



NATIONAL REPORT

**ON VIOLATIONS OF THE RIGHTS
OF GAY MEN, OTHER MSM
AND TRANS* PEOPLE
IN ARMENIA**

2022

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CONTENTS

● ● 1	INTRODUCTION	3
● ● 2	METHODOLOGY FOR COLLECTING CASES OF RIGHTS VIOLATIONS	4
● ● 3	NATIONAL LEGISLATION IN THE FIELD OF HEALTH	5
● ● 4	DESCRIPTIVE REPORT OF CASES	8
● ● 5	CONCLUSIONS AND RECOMMENDATIONS	38

ACRONYMS AND ABBREVIATIONS

CC Восточная Европа и Центральная Азия

ECOM Вирус иммунодефицита человека

EECA Евразийская коалиция по здоровью, правам, гендерному и сексуальному многообразию

HC Hate crimes

HIV Human immunodeficiency virus

LGBT Lesbian, gay, bisexual, and trans* people

MSM Men who have sex with men

NGO Non-governmental organization

PLH People living with HIV

RA Republic of Armenia

SOGI Sexual orientation and gender identity

INTRODUCTION

The Republic of Armenia, having acceded to a number of international treaties, has undertaken to protect the rights of all persons on its territory, regardless of their particular characteristics. However, international and local organizations, and youth institutions assert every year that the rights of LGBT people continue to be violated.

In Armenia, LGBT persons may be subjected to violence and discrimination in educational institutions, at work, or in hospitals, the disclosure of their SOGI on the street by strangers, and torture during conscription into the army. In addition, there are cases of domestic violence, where parents of LGBT children isolate them, deprive them of their means of communication, and sometimes beat them after learning about their orientation.

This report presents data for 2022 on cases of violations of the rights of LGBT people in RA. The cases were linked to differentiated attitudes towards the sexual orientation, gender identity or gender expression of the victims.

The introduction provides a general overview of the situation of LGBT people in RA. The methodology section describes how the cases that form the basis of this report were collected, and what tools were used.

A full understanding of the legal situation of the country presented is important for a correct assessment of the cases of reported rights violations. Therefore, the report also includes some information about the international obligations undertaken by RA, and about domestic legislation, an analysis of which also shows the compliance of domestic legislation with international treaties.

Then, data on cases of recorded rights violations for 2022 is provided, in which the circumstances of the cases are described in as much detail as possible.

In the last section of the report, a summary analysis of the cases and human rights violations is provided, on the basis of which recommendations were made to relevant organizations and institutions.

METHODOLOGY FOR COLLECTING CASES OF RIGHTS VIOLATIONS

The report was compiled based on the protocol of the National report on violations of the rights of gay men, other MSM and trans* people, in particular the right to health. The basis for the national report is systematized information on cases of violations of the right to health (cases documented during the year) in Armenia, collected using tools provided by ECOM and partner initiatives, as well as a brief analysis of the legal environment.

Several research methods were used as part of monitoring:

- Analysis of documented cases from the REAct database;
- Prepared appeals to paralegals;
- Analysis of thematic materials from open sources.

Several cases of rights violations were submitted to REAct by the human rights organization "Pink"¹, by the humanitarian organization "New Generation"² and by the human rights organization "Transnational Coalition"³.

Goal of information collection: to identify cases of violations of the human rights, in particular the right to health, of gay, bisexual and other MSM, and trans* people.

As a result of the analysis, the main reasons for violations and discrimination were identified, and quantitative data was obtained. Conclusions and recommendations were developed based on this data. However, it should be noted that this report does not provide a complete picture of hate crimes based on SOGI in RA, as many victims do not want to report violations or do not have access to information about documenting human rights violations.

¹ URL: <https://www.pinkarmenia.org/ru/>

² URL: <https://ngngo.net/en/home/>

³ URL: <https://hi-in.facebook.com/ntcoalition.ngo>

NATIONAL LEGISLATION IN THE FIELD OF HEALTH

The highest legal act in RA is the Constitution, which guarantees the protection of human rights⁴. The supremacy of human rights in RA is simultaneously recognized by international treaties and agreements ratified by the state. It should be noted that international documents ratified by the RA have legal precedence over domestic codes, laws, and other regulatory legal acts in force in the country⁵.



ANTI-DISCRIMINATION LEGISLATION

The Constitution of RA provides that a person has the right to be free from discrimination, but does not list sexual orientation and gender identity as grounds for protection. However, the Constitution of RA provides that in addition to the expressly listed grounds, discrimination is prohibited on the basis of other circumstances of a personal or social nature. This means that SOGI should be taken into account like other personal and social circumstances, such as gender, race, and disability, and that discrimination on the basis of SOGI should also be prohibited. Human rights treaty bodies have repeatedly confirmed this, and have established that SOGI is fully included in the characteristics protected from discrimination⁶.

Therefore, the Republic of Armenia must respect the human right to be free from discrimination. It should protect LGBT people from harassment by state bodies, including violence on the part of the government, police, and employees of investigatory bodies. In addition, the state must establish the necessary conditions to ensure that individuals do not violate the rights of LGBT people on the basis of their sexual orientation or gender identity. Furthermore, cases of such violations should be properly investigated by law enforcement agencies, and offenders should be punished.

Domestic legislation establishes a measure for preventing discrimination under the Criminal Code. In 2021, a new Criminal Code was adopted by RA, which entered into force on 1 July, 2022. The Code briefly defines the concept of "discrimination" as differentiated treatment that violates the rights or freedoms of a person, or that provides an advantage to a person without an objective reason or legal purpose based on certain positions⁷.

