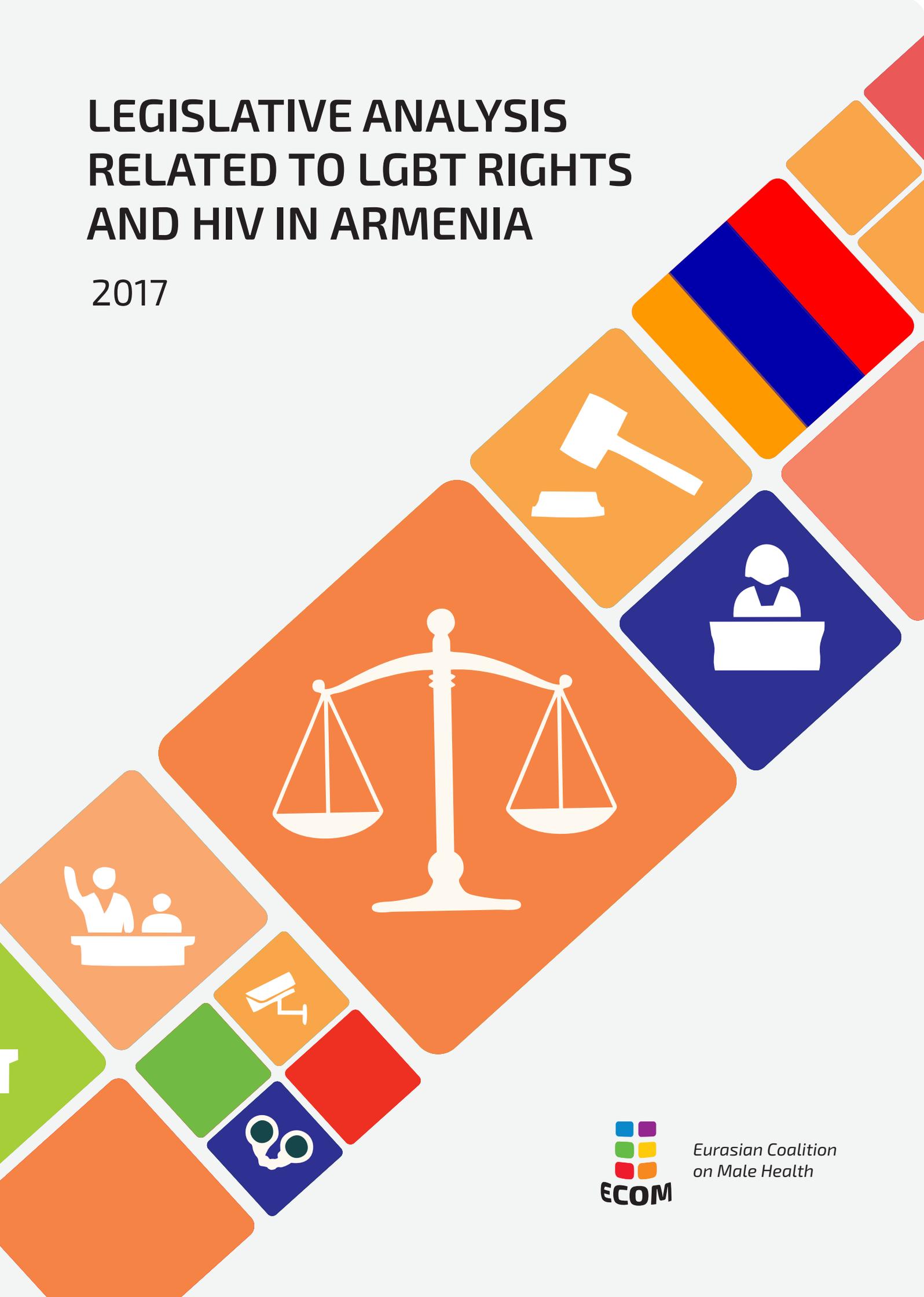


LEGISLATIVE ANALYSIS RELATED TO LGBT RIGHTS AND HIV IN ARMENIA

2017



*Eurasian Coalition
on Male Health*

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The information presented in this review may be useful both for non-governmental organizations and community activists and for the government, when planning advocacy processes, promoting the rights of PLWH, gay men, other MSM, and trans* people and eliminating the barriers hindering their access to services.

