, being transgender and homosexual contradicts the values of our nation, while in their view, it is deemed so acceptable that they provide a platform in the National Assembly and produce a film." Essentially, the act of granting any platform to gay and transgender individuals is portrayed as a negative phenomenon.

Sargis Khandanyan, the head of the National Assembly's Foreign Relations Committee, was subjected to targeting by being associated with homosexuality.⁵⁴ The publication contained blasphemous and offensive thoughts, once more portraying homosexuality in a negative light.

Misinformation has been disseminated, claiming that henceforth, children's gender can be marked as "unspecified." Ara Zohrabyan, the former president of the Chamber of Advocates and a lawyer, was the primary source of this misinformation.⁵⁵ The news gained significant traction in the media. Naturally, the "sensational" revelation garnered more attention among the public than subsequent clarifications debunking the falsehood.

The authorities have not responded in any way to these manipulative comments, providing room for disseminating information that deviates from reality in various conceivable ways. In this context, when considering the appropriate measures, the government should take the content of the speech into primary consideration. Specifically, the focus should be on whether the speech includes calls for violence, justification of violence, or incitement, as criminal liability applies only in these instances. On the other hand, when dealing with insults, fake news, and speculations, the priority response should involve the government publicly denouncing and criticizing such instances as unacceptable methods for achieving political objectives. Combating misinformation should rely on raising public awareness, enabling society to identify and dismiss untrue and anti-scientific information.

A video depicting a woman brutally subjecting her child to physical, psychological, and sexual abuse has stirred significant controversy on the Internet. Despite the unequivocally negative perception and condemnation of the woman's actions, certain circles have again engaged in speculations regarding the ratification of the Istanbul Convention. These circles assert the video was intentionally publicized to lay the groundwork for the convention's ratification. In essence, there is an effort to shift public attention away from the heinous acts depicted in the video. Instead of addressing the urgent need for more effective tools to protect children from domestic and sexual violence, manipulative narratives have resurfaced, suggesting sinister motives behind the video's release.

⁵⁴ A post on Zakar Khojabaghyan's Facebook page: 10.02.2023.

<https://www.facebook.com/zakar.khojabaghyan/posts/pfbid035TpJ8WakVDWV44yGuHgreQ8ZD17nrSK3L2wQVVRamSMY35JG3ykpSMGHkoGFy3CI>

⁵⁵ Oragir.news, "From now on, gender may be listed as "unspecified" in children's medical records", 10.01.2023. <https://oragir.news/hy/material/2023/01/10/67715>; pastinfo.am, "From now on, gender may be listed as "unspecified" in children's medical records: Another blow to the National Gates: Zohrabyan", 01.10.2023. <https://www.pastinfo.am/hy/news/2023/01/10/k1xoj16eh/1516315>; hayeli.am, "From now on, gender may be listed as "unspecified" in children's medical records: Another blow to the National Gates": 10.01.2023. <https://hayeli.am/?p=701146&l=am>; 7or.am, "From now on, gender may be listed as "unspecified" in children's medical records: Another blow to the National Gates", 10.01..2023. <https://www.7or.am/am/news/view/248509/>

Case 51

Hate Speech Following the Murder of a Transgender Person

After the murder of a transgender person, a significant surge of hatred swept through society. On social media and in the comments sections of news articles, individuals started justifying the perpetrator, labeling the victim, and calling for additional violence against the LGBT community. The following are just a few examples that sum up the overall tone of the entire content. In the comments on the coverage of the transgender woman's murder,⁵⁶ amid numerous justifications, endorsements, and calls for further violence, the following users' posts were found:

- Arsen Khachatryan wrote: "Finally, there is some good news for this country."
- Vahe Avetisyan wrote: "Bravo."
- Siranush Serobyan wrote: "It's unfortunate that some friends are still alive. The abnormalities of nature are increasing more and more."
- Karine Sargsyan wrote: "Very well done, get rid of these in this country."
- Ruzan Khachatryan wrote: "You should all be beaten/killed."
- Diana Cash wrote: "One infection is gone."
- Milena Pogosyan wrote: "Who the hell are these? He did well to kill them. They should be punished like this..."
- Ashot Grigoryan wrote: "You should be burnt alive, you scumbags."
- Mi Sha wrote: "The one who judges the killer is a faggot. They should be burned; they are the devil's chicks."
- Narine Sahakyan wrote: "They have done very well; they should be destroyed in masse and killed like flies."
- Lilit Melkonyan wrote: "You should be exiled and erased from the world."

