



## **Statement**

### **UPR PRE-SESSION ON ARMENIA**

**Geneva, 21 February 2025**

**Delivered by: Pink human right defender NGO (Pink Armenia)**

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# About Pink Armenia and our engagement

**Pink is a human rights defender and LGBT+ community-based organization, founded in 2007 in Armenia.**

**We advocate for human rights protection of lesbian, gay, bisexual and trans people (LGBT).**

The organization **attended two National consultations** provided by state, highlighting the organization's observations on state's report and delivering recommendations on legislative regulations and implementation mechanisms on addressing discrimination, hate crimes and hate speech.

# Thematic areas

- Discrimination on the grounds of sexual orientation and gender identity
  - Hate crimes and violence towards LGBT+ People in Armenia
  - Hate speech towards LGBT+ People in Armenia
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# Discrimination on the grounds of sexual orientation and gender identity:

## Supported recommendations and developments

**Out of 24 recommendations** on developing anti-discrimination regulations at legislative and administrative levels, **13 recommendations to adopt a comprehensive anti-discrimination legislation which explicitly includes sexual orientation and gender identity in the list of protected grounds**

### **As a result:**

Armenia started again the discussions on adopting the anti-discrimination legislation, so called “Law on Equality” since 2020.

# Discrimination based on SOGI: Situation and concerns

- Pink Armenia documents **annually around 40-50 cases of human right violations based on sexual orientation and gender identity** in conjunction with **discrimination**. 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. **LGBT+ people are one of the most discriminated groups in the society.**
- At the same time, **very few cases are being reported** to law-enforcement bodies. The main reason for this is lack of trust towards police and investigative authorities **because of various factors related to mistreatment and ineffective investigations.**
- The main concerns related to the draft law are:
  - **first 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.**

# Discrimination based on SOGI: 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:

## Previous recommendations and developments

Armenia received **4 recommendations** to take specific measures to combat hate crimes and violence towards LGBT+ people

### **As a result:**

The new Criminal Code adopted in 2022 provides for amended provisions on aggravating circumstances for punishment (Article 71): 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.**

# Situation in the country on hate crime incidents

Office of Democratic Institutions and Human Rights (ODIHR) hate crime data (2023):

Recorded by police (12), Reported by CSOs (49 anti-LGBTI hate crime, out of 52)

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:

- 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

**Unfortunately, the Criminal Code cannot still be considered as an effective legal protection measure.**



# Hate crimes and violence towards LGBT+ People: 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**

# Hate speech towards LGBT+ People in Armenia: Supported recommendations and situation

Armenia received **2 recommendations to combat hate speech towards LGBT+ people**

- The level of hate speech continues to be worrisome during the last several years. The political **manipulations related to LGBT+ people contribute to the incitement of violence and the atmosphere of impunity.**
- 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.

# Hate speech towards LGBT+ People in Armenia: 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

## LGBT+ human rights Thematic Areas:

- **Discrimination** on the grounds of sexual orientation and gender identity
- **Hate crimes and violence** towards LGBT+ People in Armenia, including domestic violence towards LGBT+ minors
- **Hate speech** towards LGBT+ People in Armenia



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