

STATEMENT

UPR PRE-SESSION ON ARMENIA



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

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(Slide 2) About Pink Armenia and our engagement

Pink is a human rights defender and LGBT+ community-based organization that advocates for **human rights protection of lesbian, gay, bisexual and trans people (LGBT+) in Armenia**, founded in 2007. The organization **attended two National consultations** organized 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.

(Slide 3) Thematic areas

The main thematic areas covered during the current presentation are **(1) Discrimination on the grounds of sexual orientation and gender identity, (2) Hate crimes and violence towards LGBT+ People in Armenia, (3) Hate speech towards LGBT+ People in Armenia.**

(Slide 4) Discrimination based on SOGI: Supported recommendations and developments

Out of 24 recommendations received by state on developing anti-discrimination regulations, 13 recommendations were about adopting comprehensive anti-discrimination legislation which explicitly includes sexual orientation and gender identity in the list of protected grounds. As a result, we appreciate that since 2020 the Armenian government has started again the discussions on adopting the legislation, so called "Law on Equality". However, the recommendations by CSOs have not been yet considered, and the draft law hasn't been sent to parliament yet.

(Slide 5) Discrimination based on SOGI: Situation in the country and concerns

Pink Armenia documents annually **around 40-50 cases of violation of human rights of LGBT+ people in conjunction with discrimination** related to their sexual orientation or gender identity. 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. Thus, meaning that **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: (1) the absence of sexual orientation and gender identity as protected grounds despite it containing a non-exhaustive list of characteristics, (2) lack of legal subjectivity for the civil society organizations to bring claims of public interest, (3) as well as non-sufficient authority of the Equality body to be an effective extra judicial mechanism to combat discrimination.

(Slide 6) 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.

(Slide 7) 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): 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.

(Slide 8) Situation in the country on hate crime incidents and concerns

According to the recent published data by ODIHR (the Office of Democratic Institutions and Human Rights, 2023) the number of anti-LGBTI hate crime incidents reported by CSOs is 49. 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.** Many bias-motivated crimes committed towards LGBT+ people have not been qualified as crimes committed in aggravating circumstances, except only one case – the stabbing of a gay man and citizen of United States – were aggravating circumstances recognized. One out of 49 cases cannot be considered as an indicator of effectiveness. **Additionally, the state bodies still have no official data on hate crimes and hate speech.**

(Slide 9) 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

(Slide 10) Hate speech towards LGBT+ People in Armenia: Supported recommendations and situation

Armenia received 2 recommendations to combat hate speech towards LGBT+ people. However, the level of hate speech has continued 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.

(Slide 11) 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 LGBT+ people

(Slide 12) Closing

If you have an interest in the thematic areas presented, I am willing to meet and elaborate more on the questions.

Thank you for your attention.