



**A SPOTLIGHT REPORT ON THE IMPLEMENTATION OF THE 2030
AGENDA FOR SUSTAINABLE DEVELOPMENT BY THE REPUBLIC
OF ARMENIA. 2024**



INTRODUCTION

This report is based on the data revealed through documentation and analysis by the professionals of Pink Armenia during legal and social support provided to LGBT+ people. The main findings that have taken place in the report concern the problems leading to bad economic conditions such as poverty, social non-stability, malnutrition, exception from different policies, as well as hate crimes on the grounds of sexual orientation and/or gender identity/expression, violations of the right to access to justice and non-comprehensive, unequal approach by the State in implementation of the obligations to ensure human rights protection. These issues have been observed and analyzed under the light of UN Sustainable Development Goals 1, 16 and 17. At the end of the report are summarized the recommendations of the organization on the measures that must be undertaken by the State to ensure proper implementation of UN SDGs addressing LGBT+ community's needs.

GOAL 1: END POVERTY IN ALL ITS FORMS EVERYWHERE

1. Considering the level of homophobia in the Armenian society¹ and lack of proper approach by the State to fight against discrimination² both on the legislative level and in practice, it must be noted that LGBT+ people face human rights violations in all spheres of their life.
2. Particularly, being excepted from domestic care, education, being refused to receive different services, facing discriminatory treatment at work, healthcare institutions, armed forces and violence by both family and strangers LGBT+ because of their sexual orientation or gender identity, LGBT+ people do not receive proper protection by the State bodies. Leaving the discussion of the issues of lack of legal remedies to below presented analysis of the access to justice within the scope of SDG 16, we would like to stress the situations which lead to poverty, such as domestic violence, violation of the rights to education and labor.
3. Analysis of the documented cases shows that more than the half of the incidents happening to LGBT+ people compose **domestic violence cases**³. Such cases often lead to deprivation of housing, financial means, education and healthy communication which the society.
4. In many cases the parents deprive their children of communication measures and ban them from attending school, which causes not only psychological pressure and distress, but also pushes children out of educational programs. Obstructing the normal education and social connection moves the children to the sphere of fighting for their basic personal rights instead of gaining skills and preparing for a future financially independent life.

¹ The study conducted by Pink Armenia revealed 95 percent of homophobia in Armenia. Sociological research "From Prejudice to Equality; Study of Societal Attitudes Towards LGBT People in Armenia", Pink Armenia, 2016. <https://pinkarmenia.org/wp-content/uploads/2024/02/From-Prejudice-to-Equality-English.pdf>

² Pink Armenia still does not have a comprehensive anti-discrimination legislation. Though the Constitution of the Republic of Armenia and some laws provide for general clauses on the ban of discrimination, sexual orientation and gender identity are not explicitly mentioned as protected grounds and there are no effective mechanisms of implementation of these provisions to ensure protection of LGBT+ people from discrimination. The study conducted by Eurasia Partnership Foundation in 2015 shows that there is a need to adopt a separate anti-discrimination law which would define the types of discrimination and would provide for mechanisms of protection, including creation of an independent equality body. The study is available in Armenian at the following link; https://epfarmenia.am/sites/default/files/Document/Is_it_expedient_to_adopt_separate_antidiscrimination_law_research_2015_Arm.pdf

³ Pink Armenia publishes annual reports since 2013 which reflects the human rights situation of LGBT+ people in the country. The reports are available at the following link: <https://pinkarmenia.org/en/publications/?sort=date-DESC&terms%5B%5D=reports>

5. In other cases, parents deprive their children of home and financial means, refuse to pay for their education. In such situations, people must find ways to earn a living and are not able to pay for their education themselves.
6. The State has no mechanisms to support people who have been left without homecare and financial support. Even in case of minors, the State has failed to ensure proper care for LGBT+ children at shelters, which are supposed to be supporting centers for children being in hard situations. For example, in 2023 at a 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 clothes⁴.
7. The first circle of law-enforcement bodies, such as police and investigators have no capacity and knowledge of sensitive attitudes towards vulnerable groups. Because of many cases of victimization and mocking towards LGBT+ people, the community started not to trust the police and refuse from making complaints.
8. Even when victims of domestic violence apply to police, there are no specific measures to assess their needs and provide social, psychological or other professional support or shelter. Victims are being sent back to continue living with the offenders or stay without any support. In case of minors the situation at law-enforcement agencies is even more complicated, as the legal representatives of children are their parents, and they can receive legal support only by being authorized by them, who in the most cases are the perpetrators. The guardianship body representatives, being employees of the municipality, again are part of the State institutions which neither require having ability to work with vulnerable groups and, in particular, with LGBT+ bodies nor provide for any capacity building activities for their staff.
9. We can consider that one of the achievements of the State during the recent years is adoption of the law on “Preventing domestic violence, protection of the victims of the domestic violence and restoration of solidarity in the family” (DV law) in 2017. Despite the specific doubtful focus in the title of the law, it provided the first mechanisms on ensuring the protection from domestic violence for women and other family members. However, throughout the years the protection and prevention mechanisms of the law were not applicable to the vulnerable communities, such as LGBT+ people, or it did not work poorly because of the discriminative and not sensitive approaches of the law enforcement and support centers’ representatives. Though there were cases of domestic violence when the victims reported to the law enforcement seeking for protection, only one case of the domestic violence towards LGBT+ person has gone so far to the court.
10. In April 2024, new amendments were adopted to the DV law, including its applicability to the partners. However, considering the existing practice on addressing the domestic violence