⁴ Constitution of RA, 2015 with amendments, Article 3, Paragraph 3.

⁵ Article 5, para. 3 of the Constitution of the Republic of Armenia.

⁶ *Identoba and others v. Georgia*, 2015, § 96 / *Salgueiro da Silva Mouta v. Portugal*, 1999, § 28; *Fretté v. France*, 2002, § 32. *Vejdeland and Others v. Sweden*, 2012, § 55, Committee Against Torture, General Comment No.2: Implementation of Article 2 by State parties, paras 21, 22.

⁷ Criminal Code of RA, 2021, Article 203.

It should be noted that the previous Criminal Code, which was in force until 1 July, 2022, also established liability for discrimination, but did not provide a definition for it⁸.

The Criminal Code of RA does not deal with hate crimes separately. It establishes aggravating circumstances⁹, which include the commission of a crime based on hatred, intolerance or enmity in relation to racial, national, ethnic or social origin, religion, political or other views, or other circumstances of a personal or social nature. SOGI is included in this list of characteristics as other circumstances of a personal or social nature. Some articles provide that such a basis entails an aggravating circumstance of the crime. In this case, the crime results in a more severe punishment, for example, a longer prison term.

In 2018, the draft law of RA "On ensuring equality" was submitted for discussion, but it has not yet been adopted. The Constitution of RA establishes all the fundamental human rights that should be guaranteed without any form of discrimination. In other words, such rights should never be violated either by public authorities or by individuals on the basis of the sexual orientation or gender identity of the victims.



LEGISLATION IN THE FIELD OF HEALTH

The Constitution defines the human right to the protection of health¹⁰. The Order of the Minister of Health of RA No. 06-N "On the procedure for free medical examination of a blood donor and the list of contraindications to blood donation in order to preserve the health of the blood donor before drawing blood or its components" is in force in RA. This order previously considered homosexual men to be a risk group, and blood donation by this group was only carried out in exceptional circumstances. However, this restriction was removed in 2022, when amendments to the Order were adopted¹¹.



LEGISLATION IN THE FIELD OF HIV PREVENTION

The Law of RA "On the prevention of the disease caused by the human immunodeficiency virus" provides that HIV-positive people have the right to non-discriminatory treatment¹². The same law establishes the right of a person to receive medical care and services, and also outlines the duties and responsibilities of persons providing medical care and services.

⁸ Criminal Code of RA, 2003, Article 143.

⁹ Criminal Code of RA, 2021, Article 71.

¹⁰ Criminal Code of RA, Article 85.

¹¹ URL: <https://www.arlis.am/DocumentView.aspx?DocID=171918>

¹² Law of RA "On the prevention of the disease caused by the human immunodeficiency virus", Article 14.



LEGAL GENDER RECOGNITION

Some trans* people at different stages of accepting their gender identity wish to change the gender marker in their passport. However, the lack of legislation in this area complicates this process. The legislation of Armenia does not regulate the legal recognition of gender. Changing the gender marker in one's passport, and medical interventions for gender reassignment are not provided for by law in the country. Changing the gender marker in one's passport is possible on the same general grounds that allow the amendment of other passport data¹³. To amend the data in one's passport, a person must submit documents justifying the necessary change. In practice, in order to change the gender marker in one's passport, the relevant authorities require documents proving that the person has undergone gender reassignment surgery. However, it is difficult to obtain such documents, since gender reassignment surgery is not separately included in the list of medical services available in the country¹⁴. In practice, such operations are officially registered as "corrections" of body deformities. In addition, trans* people may not have the resources for such operations or may not wish to undergo such procedures.

¹³ Law of RA "On the passport of a citizen of RA", Article 5, Part 10, Paragraph 3.1, Article 6, Part 1, Paragraph 1.

¹⁴ The list of these medical services is established by the Decree of the Government of RA No. 276-N "On determining the list of types of medical care and services provided in the Republic of Armenia". – URL: <https://www.arlis.am/DocumentView.aspx?DocID=69784>

DESCRIPTIVE REPORT OF CASES

CASE 1

1.1 CASE DESCRIPTION

R. M. is gay, which his family discovered accidentally. Following this, R.M. was regularly subjected to physical violence by family members, in particular by his father and older brother who beat him. In addition, the young man was prevented from leaving the house, communicating with friends, and using the phone or computer. They kept him locked up. These violations of his rights began in December 2021, and continued until mid-January 2022, after which R.M. ran away from home.

1.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to personal freedom, right to be free from discrimination.

1.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

1.4 LEGAL OUTCOME OF THE CASE

R. M. did not want to turn to law enforcement agencies, fearing that a comprehensive, objective, and impartial investigation of the case would not be carried out, and that the case would simply be terminated for some reason.

CASE 2

2.1 CASE DESCRIPTION

On 6 March, 2022, around 18:20, a user named "Helen Helen Hakobovna" broadcast live on Facebook, during which he insulted LGBT people many times, publicly called for violence, and, in particular, threatened to «burn homosexuals¹⁵». The user openly declared his intention to commit physical violence against gay people.

¹⁵ The term «homosexualist» is improper; «gay» or «homosexual» should be used.

2.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

2.3 GROUNDS FOR DISCRIMINATION

Sexual orientation and gender identity of LGBT people.

2.4 LEGAL OUTCOME OF THE CASE

The humanitarian organization "New Generation" filed a criminal complaint with the police of RA in connection with this incident. On 29 March, 2022, the National Security Agency decided not to open a criminal case due to the lack of corpus delicti. The humanitarian organization "New Generation" appealed the decision to the Prosecutor's Office of RA. The Prosecutor's Office, in turn, rejected the appeal. As a result, the user deleted the video.