In the comments of another article,⁵⁷ they wrote:

- Hovhannes Aghababyan wrote: "They did the right thing; they should do the same to others."
- Roza Karlenovna wrote: "They did a good job, cleaning our city of them."

The same situation is evident in the comments of another news article,⁵⁸ where they wrote, "The burner did well," and so on.



In the comments of the news article about the attack during the candlelight vigil organized in memory of the murdered person,⁵⁹ hate speech persisted. Some comments included:

56 Mamul.am, "A transgender woman was killed in Yerevan. The LGBT community is speaking out about the climate of hate", 21.08.2023. <https://mamul.am/am/video/28236007>

57 Mediaroom News Site's Facebook page, "A 28-year-old man was brutally killed in Yerevan, who, according to witnesses, was transgender. After killing him, they burned him: details, 20.08.2023. <https://www.facebook.com/Mediaroom.am/posts/pfbid02V5xuWzmZKBy95qxnktAr8cJV3hWXRXDpv4QRPC3Sdd9GdTvhXRTBrgKVBA9w7gqWI>

58 News.am, "A particularly brutal murder in Yerevan. A 28-year-old transgender man was burned in the house", 20.08.2023. <https://news.am/arm/news/776322.html>

59 Link to Telegram channel. <https://t.me/armluram/>

- Nona Martirosyan wrote: "They did very well; everyone should have done it; these kids have honor."
- User Armen-Khoro special effects wrote: "They should all be killed and burned."
- Anahit Martirosyan wrote: "Burn those viruses."

A similar wave of hatred was observed in the comments section of another article⁶⁰ on the same topic:

- Garik Tumanyan wrote: "Burn them too."
- Anahit Simonyan wrote: "All of them had to be burned so that they would not pollute the environment."



In the comments of the news article about the arrest of the murderer,⁶¹ hate speech continued with similar content:

- Arut Pogosyan wrote: "He cleaned the garbage from nature so that it does not spread."
- Seda Grigoryan wrote: "The boy did a good job cleaning up Armenia."
- Artak Ka wrote: "Give him a reward."

Even individuals with a certain level of respect and status in society and a broader audience have not been spared from engaging in speech that incites hatred and enmity. In particular, Tehmina Vardanyan, a member of the Yerevan City Council, wrote the following on her Facebook page:



"What caused so much noise and cries? They killed a transgender person... And what?... It's too bad that they killed a person, but what are these cries aimed at?" I'm watching an interview: we knew that this would happen one day, we are not protected, they treat us badly, we, we, we... And when heteros are killed - why is there no such hype about it?

That's enough! Let's leave things alone; let's see, from which NGO (with heterogeneous and mutilated feelings), who and what

interview are they giving, and what authoritative opinion do they say?

Dear journalists, with the same interest and questions, why don't you go after each murder and question different NGOs?

We, the "naturals" (heteros), are becoming the most defenseless...

P.S. For the first time in my life, I criticize the work of a journalist.

P.S.S. I think I will open an NGO soon to protect people with normal sexual orientation.

Sorry, and thank you."

60 Medianews, "Recently, the participants of the candlelight vigil organized in memory of the murdered transgender woman were attacked. Details", 23.08.2023. <http://medianews.site/449557/>

61 News.am, "The 26-year-old man admitted that he killed the transgender man and then set the apartment on fire", 21.08.2023. <https://news.am/arm/news/776396.html>

Lilit Martirosyan, the president of the “Right Side” human rights NGO, addressed the hate speech disseminated after the murder of a transgender person, expressing her concern.⁶² Subsequently, she became the target of hate speech in the comments of the post.

The comments also contained hate speech directed towards the mother of the deceased person. However, due to the content containing curses, it was not included in the report. This represents significant psychological pressure on the victim’s mother, who is already enduring the pain of losing her child. On the other hand, the societal attitude and the lack of a state response send a distressing message to the families of LGBT individuals – that they, too, become targets of hatred and intolerance if they do not disown their homosexual, bisexual, or transgender family members. Consequently, this situation may lead to either psychological distress or incite domestic violence.

First and foremost, it is essential to highlight that, despite the criminalization of public calls for violence and the justification of violence since 2022, law enforcement agencies have not initiated proceedings to gather evidence or assess the criminal implications of such a substantial volume of calls to violence.

Taking effective measures against calls for violence and their justification is a crucial initial step that the state must undertake to prevent hate crimes and safeguard vulnerable groups. The state’s inaction in this regard sends two explicit messages to society: firstly, that such an approach is deemed acceptable by the state, indicating a lack of policies to combat hate speech, and secondly, that perpetrators can potentially evade punishment in such cases.