We would like to give special thanks for the "New Generation" Humanitarian NGO and for people who provided valuable input into preparation of the analysis

«NEW GENERATION»
Humanitarian Non-Governmental
Organization



«ՆՈՐ ՄԵՐՈՆԳ»
Մարդասիրական Հասարակական
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EURASIAN COALITION ON MALE HEALTH

**LEGISLATIVE ANALYSIS RELATED
TO LGBT RIGHTS AND HIV IN ARMENIA**

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Tallinn - 2017

Abbreviations

AIDS	Acquired Immune Deficiency Syndrome
ART	antiretroviral therapy
CSO organizations,	civil society organizations, umbrella term with includes non-governmental professional associations, and community organizations
ECOM	Eurasian Coalition on Male Health
ECRI	the European Commission against Racism and Intolerance
GB	the Global Fund
HIV	Human Immunodeficiency Virus
IDAHOT	International day against homophobia and transphobia
Intersex of the female	people who are born with any of several variations in sex characteristics including chromosomes, gonads, sex hormones, or genitals that, according to the UN Office High Commissioner for Human Rights, "do not fit the typical definitions for male or bodies"
FtM	transgender male, person in transition from female to male
LGBT	Lesbian, Gay, Bisexual, and Trans*people
MSM	men who have sex with men
MtF	transgender female, person in transition from male to female
ODIHR	the Office for Democratic Institutions and Human Rights OSCE
OSCE	Organization for Security and Co-operation in Europe
NGO	non-governmental organization
PLWH	people who live with HIV
PWID	people who use injection drugs
PWUD	people who use drugs
SOGI	sexual orientation and gender identity
STD	sexually transmitted disease
SR	sub-recipients
Trans* birth	people who have a gender identity or gender expression that differs from their assigned sex
TB	tuberculosis
UN	United Nations Organization



The goal of this review is to identify the legal barriers for people living with HIV, gay men, other men who have sex with men and trans*people in exercising their rights in different areas. To conduct such review, ECOM developed a methodology and a survey questionnaire, which we filled in with the help of our local partners. When analyzing legal practices, consideration was given both to judicial practices and to the information provided by activists, received from the organizations documenting cases of human rights violations and protection of such rights, news in mass media, and reports of non-governmental organizations submitted to the international agencies.

Both legislation and law enforcement practices were analyzed in terms of their compliance with the international and European standards. Besides, we analyzed the recommendations received by Armenia within the international monitoring mechanisms as well as performance of such recommendations by the government.

To present information on the legislation currently in force, in this review we used extracts from the regulatory documents, which are, unfortunately, not always correct and fail to comply with the international politically correct terminology standards. In this case, the original wording is presented to ensure objective demonstration of the existing regulatory framework and the language used in the matters analyzed. All quotations from the regulatory documents are given in quotation marks.

The information presented in this review may be useful both for non-governmental organizations and community activists and for the government, when planning the advocacy processes, promoting the rights of PLH, gay men, other MSM, and trans*people and eliminating the barriers hindering their access to services.