CASE 3

3.1 CASE DESCRIPTION

In March 2022, the victim, who is gay, met a fake user through the "Odnoklassniki" social network, and sent him some personal photos. The user demanded 10,000 Armenian drams from the victim, otherwise he threatened to publish a photo of the victim in erotic dating groups for gay men, and reveal his sexual orientation. The fake user provided his account number for the money transfer. The victim did not transfer the amount demanded, and saw that his photo was posted in these groups.

3.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination, right to property.

3.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

3.4 LEGAL OUTCOME OF THE CASE

The victim contacted law enforcement agencies. A criminal case has been opened.

¹⁶ Примерно 25 USD.

CASE 4

4.1 CASE DESCRIPTION

M. lived with his brother and son-in-law's family. The latter always had disagreements because of M.'s sexual orientation. His brother beat M. because of his SOGI, and broke his computer.

4.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination, right to property.

4.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

4.4 LEGAL OUTCOME OF THE CASE

M. reported the crime to the police on 21 March, 2022. A criminal case was opened, the police decided an urgent intervention was necessary. After some time, the brother paid for the damage, and left the house with his family. The victim withdrew the complaint.

CASE 5

5.1 CASE DESCRIPTION

In early February 2022, the applicant met a man through a social network. They agreed to have sex for money. The man knew that the applicant was a trans* woman. On 6 February, the man visited the applicant's house. The applicant turned on the music on her phone and went to another room. Then she heard the music stop. She left the room and noticed that the man had put on his coat, and was about to leave. She noticed her phone in his hand. She tried to resolve the situation, and demanded he pay her the agreed amount, but the man pushed the applicant away. She hit a large clothes hanger, which injured her. At that moment the applicant called to her friend, who came into the room. The offender, seeing the friend, tried to run away. During the argument, he dropped the applicant's phone from his hands and broke it. He then ran away.

5.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination, right to property.

5.3 GROUNDS FOR DISCRIMINATION

Gender identity and type of work (sex work) of the victim.

5.4 LEGAL OUTCOME OF THE CASE

The victim contacted law enforcement. A criminal case was opened.

CASE 6

6.1 CASE DESCRIPTION

The applicant is a trans* woman. In March 2022, she contacted a plastic surgeon. They discussed some issues together, then the surgeon wanted to see her photographs. The patient sent her photos and forwarded a link to one of her social media profiles. Following this, the applicant and the surgeon spoke on the phone, during which she said that she was a trans* woman and wanted to change her gender. The doctor began to speak to her rudely, and used discriminatory language. After the call, the applicant again tried to contact the doctor, but he did not answer her calls and letters.

6.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination, right to medical care.

6.3 GROUNDS FOR DISCRIMINATION

Gender identity and expression of the victim.

6.4 LEGAL OUTCOME OF THE CASE

The victim did not want to resolve the issue legally.

CASE 7

7.1 CASE DESCRIPTION

A gay minor often had disputes at home related to his appearance. In April 2022, when he told his mother about his sexual orientation, his mother took away his access to the telephone and Internet, did not allow him to leave the house, kept him locked up, and controlled his daily life.

The woman did not allow her son to communicate with friends, and threatened to call their parents and tell them about his friends' sexual orientation. In addition, the mother did not let the boy attend school. The mother of the victim also prepared documents to send him to his father in Russia, where the parents planned to take their son to a psychologist for «treatment» sessions. The victim's uncle also exerted pressure and control over him, and the mother even planned to leave Armenia, as she was ashamed, and did not want to live in the country anymore.

7.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination, right to education.

7.3 GROUNDS FOR DISCRIMINATION

Sexual orientation and gender expression of the victim.

7.4 LEGAL OUTCOME OF THE CASE

No complaint was filed with law enforcement.

CASE 8

8.1 CASE DESCRIPTION

V. worked in the service sector for a long time. He has always had conflicts with colleagues in the workplace due to his alleged sexual orientation. Colleagues constantly insulted him for being gay. Once there was a quarrel, and one of his colleagues hit him with his hand. He has vision problems as a result of this.

8.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

8.3 GROUNDS FOR DISCRIMINATION

Assumed sexual orientation of the victim.

8.4 LEGAL OUTCOME OF THE CASE

V. contacted the police. A criminal case was opened. As a result, the victim was issued a referral for a forensic medical examination.

CASE 9

9.1 CASE DESCRIPTION

On the night of 5 June, 2022, around 02:20, trans* woman X. was walking alone on the street in the city of Vanadzor. She was approached by a group of strangers consisting of 4-5 people. X. told them she was a trans* woman thinking they would stay away from her. After this, the people tried to attack X. She tried to escape and hide in a car. However, the attackers found her with the help of the car's driver, and severely beat her. The victim called the police, but the attackers took her mobile phone and threw it aside. They continued to beat the victim, and then, when they saw police cars, they ran away. The victim sustained serious injuries as a result of the attack.

9.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to be free from discrimination, right to property.

9.3 GROUNDS FOR DISCRIMINATION

Gender identity of the victim.

9.4 LEGAL OUTCOME OF THE CASE

The victim managed to call the police. Police officers, after hearing voices on the phone, immediately left to go to the scene. The victim also reported that the police officers mocked her before taking her to the police station. The victim filed a complaint. A criminal case was opened, and is at the preliminary investigation stage.