However, in assessing how the state should respond to these calls to violence, it is essential to revert to the six-step test for evaluating speech. And so:

- Since the calls for violence and justifications occurred in the context of a specific murder case, they are directly connected, making it evident to the audience that such crimes are being justified, endorsed, and even encouraged by society. The state’s failure to respond proportionately in a highly homophobic society is, of course, extremely dangerous.
- In this case, the authors of the speech are presumed to be mostly ordinary citizens, and their identity does not inherently increase the dangerousness of the speech. However, it is challenging to determine the authors’ identities within the deluge of posts. Law enforcement agencies should also address the issue of investigating the authors’ identity. For instance, one of the individuals expressing hatred and intolerance in her speech is a representative of the Yerevan City Council, whose speech undoubtedly carries a greater influence on the public as someone voted by the public and as a member of the decision-making body governing the city of Yerevan.
- Certainly, in this case, the intentional nature of the calls and justification of violence increases the level of responsibility.
- The content of the speech, despite its diversity, essentially conveyed a single overarching idea: LGBT people should be treated just like that. Therefore, with such content, the speech poses a threat to the entire community as a basis for further

⁶² Forrights.am, “They write: they do well: they kill, burn, butcher: The medieval bonfire as a means of punishing transgender people.” <https://shorturl.at/olUV9>

violence, and it already violates the mental integrity of individuals.

- Taking into account the number and frequency of similar speech, its danger increases, already being connected not to the author's personality but to the mindset of people.
- Analyzing the frequency and prevalence of other cases of violence and discrimination, it can be definitively concluded that, for a homophobic society, such speech is a direct stimulus for further violence.

Thus, as a result of applying the above standards of the Council of Europe and this six-step test, it is possible to assess what kind of responsibility the authors of those mentioned above and other similar comments should be subjected to. Other negative comments, which contain insults, swearing, and other intolerant speech, should be addressed by the political authorities as unacceptable and reprehensible acts for a state that has chosen the path of democratization. With this, the authorities will confirm their readiness to implement democratic reforms.

Case 51

Hate Speech Following the Suicide of a Gay Person

In the section related to the violation of the right to life in the preceding section, a case of the suicide of a homosexual person is described. Despite Armenian society prioritizing children and interpreting homophobic behavior as a means of preventing "perversion" from children, it appears to have overlooked the fact that a 17-year-old child decided to end his life due to discriminatory, exclusionary, and humiliating treatment. Hatred has reached such a level that even such a case, which should have prompted at least the state's and society's concern, has become an occasion for another outburst of hatred. Ordinary citizens, expressing their positions without pursuing any political interest in their public speech, are, in fact, no longer able to perceive the dangerous result of widespread homophobia on human life in this atmosphere of hatred.

In the comments of publications about suicide, numerous hateful expressions, including calls for suicide directed at LGBT people, were found. Examples of comments on Radio Liberty's "Instagram" social network post include:

- A user under the pseudonym "Aso spb" wrote: "I call on all homosexuals (edited). Unite and gather, come together on the same bridge, and throw yourselves off as one, holding hands. You will clean our holy land at least a little."
- Carol _set, a registered user, wrote: "He did the right thing."
- "LGBT – you should be expelled from Armenia; you are not fit for the country and the state. You have gone against God."
- "Let them die, what do they live for [anyway]."
- "Burn all LGBTs."

In the comments on the Facebook post of the "Mamul. am" website,⁶³ many users expressed hatred and hostility, including:

- "Well done."

⁶³ Mamul.am, "A gay guy threw him off the bridge", 16.11.2023. <https://mamul.am/am/news/279554>

- "He did the right thing."
- "He'd do the right thing if he took a few people with him."
- "Let one become a thousand."
- "Let someone like him completely fall off the bridge; they pollute the air."
- "May God let such an incident happen every day."
- "Hold each other's hands and clean [the earth] from yourselves."
- "To hell, he threw himself down; those like him who ruined the earth must disappear."
- "He did it right; they are not fit [good] for nature or humanity."
- "Good, good, the more news like this, the better. Let them gather like this, attach themselves, and jump from the bridge," among others.

The publication shared by the "Journalists for Human Rights" NGO also received comments such as:

- "Let all homosexuals (edited) take an example of this."
- "Children are raised so they give another generation, and not engage in perversion instead."

Pink Human Rights Defender NGO has also been the target of calls for violence and hatred. A user registered under the name "mikababayan7224" on the "Instagram" social network wrote: "That Pink staff should also be thrown off the bridge." Another registered user named "Armangasparyan72" wrote insults against the human rights defender organizations.

