

Organization: Pink human rights defender NGO (Pink Armenia)

A human rights defender and LGBT+ community-based organization, founded in 2007 in Armenia. It advocates for human rights protection of lesbian, gay, bisexual and trans people (LGBT+) in Armenia.

Discrimination, hate crimes, violence and hate speech

on the Grounds of Sexual Orientation and Gender Identity in Armenia

Discrimination on the grounds of sexual orientation and gender identity

- ✚ Pink Armenia annually documents around 40-50 cases of violation of human rights of LGBT+ people in conjunction with discrimination related to their sexual orientation or gender identity each year. Incidents happen in almost every sphere of life, such as educational institutions, the workplace, healthcare institutions, service provision, public places, armed forces, as well as at home. At the same time, very few cases are being reported to law-enforcement bodies.
- ✚ Despite the recommendations to adopt comprehensive anti-discrimination law, the draft law still has not been sent to parliament. According to the 2023-2025 Action Plan deriving from the Human Rights Protection National Strategy, adopted on 28 of September 2023, the "Law on Ensuring Equality" must be adopted during the second semester of 2024.

The main concerns related to the draft law are the absence of sexual orientation and gender identity as protected grounds despite it containing a non-exhaustive list of characteristics, lack of legal subjectivity for the civil society organizations to bring claims of public interest, as well as non-sufficient authority of the Equality body to be an effective extra judicial mechanism to combat discrimination.

Recommendation:

- **Adopt comprehensive anti-discrimination legislation that explicitly includes sexual orientation and gender identity as protected characteristics and grants civil society organizations the legal standing to bring public interest cases on behalf of marginalized communities**

Hate crimes and violence towards LGBT+ people in Armenia

- ✚ Pink Armenia documents hate crimes against LGBT+ people, however, very few cases are being reported to law-enforcement bodies. The main reason for this is lack of trust towards police and investigative authorities, based on the several factors, such as: (1) Mistreatment by law-enforcement agencies, mockery, and justification of violence; (2) Dissemination of information related to the personal life of victims by the authorities investigating the case, including within families; (3) Ineffectiveness of investigating cases leading to impunity; and (4) Fear of facing more violence as a result of filing a complaint.
- ✚ Notwithstanding the recommendations of the Council of Europe based on the report conducted in 2019 and Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation Europe regarding elaboration of hate crime data codes, State bodies still have no official data on hate crimes and hate speech.

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.

Recommendations:

- **Revise the Republic of Armenia Criminal Code clauses providing for hateful motivation as an aggravating circumstance for liability and include sexual orientation and gender identity in the list of protected characteristics**
- **Conduct effective investigation of hate crimes, considering hateful motivation as an aggravating circumstance**
- **Invest a system of hate crime and hate speech data coding and maintain statistics of such crimes**

Domestic violence and violence towards LGBT+ minors in the families

- ✚ The amendments to the law on domestic violence were also positive: the term "partner" was included in the law, creating a mechanism for LGBT+ people who are not in a registered marriage, to protect themselves from partner abuse. No reports to law enforcement have been registered so far.
- ✚ More than 50% of the cases of human rights violations documented during the year are cases of domestic violence. The law enforcement system does not have a remedy mechanism that would enable the protection and safety of a person who reports against family members. This is the main reason why survivors of domestic violence avoid lodging complaints. For instance, during 2023, out of a documented 22 domestic violence cases, only five 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.
- ✚ Protection of victims of domestic violence becomes even more difficult in the case of minors when the offender is the legal representative of the victim, and the victim must continue living with the perpetrator. Even the guardianship body representatives are not sensitive and do not find it necessary to address this issue more properly.

Recommendations:

- **Monitor the sensitive treatment of LGBT+ persons by law enforcement agencies, especially in cases of domestic violence towards minors**
- **Conduct separate statistics on domestic violence cases towards LGBT+ people**

Hate speech towards LGBT+ people in Armenia

The level of hate speech continues to be worrisome during the last several years. Using different techniques of manipulation, the political parties did not refrain from targeting the LGBT+ people, thus, contributing to the incitement of violence and the atmosphere of impunity.

At the same time, public calls to violence have been criminalized since 2020. However, there has been no filed cases regarding calls to violence or justifying the violence towards LGBT+ people since then, though many reports by Pink Armenia have been presented to the police.

Recommendations:

- **Publicly condemn hate speech towards LGBT+ community and political manipulations targeting LGBT+ people**
- **Effectively implement the legislation criminalizing public calls, justification and advocacy of violence, insuring protection for minority groups including the LGBT+ people.**

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