CASE 10

10.1 CASE DESCRIPTION

N. is gay, and, in June 2022, was serving in the military. Some of his army comrades revealed his sexual orientation. N. was afraid that this information would spread, and that he would have problems in his army unit. A few days later, the soldiers reported this to the commander of the unit. As a result, N. suffered ill treatment on the part of his commanders, who insulted him, said that he was mentally ill, sexually harassed him, and threatened to beat him unconscious.

10.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from torture, inhuman or degrading treatment or punishment, right to be free from discrimination.

10.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

10.4 LEGAL OUTCOME OF THE CASE

N. did not want to take any action, including filing a complaint.

CASE 11

11.1 CASE DESCRIPTION

The victim, a trans* woman and sex worker, was at home with a client on the night of 14 June. After having intercourse, the client punched the victim in the face, which broke her nose. He then proceeded to hit her on the head and injure her, before running away from the house. After the incident, the offender called the victim and said, «I will always come and love you this way». After the incident, a friend of the trans* woman saw that she had been beaten and called an ambulance. At the medical institution, the staff were indifferent to the victim and did not provide the necessary items, such as a wheelchair, which the victim needed as she had difficulty moving around. They used discriminatory language, in particular, they said «fu», addressed the trans* woman as «uncle», etc. In addition, all of the hospital staff knew which room the trans* person was in, which meant that information about her and her personal data were spread around.

11.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination, right to medical care.

11.3 GROUNDS FOR DISCRIMINATION

Gender identity and type of work (sex work) of the victim.

11.4 LEGAL OUTCOME OF THE CASE

A complaint was filed with the police, on the basis of which a criminal case was opened. However, the victim later received monetary compensation from the offender and withdrew the complaint.

CASE 12

12.1 CASE DESCRIPTION

On 19 June, around 02:00 am, two trans* women were at a gathering place for trans* women sex workers. They were approached by three young men, one of whom was the applicants' former partner, while the other two men were strangers. According to one of the applicants, the men were drunk and cursing. They told the trans* women to «Get out of here», and insulted them about their involvement in sex work. The men began to pull the women by their hands and their bags. They tore out the artificial hair extensions of one of them, and injured her finger. The woman ran across the street. As she did this, one of the cars tried to run her over. The men hit the other trans* woman. Then they started kicking her, throwing cigarettes at her, and spitting on her. One of the victims tried to stop a passing police car, which did not stop, after which the offenders said: «Look, even the police won't help you». The women called the police several times, who, according to the applicant, only arrived an hour later, and only after she had run across several streets and found a police patrol, who called other officers. The victims and the men were taken to the police station. At the police building, the detained men continued to swear, and yelled sexual insults at the women, saying: «We should destroy and kill these people». The police officers standing nearby did not do anything to prevent such calls for violence, meanwhile one of the officers told one of the detainees: «You don't have to deal with these people». According to the victims, the police officers laughed at them among themselves.

12.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

12.3 GROUNDS FOR DISCRIMINATION

Gender identity and type of work (sex work) of the victim.

12.4 LEGAL OUTCOME OF THE CASE

A complaint was filed with the police, on the basis of which a criminal case was opened.

CASE 13

13.1 CASE DESCRIPTION

The applicant lives in a regional city. In June, he went into an unfamiliar courtyard with his niece. About 10 boys aged 9 to 15 gathered in a pavilion in the courtyard. When they saw the applicant, they started shouting swear words and insults at the applicant and his family, and called him a «faggot». When the applicant asked how they knew about his sexual orientation, the boys replied that their friends had told them. The complainant also says that he has appeared in numerous videos about discrimination involving LGBT people, and that these videos have been widely circulated in his hometown. Two boys around 15 years old suggested that the applicant go to the area of a nearby kindergarten to resolve some issues. One of them approached the applicant to hit him. The applicant took out a can of pepper spray, and pointed it at the eyes of the attackers, and then ran towards the entrance to the kindergarten. After some time, the applicant noticed that about 7-8 guys were walking in his direction, some of them 12-15 years old, and some 17-18 years old. The applicant noticed stones, knives and sticks in their hands. He then entered the kindergarten building, accompanied by some staff members of the kindergarten. After some time had passed, he got into a taxi and went to the city police department.

13.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

13.3 GROUNDS FOR DISCRIMINATION

Gender identity and expression of the victim.

13.4 LEGAL OUTCOME OF THE CASE

The victim had already called the police during the dispute, at about 16:20, informed them about the danger, and asked them to come. At around 17:30, the police had not yet arrived to the scene. After the applicant went to the police station, he tried to ask why they had not responded to the call. The police said that he had called the Yerevan branch, but that it was necessary to call the branch in their city (however, 102 is the police hotline number, regardless of the area). In addition, the police officers made discriminatory comments and asked the applicant why he does not swear. They were surprised at his clothes and pierced ears, and said that all he had left to do was put make up on his lips, etc. They also commented on his sexual orientation, saying, «You will marry a boy». A written complaint was submitted.

CASE 14

14.1 CASE DESCRIPTION

In 2020, S.A. underwent a medical examination as part of the military draft and admitted that he was gay. In July 2022, after the launch of the «Armed» system, the purpose of which is to provide information about whether a person has been vaccinated against the coronavirus, S.A. visited a local clinic and discovered that the therapist knew about his sexual orientation. The therapist himself told him the victim this, adding that the «Armed» system says that he has a «non-traditional sexual orientation». This all served as a pretext for stigma and discrimination towards S.A., who was told that it was a shame to live like this, that they do not serve people like him, and that information about his sexual orientation was disclosed to other health workers.

14.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

14.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

14.4 LEGAL OUTCOME OF THE CASE

S.A. appealed to the Ministry of Health of RA to remove this information from the “Armed” system. However, no subsequent steps were taken by Ministry staff.