⁴ Pink Armenia report "Human Rights Situation of LGBT people in Armenia", 2023, p. 26, available at: <https://pinkarmenia.org/wp-content/uploads/2024/05/lgbtreport2023en.pdf>

cases towards LGBT+ people from family members, there is no guarantee that same-sex partners will not be left behind in means of providing the required protection. Moreover, the support centers which are partly supported by State and operate all over the country usually lack resources and enough sensitive staff members to provide non-discriminative and sensitive support to LGBT+ people and same-sex partners.

11. The other systemic issue that LGBT+ community face is bullying **at educational institutions**. Children, whose sexual orientation or gender identity is being revealed or whose gender expression is being associated with LGBT+ community, face isolation, mocking, violence and exclusion at schools. This problem has been studied in 2009⁵ and still exists with the same consequences and without any attention by the State. Pink Armenia has documented eight cases of bullying and violence at schools during 2022 and 2023. Considering that the victims of such offences are minors who mostly have no access to human rights defender organizations, this is an alarming number.

12. It is noteworthy that in the documented cases, the persons subjecting LGBT+ persons to bullying and violence are either classmates or the teaching staff, who encourage or at least ignore the violence and mocking, which leads to a violation of the person's right to education on the one hand, and on the other hand, breaching psychological integrity of children, to a violation of the right to private life accompanied with serious psychological consequences, which is even more dangerous in case of minors.

13. Educational institutions not only do not undertake any measures to ensure the protection of the pupils, but moreover, they themselves are the direct offenders. Often, LGBT+ pupils are not directly removed from the educational institution, but not finding support and security, they avoid, they must voluntarily stop attending the given institution. In many cases, the victims, being excluded from school, do not want to continue their education being psychologically depressed.

14. Case on bullying towards a trans person

For example, a trans person, whose identity was disclosed, was subjected to bullying by their mates, after which teachers started treating them in a discriminatory manner as well. They started regularly inviting their parents to school and during these talks they told the parents that their son was gay. The student was forced to change schools twice, because in both schools, the teachers and fellow students discriminated against them. The student did not wish to seek legal protection as they wanted to avoid further conflict with other students.

15. Case on bullying towards a trans person

In another example the principal told the students that their friend is “disturbed” (because of being transgender person). The principal then called the person's custodian, their sister, and told her that “this illness is not permissible in school.” The principal also said that if this is to

⁵ Study "Forced Out: LGBT People in Armenia" conducted by ILGA Europe and COC fact finding mission in 2009 and is available at the following link: <https://www.ilga-europe.org/files/uploads/2022/04/Forced-Out-LGBT-People-Armenia.pdf>

continue, and if the parents of fellow classmates complain, then they will have to dismiss the student from school.

16. Case on bullying towards a trans person

In the third example, being subjected to physical and psychological abuse by his mates, the victim was not sensitively treated by the director and had to leave the school feeling not safe anymore.

17. Case on bullying towards a trans person

In another case the victim was psychologically abused by the headmaster and psychologist. After being bullied by classmates because of his sexual orientation, the headmaster asked him when he was going to leave the school, as "he was causing many problems".

18. 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.

19. Having no support from the family and being excluded from education many LGBT+ people are not having opportunity to obtain education and find their place in the labor market. This leads to poverty, malnutrition, problems with housing etc. They must earn a living through different kinds of jobs, which do not require education, and which are not high paying.

20. It is noteworthy that many trans people, being excluded by the educational system, and therefore also from the labor market, had to earn a living by providing sexual services, which creates even more negative attitudes and labels among the society.