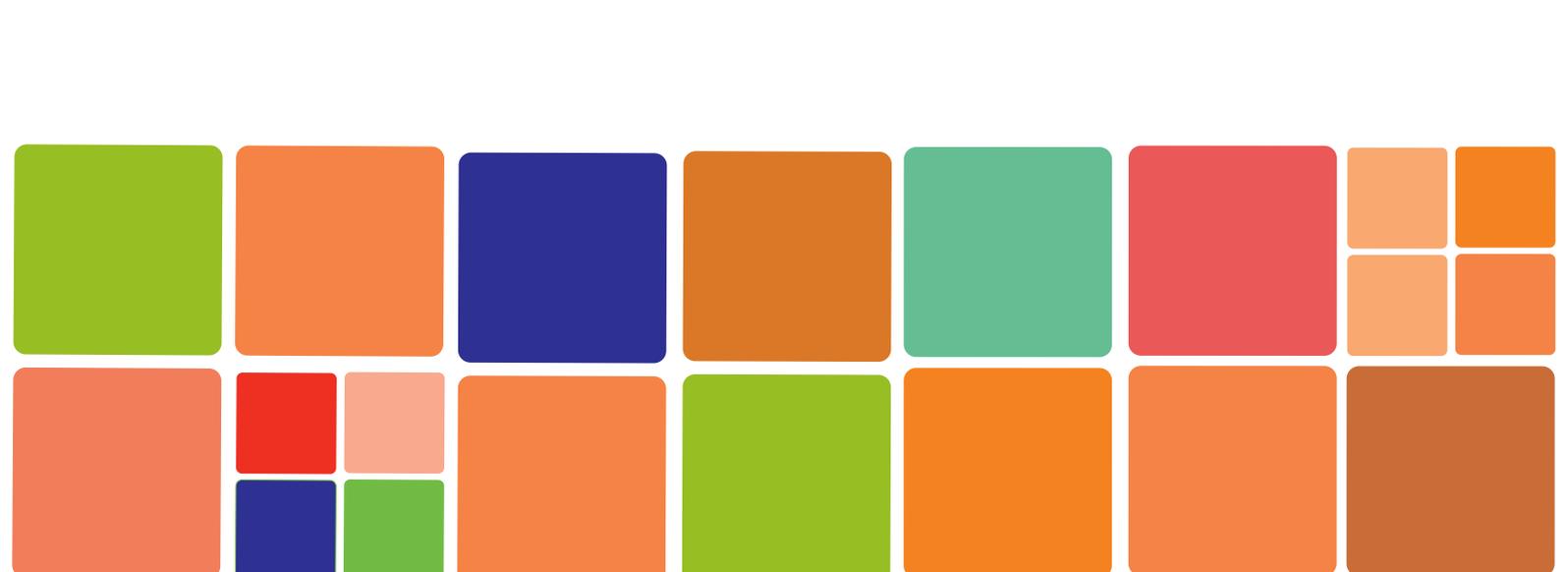
Summary and key recommendations

The Government of the Republic of Armenia made certain steps to introduce changes to the legislation discriminating against PLWH, gay men, other MSM and trans* people. Thus, criminal responsibility for same-sex relations was cancelled in 2002; restrictions for people living with HIV to enter the country were abolished in 2011. Besides, amendments to the Law "On the freedom of assembly" to restrict the powers of law enforcers for uncontrolled interventions into implementation of the freedom of expression and peaceful assembly have already been developed and are awaiting the approval. However, in the current legislation there are still many regulations, which contradict the requirements of the international human rights treaties signed by the Republic of Armenia.

The fact that in the Criminal Code there are provisions stipulating responsibility for HIV transmission as a separate offence increases the stigmatization of people living with HIV. Failure to divide such responsibility for intended and unintended HIV transmission and criminal responsibility applied even in cases when the transmission has not taken place leads to misuse of such regulations and non-disclosure of the HIV status.

There are concerns related to high vulnerability of trans* people and lack of the procedures of both gender reassignment and legal gender recognition, which not only increases the stigmatization of trans* people in the society but also leads to the numerous cases of their discrimination. It should be noted that there is a growth in the level of homophobic and transphobic violence and failure of the respective agencies to properly qualify and effectively investigate such cases. LGBT are not only subject to permanent insults and attacks, most of them have to conceal their status to ensure their personal safety.

As opposed to the heterosexual couples, whose status is regulated in the Constitution and in the Law "On family", the needs of same-sex couples in Armenia are not satisfied, whereas, as pointed out by the practice of the European Court, such needs are fundamental to regulate and ensure stable relations in a couple, such as mutual financial support, maintenance obligations and the right of inheritance. Besides, with no registration of same-sex partnerships and/or marriages, members of such families have restricted access or no access to each other in cases of arrest, confinement; they have no possibility to make decisions on emergency health care, etc. Restriction of such rights also makes it impossible for a same-sex couple to adopt a child as a family. The law guarantees all the above-mentioned rights of heterosexual couples, even if their marriage is not registered, but does not provide any of such rights to same-sex couples, which is discriminating and may be interpreted as an interference with their family life.



Recommendations

- To develop and adopt comprehensive antidiscrimination laws, with explicit protection from discrimination based on sexual orientation, gender identity and expression.
- To develop and approve amendments to the Family Code to regulate the legal status of same-sex families, in particular in terms of their right to adoption.
- To introduce changes to the Order of the Ministry of Health on blood donation and remove gay men and other MSM from the list of risk groups.
- To develop and formalize in the legislation a unified mechanism of gender reassignment with a possibility for legal change of gender marker.
- Amendments should be introduced into the provisions of the Armenian Criminal Code concerning the punishment imposed for hate crimes, with an article containing a list of aggravating circumstances to ensure the effective investigation of crimes caused by homophobia and transphobia. Besides, there is a need in systematic awareness-raising activities for law enforcers and judges.
- Within implementation of the national strategy of response to the HIV epidemic, it is important for the Republic of Armenia to pay attention to systematic funding of the NGOs working with PLWH, gay men, other MSM and trans* people.