CASE 15

15.1 CASE DESCRIPTION

A trans* female sex worker was walking around the city when two young men approached her and started walking with her. The young men treated the woman to a beer. They went to a garden. Then one of the guys suggested they have sex; the woman refused, after which the guy took a knife out of his bag and tried to hit the woman, but the woman dodged the blow. The other guy took the knife from his hand and put it back in his bag. After a bit, the guy again took out the knife, forced the woman to have oral sex with him, and give him a blowjob. After this, the other guy came up to her, and also forced the victim to have oral sex. The woman managed to escape and contact the police.

15.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

15.3 GROUNDS FOR DISCRIMINATION

Gender identity and type of work (sex work) of the victim.

15.4 LEGAL OUTCOME OF THE CASE

A complaint was filed with the police. A criminal case was opened related to the possession of edged weapons and violent acts of a sexual nature. The applicant was recognized as a victim.

CASE 16

16.1 CASE DESCRIPTION

In August, a trans* woman was near a school in the city of Vanadzor. Two strangers approached her, and immediately attacked and beat her, hitting her on various parts of her body. The men then threatened her with a knife, demanded that she leave their city because she is a trans* woman, and said that this is shameful to them. The strangers threatened that if she did not leave, they would kill her.

16.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

16.3 GROUNDS FOR DISCRIMINATION

Gender identity of the victim.

16.4 LEGAL OUTCOME OF THE CASE

The victim contacted the police. The police arrived at the scene and took everyone to the police station. When the victim was filing a complaint, the police officer did not allow her to mention the bodily injuries she sustained.

CASE 17

17.1 CASE DESCRIPTION

The victim, a trans* woman, was referred to a mental health center as part of a medical examination for conscription into the army. According to the victim, conditions in the center were unsanitary, which had a negative effect on her. She spent the night in the center, but was not provided food, and was not even provided an explanation for this. When the trans* woman was sent to see the doctors, she told them that she was not a boy. She was asked to prove this, so she was forced to lift up her shirt to show her breasts that had grown because of the hormones she was taking for gender reassignment. One of the doctors began asking personal questions, such as if she wanted to get pregnant, or "if she had decided to become trans in order to make money in prostitution." Another doctor advised her against taking hormones, saying that they had disfigured her. The doctors asked where she buys the hormones, and who had prescribed them to her. The victim said that she repeats the course of drugs after her girlfriend. The doctors began to demand the friend's phone number, and asked whether she served in the army or not. They threatened that if she was released from the army because she was transgender, she would never be able to drive or get a job.

17.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

17.3 GROUNDS FOR DISCRIMINATION

Gender identity of the victim.

17.4 LEGAL OUTCOME OF THE CASE

The complainant did not turn to human rights or other state bodies.

CASE 18

18.1 CASE DESCRIPTION

On 20 October, 2022, information was circulated through electronic media about the discovery of the bodies of two young people under the Davitashen bridge. Later, it was made public that these persons were Arsen Ayyvazyan and Tigran Vereshchak. Their photos and information about the fact that they were a gay couple immediately went viral on the Internet. Before committing suicide, the boys posted a photo on Instagram with the caption: «Happy End. We decided together to publish these photos and about our next steps». In one of the pictures, the two are kissing, in another, they show their «wedding rings», in a third, they are doing a skin care routine together, etc. Prior to their suicide, the family members of one of the young men subjected him to pressure, kept him locked up, and confiscated his means of communication.

When he escaped, his mother, in the comments under the photos, threatened to have his partner arrested, since her child was a minor and the other boy was an adult. When the news of the suicide spread on online media, various people said the suicides were justified, and called for the same from other members of the LGBT community.

18.2 ALLEGED RIGHTS VIOLATIONS

Right to life, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

18.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

18.4 LEGAL OUTCOME OF THE CASE

A criminal case was opened related to incitement to suicide.

CASE 19

19.1 CASE DESCRIPTION

The applicant, who is living with HIV, scheduled a consultation in Mikayelyan University Hospital in October 2022. The doctor and patient discussed a rhinoplasty procedure, and agreed to do it in the coming days. The applicant knew that her body was in good health, as she was regularly taking ARV therapy, and had an undetectable viral load. The woman asked the doctor if her HIV status was a problem for him; he said no, but that he should talk to an anesthesiologist. The doctor said he would call in the evening. In the evening, the applicant called and wrote to the doctor several times, but he either asked to call her back later, or did not answer her calls and correspondence. Three days later the patient went to the doctor again. He refused to operate on her, saying that the restoration of her immunity could go badly. The applicant then went to the chief surgeon of the department, who said that one can understand surgeons who refuse to operate. He even wondered why a person living with HIV needs a rhinoplasty.

19.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to medical care, right to be free from discrimination.

19.3 GROUNDS FOR DISCRIMINATION

HIV-positive status of the applicant.

19.4 LEGAL OUTCOME OF THE CASE

The complainant contacted another lawyer.

CASE 20

20.1 CASE DESCRIPTION

In 2018, a video was posted on the official page of the police of RA entitled «A group of people, who are women at first glance, but actually men in girlish dresses and their associates, broke into the police station». In this video, the faces of some trans* women were visible. The video was removed from the webpage thanks to the Ombudsman of Armenia, who was approached by the trans* people. In March 2022, it was reported that this video was again posted on YouTube, on the «24 TV» page, which belongs to the «24 news» channel. The video was posted with the title «The adventures of homosexualists in the police station». The video shows the faces of the people accused of the alleged crime.

20.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

20.3 GROUNDS FOR DISCRIMINATION

Gender identity and expression of the applicant.

