

HUMAN RIGHTS SITUATION IN ARMENIA

21.022025

Switzerland, Geneva

Right Side HRD NGO

URP info Pre-sessions

Criminal Code Reforms and Hate Crimes

Despite the entry into force of Armenia's new Criminal Code in July 2022, the legislation continues to exclude sexual orientation and gender identity as aggravating circumstances for hate crimes. While Article 71 mentions crimes motivated by hatred and intolerance, it fails to explicitly recognize LGBTIQ individuals as targets. Similarly, Article 329 addresses hate speech in general terms but excludes protections specific to our community. This lack of recognition perpetuates impunity and undermines trust in Armenia's legal system.

We urge the Armenian Parliament to amend these articles to explicitly include sexual orientation and gender identity as protected grounds. Further, the government should implement educational programs to combat hate speech and promote inclusivity in schools.

Equality Legislation

The adoption of comprehensive equality legislation, including sexual orientation and gender identity as protected characteristics, remains an unmet UPR recommendation. The latest draft of the "Law on Ensuring Equality" excludes these crucial protections. The omission reflects a lack of political will to address systemic discrimination against transgender people.

We call on the government to include these protections in the final version of the law and to ensure its swift adoption.

Freedom of Peaceful Assembly

Although Armenia guarantees the right to peaceful assembly, incidents of violence against LGBTIQ individuals during such gatherings reveal the gap between legislation and enforcement. For example, in August 2023, a candlelight vigil for a transgender woman, was disrupted by an attack, despite prior notification to the police. This highlights the need for better police training and accountability to ensure the safety of peaceful assemblies.

We recommend that the government train law enforcement officials in collaboration with civil society organizations to uphold assembly rights, particularly for vulnerable communities.

Legal Gender Recognition

The absence of legal gender recognition remains a critical issue. Since 2021, there has been no regulatory framework for gender marker changes in official documents. The lack of medical guidelines for gender reassignment surgeries and hormone therapy further marginalizes transgender individuals. Currently, a strategic litigation case (Avagyan v. Armenia) on this issue is pending before the European Court of Human Rights.

We call on the Armenian government to establish a transparent and accessible legal gender recognition process without requiring invasive medical procedures. This aligns with Armenia's constitutional guarantees of dignity and integrity.

Conclusion

In conclusion, while Armenia has made strides in certain areas, significant gaps remain in protecting and promoting the rights of transgender individuals.

Right Side NGO calls on the Government of Armenia to take proactive measures to address these concerns and implement recommendations to create and maintain, in law and in practice, an enabling environment for ensuring equality, safety, and dignity for all individuals.



Right Side Human Rights Defender NGO is a non-governmental organization operating in the Republic of Armenia since 2016, with the goal of protecting the rights of transgender people in Armenia.

“Right Side” is the first and leading trans and sex workers community-based rights defender non-governmental organization for the protection of trans people and sex workers in Armenia.

The “Right Side” NGO was registered by the State Register of Legal Entities Agency of the Ministry of Justice of the Republic of Armenia as a human rights defender NGO on January 25, 2016. It carries out its activities based on its bylaws, in the whole territory of the Republic of Armenia, outside the territory of the Republic of Armenia, according to the local legislation of that country.

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Global Action for Trans Equality (GATE) is an international ECOSOC-accredited advocacy organization working towards justice and equality for trans, gender diverse, and intersex (TGDI) communities. GATE remains the only international organization focused on issues relating to gender identity, gender expression, and sex characteristics. The organization was registered in 2009 in the US as a 501c3 nonprofit. Rooted in TGDI movements, GATE works collaboratively with strategic partners at the international, regional, and national levels to ensure access to resources, knowledge, and decision-making spaces.

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Thank You