Prohibition on travel and immigration for people living with HIV

In the laws of Armenia, there are no provisions prohibiting entry to and stay in the country for foreign citizens or stateless persons living with HIV. However, there are certain requirements for such people stipulated in the national legislation.

The conditions of entry to the country for people living with HIV who need treatment are regulated by the Law "On prevention of the disease caused by human immunodeficiency virus¹." In accordance with this law, when getting a visa to enter to the territory of Republic of Armenia, a foreign citizen or a stateless person living with HIV should submit a certificate of medical examination for HIV, sign documents of the set format confirming that he or she is informed about the activities to prevent HIV transmission and is warned about the criminal responsibility for infecting another person with HIV. Besides, such foreign citizen or stateless person should confirm his or her financial solvency and sign a contract with a health institution where he or she is going to get treatment. Non-citizens who fail to submit medical certificates shall go through the laboratory testing for HIV within a month after entering the territory of Armenia. To receive treatment after their entry to Armenia they have to do the laboratory testing and get a referral to the relevant health institution, with which they need to sign a contract for the provision of health services. Such requirement is not applied to citizens of the countries with visa free travel to Armenia, including the post-Soviet countries. Health services, including ART, are provided to non-citizens on a paid basis. If a foreign citizen or a stateless person does not have a contract and, thus, a referral, he or she will not be hospitalized, even in case of emergency.



Criminalization of HIV transmission

Article 123 of the Armenian Criminal Code (CC) stipulates responsibility for putting another person under the threat of HIV infection. Such crime is punished with a fine in the amount from 100 to 200 thousand Armenian drams² or arrest of up to two month or, alternatively, with a restriction of freedom for up to one year. In this regulation, no difference is made between putting another person under the threat of HIV infection deliberately or unintentionally. The second part of this article stipulates criminal responsibility for infecting another person with HIV deliberately or by recklessness, which leads to the restriction of freedom for up to five years. However, this norm does not state that the person should be aware of his or her HIV positive status. The presence of intent is defined depending on the circumstances of the relevant case: if the suspect knew he has HIV, if he tried to warn the victim or if he consciously involved into an unprotected sex intercourse, etc. In a situation of sexual intercourse between two people, with no witnesses, it is rather difficult to prove that a person living with HIV, aware of his or her HIV status, made or failed to make any attempts to somehow warn his or her partner.

Besides, article 130 of the Armenian CC stipulates criminal responsibility for failure to perform or improper performance of their professional duties by persons providing medical aid and medical assistance. If such actions led to death or HIV infection, punishment is applied stipulating imprisonment for a term from two to six years and deprivation of the right to hold certain positions and/or carry out certain activities.



Prohibition for MSM to be blood donors

In accordance with the Armenian laws currently in force, MSM may not be blood donors. The list of persons who are included into the risk group for donating blood is defined in the Order of the Ministry of Health and includes people who have homosexual contacts. People living with HIV are explicitly prohibited to be donors.



Access of NGOs working with MSM or LGBT to the state funding to provide social and health services

Currently, regulations of the Republic of Armenia stipulate provision of government funding to NGOs to offer social and health services. The process of providing grants to NGOs is regulated with an Order of the President, which does not ensure a procedure of open and transparent distribution of state funds among non-governmental organizations. Among other things, it contains a provision stating that the organizations to receive grants from the state budget are to be selected by a committee, including one representative of the Armenian President and one representative of the organization selected by the President's office. In 2017, the Youth Foundation of Armenia was selected. Thus, when selecting the grantee, it is taken into account if its activities correspond to the policy of the President and if such grantee meets the expectations and the conditions of the President's office.

Currently, NGOs, which do not take part in the propaganda of the national government, do not have a possibility to receive any state funding. As for the organizations protecting the rights of LGBT, they have no chances whatsoever to get any funding from the state budget.



Same-sex relations

Under the laws of Armenia, same-sex relations are not a criminal offense. Article 141 of the Criminal Code stipulates punishment for sexual assault of a person under 16 years of age, irrespective of gender. The defining factor is the partner's age. Article 140 of the Armenian CC stipulates responsibility for "coercion of a person to sexual intercourse, homosexual or other acts of a sexual nature by blackmail, threats of murder, damage or seizure of property or with the use of material or other dependence of the victim³," regardless of the sexual orientation.