■ we analyze the aforementioned examples using the six-step method for evaluating hate speech, the following observations can be made:

- The expressions of hatred and enmity were disseminated in an exceedingly sensitive context, specifically in connection with the violation of the right to life of a minor. The incident, linked to the pressures stemming from the victim's sexual orientation, not only impacted the victim's immediate family and social circle but also reverberated across the broader LGBT community. Such persecution by homophobic groups in society, coupled with discrimination and exclusion from various public spheres, poses a prevalent threat to any LGBT individual. In this scenario, hate speech not only psychologically oppresses LGBT individuals but also serves to incite and encourage societal perpetuation of discriminatory and intolerant attitudes, given the prevailing beliefs of the majority.
- In this case, the authors of the speech, at first glance, appear to be ordinary citizens without any notable positions or public fame. However, they assertively convey the message that society justifies any negative treatment towards LGBT individuals, including violence and, at its extreme, the violation of the right to life. They represent broad sections of society, contributing to normalizing harmful attitudes.
- All comments are explicitly written with the intent of expressing a negative attitude toward LGBT people and finding satisfaction in their tragic circumstances.
- The content of most comments expresses joy over the death of a gay person and calls on other LGBT individuals to commit suicide. Such a phenomenon can push

marginalized and discriminated individuals into psychological depression and isolation with irreversible consequences.

- Hate speech has spread in the comments of all news materials. Still, when characterizing each person's comment as a criminal act, it is necessary to consider the audience and distribution of that comment.
- When discussing the first five criteria, it can be concluded that the spread of hate speech of such volume and content in such a context carries real risks, especially for LGBT people who face similar obstacles in their lives and are not personally accepted by society.

These manifestations of hate speech have not received any response from the state, either in terms of legal consequences or public criticism.

It should be noted that this case of suicide is the third in a year. In the first case, a same-sex couple, unable to resist societal hostility and no longer mentally prepared to fight for their free life together, committed suicide.⁶⁴ In this case, as well, the state showed inaction and did not properly investigate not only the reasons for the suicide but also did not qualify the hate speech that arose again after the incident. This situation highlights the inability of state institutions to address the harmful phenomena in society, leading to violations of the right to life. Therefore, the state cannot protect its citizens even within its territory despite having sufficient legal regulations.

The recurrence of similar cases and the state's failure to take measures can already be deemed a direct violation of human rights by the state since the latter, despite being aware of the existing problems and potential consequences for the LGBT community, has not implemented any measures to prevent the grave consequences.

⁶⁴ Annual report of Pink Human Rights Defender NGO, "Human Rights Situation of LGBT People in Armenia During 2022", page 45.
<https://pinkarmenia.org/wp-content/uploads/2023/05/lgbtreport2022en.pdf>

CONCLUSION

The 2022 annual report on the human rights situation of LGBT people in Armenia concluded with the anticipation that the newly enacted criminal legislation in July of that year, along with the state policies reflected in it, would bring about a new situation. Despite the new legal provisions falling short of providing complete and effective protection for LGBT people, they offered an avenue for application that could shield them from discrimination, hate crimes, and hate speech.

However, the analysis of the cases documented in 2023 and the subsequent investigative processes reveals that the existing legal regulations are insufficient in safeguarding LGBT individuals when state entities lack the necessary determination to enforce them. The state's reluctance to acknowledge issues does not eradicate those problems. Moreover, the absence of a proportional response and assessment contributes to widespread impunity, intensifying the climate of hatred and the severity of offenses.

As a result of the *Oganezova v. Armenia* strategic litigation case, the oversight mechanisms for monitoring the implementation of the ECtHR judgment yielded their initial outcomes in 2023. Specifically, the state pledged to demonstrate the fulfillment of obligations outlined in the ECtHR judgment within two years, which includes the establishment of effective legislative mechanisms to safeguard LGBT individuals from hate crimes.

The overall picture is as follows:

- International entities have documented the state's inaction, noting the absence of changes in periodic reports on the human rights situation submitted by the state.
- Recent legislative amendments are primarily formal and do not yet constitute an effective means of legal protection for LGBT individuals.
- The state lacks a coherent policy to address instances of discrimination, crimes stemming from discrimination, and hate speech, including in the public discourse.
- Hatred and intolerance toward LGBT individuals in society have grown more pervasive, reaching a point where the suicide of a minor is met with societal joy and calls for further suicides.
- LGBT individuals who become victims of violence or discrimination based on sexual orientation or gender identity do not perceive law enforcement agencies as protective.