21. **Labor rights** of LGBT+ people are also being violated based on their sexual orientation or gender identity and there are no effective legal remedies in force⁶. In the documented cases people are being fired just because of their sexual orientation or gender identity, however, they do not wish to make claims to the court as they do not have proof about the reasons of their dismissal. At the same time, there is no legislation regulating examination of discrimination cases according to international principles and the burden of proof lays on the applicant.

21. LGBT+ people are also having problems with access to healthcare first because of discriminatory attitudes by medical personnel, and second, because of socio-economic conditions. So, bad living conditions, problems with housing and malnutrition are often

⁶ Pink Armenia annual report "Human Rights Situation of LGBT People in Armenia" 2022, p. 16, available at the following link: <https://pinkarmenia.org/wp-content/uploads/2023/05/lgbtreport2022en.pdf>

accompanied by lack of proper healthcare, which can even worsen the chances of being able to earn a minimal means of living.

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23. Case on denying respectful medical assistance

In one of the documented cases a trans person who suffered assault sought medical assistance but was subjected to neglect and was not provided necessary equipment at the medical institution, such as a wheelchair to be safely transferred. The medical personnel also subjected the person to mistreatment. Many of the medical staff were informed of the room to which the trans person had been transferred, which resulted in rumors spreading immediately⁷.

24. It is noteworthy that though the State has mentioned in its' report that the salaries have been raised and new social packages have been offered to the citizens, LGBT+ community has been left on the sidelines, the needs of the community have not been assessed and even no policy or activity has addressed the social and economic state of the community.

25. Even after the COVID-19 pandemic, when the Government elaborated and implemented several stages of programs to neutralize the social consequences of the virus⁸, LGBT+ community's needs were not addressed by any of the measures.

26. We also consider the State's adoption of the 2024-2028 strategy for the implementation of gender policy in the Republic of Armenia and the action plan deriving from it as progress. At the same time, Pink Armenia submitted proposals to the Ministry of Justice to make additions to the action plan but did not receive any response. This means that the needs and issues of LGBT+ people are not considered at the strategic level, living one of the most vulnerable groups behind.

27. The recommendations particularly were concerning the measures to ensure the rights of LGBT people in educational institutions, in labor relations, in cases of domestic violence, during military service, or in the healthcare sector. We find that the action plan deriving from the gender policy strategy summarizing these areas should at least have included LGBT+ people in each section while addressing the needs of doubly vulnerable groups.

GOAL 16: PROMOTE PEACEFUL AND INCLUSIVE SOCIETIES FOR SUSTAINABLE DEVELOPMENT, PROVIDE ACCESS TO JUSTICE FOR ALL, AND BUILD EFFECTIVE, ACCOUNTABLE, AND INCLUSIVE INSTITUTIONS AT ALL LEVELS

⁷ Pink Armenia annual report "Human Rights Situation of LGBT People in Armenia" 2022, p. 14, available at the following link: <https://pinkarmenia.org/wp-content/uploads/2023/05/lgbtreport2022en.pdf>

⁸ Republic of Armenia Government, Programs to Neutralize the Social Consequences of Coronavirus, available in Armenian at: [https://www.gov.am/am/covid-19-cragrer./](https://www.gov.am/am/covid-19-cragrer/)

28. Hate crimes in Armenia are being committed mostly on the grounds of sexual orientation and/or gender identity/expression of the victims. For instance, the overall number of cases reported to OSCE ODIHR in 2022 is 53, 50 cases of which have been committed towards LGBT+ people⁹.

29. At the same time, very few cases are being reported to law-enforcement bodies. Mistreatment in the law enforcement system is particularly noticeable in cases of violence against gay, bisexual and transgender people, where the victim not only does not receive adequate support based on need but is also subjected to ridicule and victimization. As a result, the victims avoid taking legal remedies, and the atmosphere of impunity deepens in the country. The main reason for this is lack of trust towards police and investigative authorities, based on the several factors, such as:

- ✚ 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 more violence as a result of filing a complaint.

30. The new Criminal Code adopted in 2022 provides for amended provisions on aggravating circumstances for punishment (Article 71). While previously only acts committed with hateful motivation based on religion, race and ethnicity would lead to severe punishment, now the list of protected characteristics is non-exhaustive. However, sexual orientation and gender identity are not explicitly included in that list, which leaves the interpretation of the provision to law-enforcement bodies while giving legal qualification to the crimes. At the same time, only specific aggravating provisions defined in the special part of the Code can be applied and if a crime has been committed the aggravating circumstance can be applied only in case of being explicitly mentioned in the article providing liability for that crime.

31. After one and a half years the Code cannot still be considered as an effective legal protection measure. Though in many biased motivated crimes committed towards LGBT+ people have not been qualified as crimes committed in aggravating circumstances, only in one case stabbing a homosexual man, who is a citizen of United States.