20.4 LEGAL OUTCOME OF THE CASE

The complainants turned to the Ombudsman of RA with a request for the appropriate actions to be taken in order to have the video removed. The complaint was forwarded to the Personal Data Protection Agency of the Ministry of Justice of RA. The Personal Data Protection Agency of the Ministry of Justice of RA opened a criminal case.

CASE 21

21.1 CASE DESCRIPTION

In June 2022, the applicant collected all the necessary documents and applied to the Passport Office of RA to apply for a new Armenian passport with their gender amended in the document. The employee of the state body who was assisting the applicant stated that she did not have the authority to accept such documents. When the applicant asked who could assist her with this, the employee suggested that she go to a mental hospital, as that was the only place where she could be helped. The applicant then went to the head of the department. The latter said that she did not belong there, and that she should go to another department with her documents. He then rudely asked her to leave the room.

21.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

21.3 GROUNDS FOR DISCRIMINATION

Gender identity of the applicant.

21.4 LEGAL OUTCOME OF THE CASE

A new passport was issued after the intervention of a lawyer.

CASE 22

22.1 CASE DESCRIPTION

In November 2022, a trans* woman decided to participate in a casting call for fashion show models. She did not tell anyone about her gender identity. After the first casting, she received a call and was told that she had passed the first round, and was invited to the final round of casting. On 19 November, during the final round, she noticed that the director had arrived to the site while she was standing in line with the other models. The director saw her, approached the woman in charge of casting, and began to discuss something with her while pointing towards the victim. Following this, the woman who organized the casting approached her and said that the applicant needed to leave. When asked why, she said: «We are not going to discuss this, I think it is understood». According to the applicant, the woman was referring to her gender identity. The victim then simply left the room.

22.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

22.3 GROUNDS FOR DISCRIMINATION

Gender identity of the applicant.

22.4 LEGAL OUTCOME OF THE CASE

The complainant shared what had happened on social media, and the designer personally invited her to the show. She did not appeal to any legal bodies as the situation was resolved.

CASE 23

23.1 CASE DESCRIPTION

Three trans* women went to the zoo. As they stood next to the monkey cages, a boy and girl standing nearby started laughing and making fun of them. The guy turned to the zookeeper, saying that he wanted to reserve a cage for the three people. The worker, seeing the trans* women, also began to make jokes, saying that in this case, the monkeys would move around with pleasure, and joyfully greet their new girlfriends. Another worker told the women to go see the camels, which would spit in their faces for looking like that. The women went to a café inside the zoo. Even though only one table was occupied, the women heard people saying that they wanted to tell the women that the restaurant was closed for them. They left the zoo and called a taxi. When they got into the taxi, the driver immediately asked them to get out of the car and refused to take them anywhere.

23.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

23.3 GROUNDS FOR DISCRIMINATION

Gender identity of the applicant.

23.4 LEGAL OUTCOME OF THE CASE

The applicants did not take any action, since they considered it pointless to do anything.

CASE 24

24.1 CASE DESCRIPTION

The applicant went to the military commissariat for a medical examination. When he approached the administrator, the man made a phone call, and said that there was a gender-deviant person standing there, and asked what he should do. This was said very loudly, and the other conscripts standing nearby heard what was said. They began to grin at the applicant, pushed him, and tried to knock him off his chair. The doctors of the medical board also mocked the applicant. For example, the ophthalmologist, after checking the applicant's eyesight, said he was surprised that someone like him could have good eyesight. He then began to ask about the applicant's hairstyle, and why he wants to look like a girl. Then the applicant, along with other conscripts, was taken to another office, where they were ordered to strip naked. Doctors began to examine their genitals. The doctor came up to the applicant and said that his testicles were small, which meant that he has a hormone deficiency. All of the recruits laughed. The doctor then ordered the applicant to go out and get dressed in the corridor, and said that he was definitely one of those people who do bad things behind garages or in the bushes.

24.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

24.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

24.4 LEGAL OUTCOME OF THE CASE

The complainant did not wish to do anything.

CASE 25

25.1 CASE DESCRIPTION

During an LGBT forum in March, one of the employees of the hotel where the event was held took a picture of the badges of several participants and posted it on her social network. These photos quickly circulated in the media. The victim's family members came upon this information and recognized their son. After this, they locked him in the house, and stopped letting him out. The father of the victim believed that 12 demons had possessed his son. He invited a group of elders to conduct certain rites, which, in his opinion, were supposed to help exorcise evil spirits. The victim's brother periodically beat him. His cousins also subjected him to physical and psychological violence. On 5 September, the brother of the victim, on the pretext of taking him to the university, drove him deep into the forest, and pushed him out of the car. His brother threw him to the ground and began to threaten that he would make his life hell and bury him in the forest. The victim asked to be released, but his brother took out a gun and, in a fit of hatred, shot a dog in the head, which happened to be there by chance. He said that if the victim did not change, then next time, it would be him in place of the dog. Then he got into his car and drove away, leaving the victim alone in the forest.

25.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to personal freedom, right to be free from discrimination.

25.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

25.4 LEGAL OUTCOME OF THE CASE

The complainant did not wish to do anything. He fled his home.

CASE 26

26.1 CASE DESCRIPTION

The complainant is a trans* woman and sex worker. In January, she met with a client in her apartment, who first demanded that she have sex with him without a condom. The complainant managed to convince the client to use a condom. After sexual intercourse, the man demanded she return his money, but the complainant refused. The client then began to threaten the trans* woman, yelling at her and cursing, after which he took out a knife, put it up to the complainant's neck, and demanded she return the money. The complainant, fearing for her life and health, was forced to return the money to the offender.