Laws on gender identity/expression (legal gender recognition and related procedures)

In the legislation of the Republic of Armenia, there is no prohibition on gender reassignment. However, the relevant procedure is not determined at the regulatory level. Gender reassignment is not included in the list of health services provided to the Armenian population according to the Government Decree. As NGO activists note, trans* people do operations secretly. Mostly, surgeries are carried out by doctors invited from abroad⁴.

Article 70 of the Law "On civil status acts" stipulates introducing amendments to the civil status acts and, correspondingly, to the personal identification documents provided that a health institution issues a relevant certificate of gender reassignment. However, it is very difficult to get such documents, as there is no medical procedure of gender reassignment regulated by the law. Only one case was registered in 2016, when a trans* person was able to go through this procedure by judicial means. As noted by the experts of Transgender Europe, to make changes into the civil status acts, the Ministry of Justice requires to submit various document, and the list of such documents is changing every time. Usually, they demand medical documents with mental health diagnosis as well as papers confirming the gender reassignment surgery. As for individuals assigned male at birth, they may face such additional requirements as submitting a medical certificate issued by the Ministry of Defense on medical check-up in a military service facility⁵.



Freedom of expression and assembly in the context of LGBT community

The procedures to conduct peaceful assemblies are regulated by the Law "On the freedom of assembly." This law stipulates restriction of the freedom of assembly in certain cases, in particular in cases when "protection of public health and morality..., constitutional rights and freedoms of every person ...in a democratic society"⁶ prevail over the freedom of assembly.

In accordance with the requirements of the Law, the authorized agency should be notified about any assembly not later than 7 days before such assembly through submitting a personal identification documents, telephone numbers, postal and e-mail addresses of the organizers. Upon review of such notification, such authorized agency may set forth conditions as for the time, place or procedure of such assembly, apply restrictions on such assembly (in terms of time, place or procedure of the assembly if no agreement is reached after relevant conditions were set forth) or prohibit the assembly.

Articles 33 and 34 of the above-mentioned Law stipulate that the police have power to stop and disperse an assembly if law enforcers consider that it restricts constitutional rights of other citizens or contradicts the public interests and there are no other ways to prevent such restriction. This regulation has been criticized by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights as it establishes an unjustified and excessive restriction of the right to peaceful assembly⁷.

NGOs, including those, which represent the interests of LGTB, often face cases of violation of the freedom of assembly. Thus, on 17-18 October 2015 a non-governmental organization PINK Armenia held the first forum to discuss the challenges faced by LGBT⁸. An article about this event and photos of the participants were posted on the website of PINK Armenia and were shared by various information agencies. These publications led to numerous homophobic comments and threats in social media, including calls to burn and kill participants of the forum. PINK Armenia submitted a request to investigate such treats to the prosecutor's office but did not get any written response⁹.



Prohibition of the "propaganda of homosexuality"

In June 2017, representatives of the Christian-Democratic Revival Party, the Social Movement "All-Armenian Parent's Committee" and the Yerevan Geopolitical Club appealed to the Parliament of the country with a request to introduce legal acts on prohibiting the propaganda of homosexual relations among minors¹⁰.

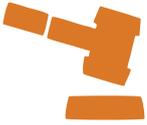
The Law "On the rights of children" already contains articles that may serve as a basis for prohibiting the distribution of any information relating to homosexual relations to minors. In particular, Article 18 of this Law prohibits propagation and dissemination of public information and literature that has a negative impact on the health, psychology of the child, and discredits the dignity and honor of the family. Thus, any information on homosexuality and same-sex relationships can be considered as having a negative impact on the child's psychology and discrediting the dignity and honor of the family, since in accordance with the Constitution of Republic of Armenia, the family is a union between a man and a woman.



Anti-discrimination laws in relation to sexual orientation, gender identity and gender expression

There is no law on gender identity in Armenia. There is a Law "On ensuring equal rights and equal opportunities for women and men," in which there is an article that defines sex. In particular, it states that gender refers to the social behavior that people have acquired, the social point in the relations between men and women that is reflected in all spheres of public life, for example, in politics, health, economics, law, culture, science, ideology, etc. The same article defines the policy of gender equality, the purpose of which is to ensure the equality between men and women.

The Law defines two forms of gender discrimination: direct and indirect. Direct gender discrimination is discrimination based on gender. Indirect gender discrimination is discrimination without an explicit reference to gender.



Hate crimes

Article 3 of the Constitution of the Republic of Armenia proclaims the dignity of an individual, his right and freedoms as the supreme value. This article states that "the state is limited by the fundamental rights and freedoms of a man and a citizen, which are directly applicable law." Another regulation protecting the rights and freedoms of people, including members of the LGBT community, is article 14 of the Constitution, according to which the rights and the dignity of an individual are respected and protected by the state.