32. Article 330 of the Code prescribes criminal liability for public calls for violence, public justification and advocacy of such violence, as well as for dissemination of any material or object for that effect against individuals or groups on the grounds of their racial, ethnic, national or social background, political and other views or other circumstances of a personal or social nature¹⁰. This offence was enacted in the earlier Criminal Code in April 2020 as an amendment; however, it was never effectively applied to situations of calls for violence on the grounds of sexual orientation or gender identity.

⁹ Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights. Hate crime reporting, 2022, available at: <https://hatecrime.osce.org/armenia?year=2022>

¹⁰ RA Criminal Code, Article 330 <https://www.arts.am/documentview.aspx?docID=15308>

33. Below are presented some of the strategic litigations where the victims have had no access to justice and fair trial but also have faced severe violations of other fundamental human rights and have not found justice till today.

STRATEGIC LITIGATION CASE N1

34. One of the cases concerns an aggressive homophobic campaign against Armine Oganezova, a well-known member of the lesbian, gay, bisexual and transgender (LGBT) community in Armenia, including an arson attack on 8 May 2012 on a club belonging to her. The case could not find effective investigation in the country and was sent to the European court of human rights.

35. In its' judgement in 2022 the Court found that the State has failed to protect the Applicant and to effectively investigate the homophobic arson, physical and verbal attacks. According to the Court, the homophobic attacks on the victim were not compatible with respect for her human dignity, and, therefore, reached the threshold of severity within the meaning of Article 3 taken in conjunction with Article 14¹¹. The authorities had thus failed to discharge their positive obligation to investigate in an effective manner whether the arson attack, which had been motivated by the applicant's sexual orientation, constituted a criminal offence committed with a homophobic motive., to conduct a proper investigation of the applicant's allegations of abuse motivated by homophobia; sexual orientation and gender identity are still not included in the characteristics of victims of the offence of hate speech despite the recommendations of the relevant international bodies in that respect.

36. Before the publication of the judgment on 17 May 2022, the representative of Armine Oganezova had applied to the General Prosecutor's office on 4 February, 2022, asking to reopen the investigation of the case based on newly revealed factors, particularly, an announcement made on the "Facebook" platform about the motives and perpetrators of the arson attack. The General Prosecutor's office had sent the case to the Investigative Committee to reopen and conduct a new investigation.

37. A new case has been filed and the investigation of the case happened in 2012 reopened in fact. The victim Armine Oganezova had been called to give testimony. Requests have been sent to the General Prosecutor's office and the Investigative Committee to clarify what stage the investigation of the case is at, however, the information is still not clear. Even after the judgement of the ECHR the investigative authorities were not able to restore justice and ensure a fair trial for the second time.

STRATEGIC LITIGATION CASE N2

¹¹ ECHR Oganezova v. Armenia- 71367/12 and 72961/12; <https://hudoc.echr.coe.int/?i=002-13661>

38. In 2017 the Ministry of Culture refused to recognize on the videos and posters with the message of LGBT human rights protection, tolerance and equality as social advertisements.

39. In the conclusion attached to the decision the relevant body referring to the law on advertising, had mentioned that it is important that a social advertisement presents elements of human rights, social protection and that its purpose be inform the society about a social problem, fact, code of conduct or the prevention of a negative phenomenon. It further explains: "Advertisements about the existence and integration of a class of society, people with non-traditional sexual orientation, do not address any issue of public importance and do not contain an element of social awareness."¹²

40. Pink Armenia submitted a claim at the Administrative Court of the republic of Armenia against the Ministry of Justice. The claim was rejected and was appealed before the Administrative Court of Appeal. The case was sent for re-examination at the court of first instance and was rejected again. The decision was again appealed before the Administrative Court of Appeal. The latter still studies the case seven years after the event.

41. Even if the Court satisfies the claim, it has been seven years that the freedom of expression of LGBT+ community has been violated and the society has lost at least seven years to face the issue and learn to be tolerant realizing equal existence of LGBT+ people.

STRATEGIC LITIGATION CASE N3

42. On August 3, 2018, 9 LGBT activists, vacationing in Shurnukh were attacked by more than 20 residents of the same village and Goris city of Syunik region. Residents cursed the young people, insulted them because of their sexual orientation and gender identity. At the same time, they hit the young people with their hands and feet, threw stones at them, chased them, ran after them, scared them, hitting them with stones along the way¹³.