26.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

26.3 GROUNDS FOR DISCRIMINATION

Gender identity and type of work (sex work) of the victim.

26.4 LEGAL OUTCOME OF THE CASE

A complaint was filed with the police, but the victim never received any information about the progress of the criminal case.

CASE 27

27.1 CASE DESCRIPTION

A gay man was working in a supermarket in the service industry. His colleagues learned that he had trans* friends and was in contact with them. Following this, the victim's colleagues began to regularly mock him, and put pressure on him for having trans* friends. At the same time, the victim's colleagues believed that he was also a representative of the LGBT community, since he was friends with trans* people. After some time, the victim's employer told him that his relationship with other employees strained the working atmosphere, so he was fired.

27.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to free choice of labor, right to be free from discrimination.

27.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim and gender identity of their friend.

27.4 LEGAL OUTCOME OF THE CASE

The complainant did not pursue any actions.

CASE 28

28.1 CASE DESCRIPTION

The applicant and his partner were watching a film in the applicant's car when two members of the police patrol approached them. The police officers demanded to see the contents of the applicant's bag, and searched the interior and other parts of the car. The patrol officers, realizing that the individuals were gay, began to mock the applicant and his partner, saying: «Which of you is the girl?», «Your girlfriend ...», «Do you want a sex change?», «You are with girls and with boys?». The patrol officers stated that the applicants were committing an unlawful act, engaging in sexual activities in a public place, for which they should be fined. They said that the applicants should give them money because they had prevented a crime. They demanded 20,000 drams¹⁷ from each. The applicant succeeded in convincing the patrol officers that they did not commit any illegal acts, and did not pay the money they demanded.

28.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

28.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

28.4 LEGAL OUTCOME OF THE CASE

The victim did not wish to contact the police.

¹⁷ Approximately 50 USD.

CASE 29

29.1 CASE DESCRIPTION

On 23 February, 2022, a user with a fake Instagram profile sent the parents of a minor photos that the victim had posted, and then deleted, on his Instagram page in the summer of 2021. Based on the content of the photographs, it was possible to identify the victim as gay. The user with the fake profile asked the victim's parents not to interfere with him meeting the victim, otherwise he threatened to publish the photos. A few hours later, the same man sent the victim's parents photographs of one of the victim's close friends, the content of which could identify the person as gay. The user with the fake profile told the victim's parents that they should check who their son was talking to.

29.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

29.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

29.4 LEGAL OUTCOME OF THE CASE

The victim did not contact the police.

CASE 30

30.1 CASE DESCRIPTION

After the parents of a minor boy found out about his sexual orientation, they confiscated his means of communication, and forbade him from communicating with the LGBT community and visiting the LGBT community center, and increased their control over his life. Because of this situation, the victim informed one of his friends of his intention to commit suicide.

30.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

30.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

30.4 LEGAL OUTCOME OF THE CASE

The victim did not contact the police.

CASE 31

31.1 CASE DESCRIPTION

The applicant came for a hair removal procedure on his face and chest area. After the beautician had finished waxing his face, the applicant took off his T-shirt, and the beautician guessed that the applicant was a man. The beautician began to ask personal and intimate questions, and said that they treat «same-sex clients» well in the salon. The applicant said that he did not want to answer personal questions, and that such a conversation was unpleasant for him. After this, the beautician stopped the procedure and said that the products she was using were made for women's skin and that she could not use them on him. She then asked him to leave. The applicant demanded a refund of the money he had paid earlier, but the beautician refused.

31.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

31.3 GROUNDS FOR DISCRIMINATION

Gender identity of the victim.

31.4 LEGAL OUTCOME OF THE CASE

The complainant did not contact law enforcement agencies.

CASE 32

32.1 CASE DESCRIPTION

With the consent of the applicant, a video appeared on the Internet in which a trans* woman is doing his make-up. After the video was posted, the applicant's classmates began to mistreat him, and used discriminatory language when talking about him. In particular, they said he is «Like a woman», and «You dress like a girl». They said that wearing makeup is blasphemy. His classmates also pushed and pulled him during such arguments.

According to the applicant, his teachers also began to discriminate against him, regularly called in his parents to the school to talk, and informed them about their son's homosexuality. The victim had to change schools twice, because teachers and students from both schools discriminated against him.

32.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to education, right to be free from discrimination.

32.3 GROUNDS FOR DISCRIMINATION

Gender expression and assumed sexual orientation of the victim.

32.4 LEGAL OUTCOME OF THE CASE

The victim did not take any action.

CASE 33

33.1 CASE DESCRIPTION

On 19 April, 2022, the applicant, a bisexual woman, was crossing the Yerevan "Cascade" while holding hands with her partner. An unknown man, around 22 years old, appeared randomly, and began pulling the applicant and her partner, and punched her 3 times in the right side of her face near her eyes. The perpetrator also hit the applicant on her head with a bag, and shouted sexual abuse at her. The man said: «I don't serve in the army so that people like you can safely walk around the country». According to the applicant, the perpetrator did not come to the area by chance, but had hid and waited for them, as she passed through the same area every morning. The perpetrator's actions were related to the sexual orientation and self-expression of the victim; she often walked around this area while holding her partner's hand. Although there were many passers-by in the area, they did not intervene at first. During the fight, some people intervened but blamed the victim. Public safety officers in the district intervened sometime after the violence had occurred, and again accused the applicant of «misconduct».

33.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

33.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the complainant.

33.4 LEGAL OUTCOME OF THE CASE

The victim did not wish to contact law enforcement.