Article 226 of the Criminal Code provides for criminal responsibility for any acts aimed at incitement of national, racial or religious hatred, propaganda of the racial superiority or humiliation of the national dignity¹¹. Sexual orientation or gender identity are not among the grounds for prosecution. These characteristics are also not included in the list of circumstances aggravating criminal responsibility under Article 63 of the Criminal Code. As this list is exhaustive, other circumstances may not be taken into account as an aggravating offense. Investigation of hate crimes can be conducted only provided that the actions of the perpetrator are covered by other articles of the Criminal Code¹², such as causing bodily injury, disorderly conduct, etc. Besides, law enforcement agencies do their best not to investigate any crimes, with members of the LGBT community being victims.

In the absence of legal norms, there is no relevant training offered to law enforcement officers and judges.

In view of the reasons outlined above and the homophobic attitudes present in the society, many cases of violence and harassment against the LGBT community members are not properly investigated and punished. Thus, Pink Armenia, Human Rights Watch and the UN High Commissioner for Refugees reported physical violence by a group that caused serious bodily harm to two trans* people¹³ and a series of threats to the LGBT activists. Pink Armenia and the Office of the UN High Commissioner also reported cases of physical violence against a gay man in a military hospital, as well as threats against the LGBT members and activists. Pink Armenia also reported physical group violence against a trans* person, which resulted in the victim's phone being stolen, two cases of physical violence against gay men and two cases of threats against the LGBT activists¹⁴.

Moreover, there were also cases of violence from the side of police. In 2016, lawyers of the New Generation NGO were involved in investigating a case, when during the arrest one of the police officers kicked a demonstrator with his foot. The victim was a gay man. The policeman who kicked him knew about his sexual orientation and this was the reason for the beating. After that, the victim was taken to the police station, where he was kept for more than 6 hours and was asked about the police officer who beat him. There were attempts to close this criminal case due to lack of corpus delicti and lack of evidence. But thanks to the efforts of the lawyers of the New Generation NGO, the case has not been closed and currently relevant legal proceedings are in progress.

There are also numerous facts of the use of hate speech by the public, media and government officials. The number of such cases grew in 2014, after Conchita Wurst – an Austrian singer looking as a female but with a beard – took part in the Eurovision Song Contest. The Austrian singer was condemned both by the general public and state representatives, and the negative attitude towards him contributed to public rejection and insults towards the LGBT community members as well as persecution of the LGBT activists in Armenia¹⁵.

In such cases, courts and law enforcement bodies refuse to acknowledge violations of the LGBT rights. In April 2016, the court of appeal dismissed the appeal of 16 plaintiffs, whose suit against the newspaper Iravunq was rejected in the court of first instance. Iravunq published several articles calling to exclude the LGBT community members from public life and to avoid the members of their families. One of the articles contained a "black list" of 60 people, with the links to their profiles in social networks¹⁶. The newspaper refused to publish a retraction.

All of the things stated above demonstrate the problem of the lack of state policy to suppress hate crimes motivated by homophobia and transphobia, both at the legislative and practical levels.



Legal status of the same-sex couples

In the Armenian legislation, there is no legal recognition or registration of same-sex marriages or civil partnerships. The Family Code defines marriage as a union of a man and a woman. Part 1 of Article 34 of the Constitution of Armenia also reads: "A woman and a man who reached the age of marriage have a right to marry and create a family by mutual free expression of their will."



Adoption

The Armenian legislation does not specifically prohibit adoption of children by same-sex couples. At the same time, part 2 of Article 116 of the Family Code states that people who are not married may not adopt a child together, and marriage can be registered only between a man and a woman. Consequently, in case of adoption of a child by a same-sex couple, only one of the partners can be the adoptive parent, while the second one will have no legal relations with the adopted child. Besides, there is evidence that various formal reasons are usually used to hinder members of the LGBT community in adopting children.

In accordance with the changes introduced into the Armenian laws in 2015, HIV positive status of an individual is not considered as a ground for refusal if such individual wants to adopt a child.



Using international and regional mechanisms to change laws and practices in the area of human rights of gay men, other MSM, trans* people and PLWH

Using the mechanisms envisaged by the international treaties ratified by the Republic of Armenia, NGOs submitted a shadow report on violations of the rights of lesbian, gay, bisexual and transgender people in Armenia in July 2012 for consideration at the 105th session of the UN Human Rights Committee¹⁷. In 2014, NGOs prepared a consolidated country report "The human rights situation of LGBT people in Armenia"¹⁸.