43. The criminal case was filed under the features of Article 118 of the RA Criminal Code (beating). During the preliminary investigation, both the victims and the perpetrators repeatedly stated that the crime was committed because of the victims' sexual orientation and deliberate hatred of gender identity and expression. The perpetrators also mentioned this later in the interviews they gave to various media channels. Despite this, the investigative body ignored and did not make the commission of the crime with a hateful motive the subject of investigation.

44. No person was involved as an accused in the case. The case was dismissed, and the decision of the investigator is being appealed till today.

¹² Pink Armenia; LGBT ads are not social. Ministry of Culture
<https://pinkarmenia.org/en/news-events/lgbt-ads-are-not-social-ministry-of-culture/>

¹³ ILGA Europe; NINE MEMBERS OF THE LGBTQ COMMUNITY IN ARMENIA WERE ATTACKED LATE LAST NIGHT BY A GROUP OF OVER 30 PEOPLE. <https://www.ilga-europe.org/news/violent-attack-on-lgbtq-community-in-armenia/>

45. In parallel, the media was full of hate speech towards LGBT+ community in general and the victims in particular¹⁴, however, no one was called to responsibility, no one from the State authority representatives condemned that kind of speech.

46. In fact, the victims of the case have not found protection by the State and effective legal remedies. As a result of omission and improper treatment by the State towards hostile attack, many victims of this crime did not feel themselves safe in the country and left it asking for asylum abroad.

47. These examples are evidence of continues malpractice of non-effective, not-impartial investigation on the grounds of discriminatory approach, leading to atmosphere of impunity witnessed by rising number of hate crimes.

GOAL 17: STRENGTHEN THE MEANS OF IMPLEMENTATION AND REVITALIZE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT

48. There has been only one communication with the Government related to Sustainable Development Goal 5 within the framework of preparation of a report on implementation of Beijing Convention. Particularly, the Ministry of Labor and Social Affairs contacted Pink Armenia asking for opinion and evaluation concerning the measures undertaken and policies adopted by the State to fight against gender-based violence.

49. In order not to leave anyone behind, it is important to reach the perceptive and issues of every group, including LGBTI people. Constant communication and engagement with the representatives of the group and civil society is needed to achieve the goal. So far, the State has initiated only one opportunity with the framework of preparation of a report on implementation of Beijing Convention. Though it is considered as a fruitful engagement aiming to comprehensively reflect the situation of various groups, we also note the exiting of avoidance by state or exclusion on addressing any relevant information regarding LGBTI people in reporting and implementation of all SDGs.

50. Additionally, the state-based data, especially within the sphere of documenting the human rights protection, access to justice as well as legal and social institutions' protection mechanisms is lacking any data related to the vulnerable communities facing discrimination, including LGBTI people.

RECOMMENDATIONS

¹⁴ Legal analysis of the reactions on the violence in Shurnukh, in the context of hate speech. Available in Armenian at: <https://pinkarmenia.org/wp-content/uploads/2024/02/Shurnukh.pdf>

- ✚ Adopt a comprehensive anti-discrimination law, which will provide for effective mechanisms to protect LGBT+ people from offences on the grounds of sexual orientation and/or gender identity/expression.
- ✚ Conduct a comprehensive research and need assessment analysis to reveal the specific needs of LGBT+ people to overcome barriers in housing, education and in labor market related to discrimination or resulting from violence towards them.
- ✚ Address the specific needs of LGBT+ people in the policies or programs aiming at combating social and economic problems of the society.
- ✚ Adopt a policy regarding new measures to combat violence and discrimination towards children which will suppose training on responsible and sensitive treatment by law-enforcement agencies as well as monitoring of the situation in the shelters in cooperation with relevant civil society organizations.
- ✚ Conduct periodic trainings for the administration and teaching staff of educational institutions on sexuality, a sensitive approach to LGBT+ people, and supporting self-recognition and self-expression at a difficult age for them.
- ✚ Monitor cases of school dropouts or transfers to find out the reasons and to reveal cases of possible bullying.
- ✚ 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.
- ✚ **Cooperate with human rights non-governmental organizations to obtain more detailed information about the systemic aspects of human rights violations of LGBT+ persons and to engage them in the implementation of SDGs based on the principle of leaving no one behind.**

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***Pink Armenia** is a human rights defender non-governmental organization founded in 2007. Vision of Pink Armenia is to have a society, where human rights of all are protected and everybody is accepted regardless of sexual orientation and gender identity and/or gender expression. Organization aims to create a safe space for LGBT people by promoting well-being and protection in all spheres of life. To reach these goals Pink Armenia provides professional services to LGBT+ community, such as legal, psychological and social, advocates for comprehensive legislation ensuring protection from discrimination, hate crimes and hate speech, as well as conducts awareness raising campaigns and other activities.*

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