In conclusion, it can be inferred that the state has failed in its obligations to refrain from human rights violations, protect individuals from harassment by third parties, and create a safe, non-discriminatory environment for all groups of society.

RECOMMENDATIONS

To ensure maximum protection of the rights of LGBT persons in the Republic of Armenia, we recommend for:

State Bodies and Political Forces

- Layout actions towards prevention of discrimination and violence in various spheres of public life on the grounds of sexual orientation or gender identity in the action plan of the National Strategy for Human Rights Protection;
- Adopt a comprehensive anti-discrimination law, which will define discrimination, its types, procedural features of the investigation of discrimination cases, provide a comprehensive list of protected grounds, jurisdiction for non-governmental organizations in cases of protection of public interest, as well as a procedure for the formation and operation of an independent equality body;
- Revise the RA legislation prohibiting hate crimes, in particular, provide for a crime committed against a person on the motive of sexual orientation and/or gender identity as an aggravating circumstance of criminal punishment and liability;
- Revise the RA legislation prohibiting hate speech, define the concept of “hate speech,” and make an addition to the provision of the RA Criminal Code providing for responsibility for calls to violence, including sexual orientation and gender identity as a protected feature.
- Document and maintain statistics on hate crimes in RA, including crimes committed on the grounds of a person’s sexual orientation and gender identity, enhancing the visibility of the issues around hate crimes in Armenia.
- Ensure access to justice for victims of hate crimes, in particular, by providing effective remedies that will exclude the risk of double victimization of the person, ensure the security of the person and set comprehensive mechanisms for redress;
- Demonstrate political will to effectively enforce existing legislation against sexual orientation and/or gender identity-based hate crimes and hate speech;
- When referring to the violations of human rights of LGBT people, provide clear assessments, and do not avoid condemning human rights violations;
- Carry out training for law enforcement bodies on the substantive, legal and procedural aspects of the investigation of crimes committed on the grounds of sexual orientation and gender identity to ensure a complete, objective and comprehensive investigation;
- Organize and conduct training with law enforcement bodies on the specifics of working with victims and witnesses of hate crimes;
- Cooperate with human rights non-governmental organizations to obtain more detailed information about the systemic aspects of human rights violations of LGBT persons;
- Promote the ideas of tolerance and equality among employees of state bodies, in particular, parliamentarians of the RA National Assembly, representatives of the RA Government and other officials;

- Advocate for the ideas of tolerance and equality in society; in particular, make public statements advocating tolerance and condemn any manifestation of violence and intolerance;
- Conduct periodic training for the administration and teaching staff of educational institutions on sexuality, on a sensitive approach towards LGBT people, and supporting self-recognition and self-expression at a difficult age for them;
- Conduct monitoring of cases of school dropouts or transfers to identify causes and possible instances of harassment;
- Monitor the sensitive treatment of LGBT persons by law enforcement agencies in case of domestic violence;
- Maintain statistics on cases of domestic violence based on sexual orientation and/or gender identity.

Mass Media

- Stop publications that incite hatred and intolerance towards LGBT persons; instead, supply the public with materials that are knowledge-based, ethically acceptable and respect LGBT human rights;
- Not to misuse any topic related to LGBT persons and refrain from inciting unnecessary intolerance and hatred in society;
- Not to disseminate speech containing hatred, intolerance, hostility, calls for violence or discrimination, or justifications made by officials and other figures.

International and Regional Organizations

- Properly monitor Armenia's fulfillment of its international obligations regarding the rights of LGBT persons;
- Make official statements in support of the importance and priority of protecting the rights of LGBT persons in RA;
- Address, in international human rights reports, the established practice of violations of the rights of LGBT persons described in this report;
- Urge the state to provide clear information regarding the investigation process of the worrisome cases provided by NGOs and the measures taken.

Office of the Human Rights Defender

- Raise public awareness of discrimination against LGBT persons and its negative implications, the importance of non-discrimination and the principles of equality;
- Raise public awareness of hate speech and the illegality of its propaganda;
- Advocate for the development and adoption of an effective Equality Law, as well as for laying out effective legal remedies for LGBT persons in other legal documents;
- In known cases of violations of the human rights of LGBT persons, issue public condemnation statements and properly respond to raised alarms.

About the Organization

Pink Human Rights Defender Non-Governmental Organization was founded in 2007, which is a community-based LGBT (lesbian, gay, bisexual, trans) organization, established by the LGBT community, serves and supports the needs of the community, and promotes the protection of the human rights of LGBT persons, advocating for changes in public policy around LGBT issues.

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