Recommendations of international and regional treaty bodies

The UN Committee on the Rights of Persons with Disabilities, in its comments on Armenia's report dated 8 May 2017¹⁹ expressed its concerns about the low level of awareness of health professionals about the rights of people with disabilities and the fact that medical services and institutions, including emergency services and programs aimed at HIV/AIDS prevention and treatment, care and support are still inaccessible in many ways to a large number of people with disabilities, especially in rural areas. In this connection, the Committee recommended to the Republic of Armenia:

"...;

b) Ensure the availability and accessibility of health-care services and facilities for all persons with disabilities throughout the country, including emergency services and HIV/AIDS prevention, treatment, care and support programmes..."

The Committee on the Elimination of Discrimination against Women in its Concluding observations dated 25 November 2016²⁰ outlined:

"disproportionately high HIV-infection rate among Armenian migrant workers and their partners;...

e) Reports of discrimination by health personnel against women with disabilities and women living with HIV/AIDS."

In relation to the stated above, the Committee recommended to the Republic of Armenia:

"...Develop and implement awareness-raising campaigns and capacity-building for health personnel to eliminate discrimination against women with disabilities and women living with HIV/AIDS in the provision of health-care services;

Develop and implement specific awareness-raising campaigns on HIV and responsible sexual behaviour, including in border areas and in migrant communities."

The Human Rights Committee in its observations dated 31 August 2012²¹, pointed out that it is concerned about the "discrimination and violence suffered by lesbian, gay, bisexual and transgender (LGBT) persons and rejects all violations of their human rights on the basis of their sexual orientation or gender identity" as well as "about the persistent discrimination, hate speech, violence and humiliating and degrading treatment directed against sex offenders and homosexual prisoners by other prisoners and about their degrading and involuntary segregation from other inmates, which may aggravate their conditions of detention" and lack of protection of such inmates.

In relation to the stated above, the Committee issued the following recommendations:

“The State party should state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or harassment of, or discrimination or violence against persons because of their sexual orientation or gender identity. The State party should prohibit discrimination based on sexual orientation and gender identity and provide effective protection to LGBT persons...”

Take robust measures to prevent inter-prisoner violence and incidents of self-harm and protect the life and safety of all prisoners; implement appropriate programmes to prevent, monitor and document incidents of inter-prisoner violence and self-harm and compile official statistics on such incidents; and ensure effective investigations of all allegations of violence between prisoners and hold those responsible accountable;

Recruit and train a sufficient number of prison personnel to ensure adequate ratios of prisoners to staff, improve the authority of prison administrations and take steps to reduce the impact of the criminal subculture and informal hierarchy in prisons;

Put an end to the discrimination and violence against homosexual prisoners and sex offenders, abolish the practice of their degrading and involuntary segregation and all other degrading and humiliating practices that persist in the vast majority of prisons; investigate effectively all such allegations; and bring the perpetrators to justice.”

The recommendations provided to the Republic of Armenia have not been performed yet.

In the recent years, there have been no individual appeals to the UN Human Rights Committees on violations on the rights of gay men, other MSM, trans* people and PLWH.

Legislation:

- Constitution of the Republic of Armenia
- Law of the Republic of Armenia "On foreign citizens" dated 25 December 2006
- Law of the Republic of Armenia "On prevention of the disease caused by human immunodeficiency virus" dated 3 February 1997
- Decree of the Government of the Republic of Armenia "On introducing the list of infectious diseases which are the basis to prohibit entry of non-citizens to the Republic of Armenia" dated 25 January 2008, RAN 49
- Criminal Code of the Republic of Armenia
- Order of the Minister of Health on approval of the procedure of free medical examination and the list of contraindications for the donation of blood or blood ingredients, N 06-N.
- Order of the President of the Republic of Armenia "On approval of the procedure to provide grants to NGOs from the state budget of the Republic of Armenia" dated 19 May 2008 N 487
- Law of the Republic of Armenia "On civil status acts" dated 08 December 2004
- Order of the Minister of Justice of the Republic of Armenia "On approval of the Procedure of repeated issuance of certificates on civil status acts" dated 2 July 2005, N96-N.
- Decree of the Government of the Republic of Armenia dated 27 March 2008 N 276
- Law of the Republic of Armenia "On the freedom of assembly" dated 22 April 2011 NZR-72
- Law of the Republic of Armenia "On ensuring equal rights and equal opportunities for women and men" dated 20 May 2013
- Family Code of the Republic of Armenia dated 9 November 2004
- Decree of the Government of the Republic of Armenia on approval of the list of diseases, leading to prohibition for an individual to become an adopting parent, a foster parent or a legal guardian dated 20 May 2005 N 517-



International and regional documents which were ratified/signed/passed the procedure of accession by the Republic of Armenia



23 June 1993

International Covenant on Civil and Political Rights, 16 December 1966

Optional Protocol to the International Covenant on Civil and Political Rights, 16 December 1966

Convention on the Rights of the Child, 20 November 1989



13 September 1993

International Covenant on Economic, Social and Cultural Rights, 16 December 1966

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984

Convention on the Elimination of all Forms of Discrimination against Women, 18 December 1979



22 September 2010

Convention on the Rights of Persons with Disabilities, 13 December 2006



26 September 2013

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 18 December 1990

¹ The most vulnerable part of the LGBT+ community, 22 June 2016

<http://epress.am/ru/2016/06/22/%D0%BD%D0%B0%D0%B8%D0%B1%D0%BE%D0%BB%D0%B5%D0%B5-%D1%83%D1%8F%D0%B7%D0%B2%D0%B8%D0%BC%D0%B0%D1%8F-%D1%87%D0%B0%D1%81%D1%82%D1%8C-%D0%BB%D0%B3%D0%B1%D1%82-%D1%81%D0%BE%D0%BE%D0%B1%D1%89%D0%B5%D1%81.html>

² Which equals to the amount of 200 to 400 US dollars

³ Quotation, text of the article 140 of the Armenian Criminal Code

⁴ Amendments are introduced to the Law on the freedom of assembly, 7 July 2017, <http://www.aravot-ru.am/2017/07/07/245402/>

⁵ For the Record, Documenting violence against trans people, December 2016, http://tgeu.org/wp-content/uploads/2017/04/FortheRecord_FINAL.pdf

⁶ Art. 18 of the Law of the Republic of Armenia "On the freedom of assembly"
<http://www.legislationline.org/ru/topics/country/45/topic/15>

⁷ In July 2017, a draft law "On introducing amendments to the Law of the Republic of Armenia "On the freedom of assembly" was included to the agenda of the Armenian Government. The proposed amendments have the following wording: "The freedom of assembly may be restricted only in cases stipulated by this Law: to ensure public security, prevent crimes, secure public order, protect public health and morality (hereinafter – public interests) or the basic rights and freedoms of other citizens (hereinafter – basic rights of other citizens)." The next amendment is aimed at changing the procedure of law enforcers' actions during the assemblies: "Judges, prosecutors, investigators as well as officers of the national security agencies, police and military bodies should remain neutral and exercise restraint."

⁸ The first LGBT forum was held in Armenia <http://www.pinkarmenia.org/ru/2015/10/lgbt-forum/#>

⁹ Human Rights Watch, World report 2016, <https://www.hrw.org/world-report/2016/country-chapters/armenia>

<https://ru.armeniasputnik.am/armenia/20170620/7690459/armyanskij-parlament-poprosili-zapretit-lgbt-propagandu.html>

The Criminal Code of the Republic of Armenia

<http://www.parliament.am/legislation.php?ID=1349&lang=rus&sel=show#9a>

¹² See above

The first act of violence towards two trans* people, sex workers, which occurred in August 2015 in a public park in Yerevan, led to the grievous bodily injuries of the victims, including a brain trauma. The victims sought support in the security service of the park, but the security guards refused to help them. As of the date of drafting of the report by Human Rights Watch, this case has not been investigated. Data of the OSCE reports on hate crimes, 2015 <http://hatecrime.osce.org/armenia>

OSCE reports on hate crimes 2015, <http://hatecrime.osce.org/armenia>

<http://armenianreport.com/pubs/107112/>,

<https://ru.armeniasputnik.am/armenia/20170620/7690459/armyanskij-parlament-poprosili-zapretit-lgbt-propagandu.html>

¹⁶ Human Rights Watch, World report 2016, <https://www.hrw.org/world-report/2016/country-chapters/armenia>

http://www.ecoi.net/file_upload/1930_1340892378_lgbt-armenia-hrc105.pdf

http://www.pinkarmenia.org/publication/2014lgbtsitrep_en.pdf

¹⁸ UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Armenia, 8 May 2017

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