CASE 34

34.1 CASE DESCRIPTION

On 30 July, a video appeared on the Internet in which a man insults trans* people live on air, and also shows that he has large rings on his hand. He walks up to a trans* woman who is at a gathering place for trans* sex workers, asks her a question, then punches her. The victim falls to the ground. The man continues to beat the woman with his hands and feet, while cursing and continuing to film the video. After 1-2 minutes, the woman manages to get up and run away, and the man continues to swear. A few hours later, a user named Karen Arayan posts the video on YouTube with the title «FINISHING OFF A TRANSGENDER ON THE STREET OF YEREVAN/BRAVO VAHE». From the video, it becomes clear that Karen Arayan is the president of the military-patriotic charitable organization "Army of Light". Throughout the video, Karen Arayan publicly justifies such violence, and reports that the creator of the video, Vahe Yeghiazaryan, received a letter of thanks from the "Army of Light" for committing a patriotic act by beating up a trans* person. His actions are widely disseminated among the public, and are praised and justified.

34.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

34.3 GROUNDS FOR DISCRIMINATION

Gender identity and type of work (sex work) of the victim.

34.4 LEGAL OUTCOME OF THE CASE

Many NGOs in Armenia contacted the police, a criminal case was opened.

CASE 35

35.1 CASE DESCRIPTION

The applicant is a gay man. He met a man online. While corresponding, they agreed to meet and go to the man's house together. On the way, the new acquaintance of the applicant said that he had left his wallet at home and could not buy anything, and then asked for 25,000 drams¹⁸ on the pretext that he would return the money later.

¹⁸ Approximately 63 USD.

All this seemed suspicious to the applicant, but he agreed to give the man the money. Then the man, under various pretexts, tried to get the applicant to get out of the car and said: «There is a problem with the wheel, get out and have a look» and «There's a problem with the car, get out and push». When the applicant got out, the man quickly drove the car away and left the area, while the applicant's bag remained in the car. The applicant hurriedly stopped a random car and chased after the perpetrator.

35.2 ALLEGED RIGHTS VIOLATIONS

Right to property, right to be free from discrimination.

35.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

35.4 LEGAL OUTCOME OF THE CASE

Once in the car, it turned out that the driver of the specified car was an off-duty police officer. The complainant and the police officer contacted the police.

CASE 36

36.1 CASE DESCRIPTION

The applicant's family members found out about her sexual orientation, and then tried to keep her locked up at home. However, she ran away from home and went to the park with her friends. The victim's father went after her, and tried to forcefully take his daughter home, but she resisted. Her father hit her in the face, neck and back, dragged her into the car, and cursed at her friends who were nearby at that moment. The applicant's sister and aunt were also there, who helped the father push her into the car. The victim's father also used force on the victim's friends who tried to help her. The father hit one of her friends, which caused her to bleed from her mouth. Following this, the victim managed to escape from her father, and one of her friends went to the police. The applicant also reports that she was physically abused by her mother and father many times, and that she had gone to school with injuries on her body.

36.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to personal freedom, right to be free from discrimination.

36.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

36.4 LEGAL OUTCOME OF THE CASE

The victim contacted the police, a criminal case was opened.

CASE 37

37.1 CASE DESCRIPTION

The victim is gay. He ordered a taxi to go home from work. The taxi driver started asking personal questions during the drive. Their conversation turned into a discussion about sex. They passed sex workers on the street, and the driver asked if the passenger used their services. The victim, in order to avoid revealing his sexual orientation, said that he has sex with girls. The driver then said that he loves sex with transsexuals, and that he loves to beat and humiliate them. The taxi driver then said that the passenger looked like a girl who was clearly on her way home after having sex with a client. The taxi driver offered to give him a blowjob in the car, to which the passenger refused. After that, the driver began to persuade the victim to have sex, and when he realized that he would not agree, he began to threaten him that he would find him, since he knew his address, and would rape him on a regular basis. The passenger said that his father worked as a prosecutor, and that he had recorded the whole conversation on a dictaphone, and if the driver does not leave him alone, he would show this audio to his father. The driver abruptly stopped the car at the curb and, cursing, kicked the passenger out of the car.

37.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

37.3 GROUNDS FOR DISCRIMINATION

Sexual orientation and gender expression of the victim.

37.4 LEGAL OUTCOME OF THE CASE

The victim did not take any action.

CASE 38

38.1 CASE DESCRIPTION

The victim's family members, especially his mother, subjected him to psychological pressure, did not allow him to leave the house, and confiscated his telephone and means of communication, which prevented him from communicating with his friends and partner. The victim ran away from home, after which his mother wrote the following threatening comments under photos of the victim: «Gna du el meri» (Go kill yourself too), «Txa es ari tun» (If you are such a boy, then go home), «Arsen es el chkam» (Arsen, you're nothing to me), «Etqan txa es, ari tun» (If you are such a boy, then go home), «Ed chapahas vochxar@ ira kyanqi djoxq@ storagrec» (This grown-up sheep has signed his life over to the devil), «Hetind patasxan a talu irenqi amnadajan xstutyamb. Isk du vorpes anchapahas lav klini gnas satkes» (The guy with you will have to answer to the fullest extent of the law. And as a minor, you should just kill yourself).

38.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

38.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

38.4 LEGAL OUTCOME OF THE CASE

A complaint was filed by the human rights NGO "Pink", as the victim committed suicide.

CASE 39

39.1 CASE DESCRIPTION

A trans* woman was walking, and noticed two men sitting on a nearby bench and watching her. She also heard that they were insulting her, but did not react. When the applicant passed by the men, they approached her and asked for the time. She answered, and then the men noticed that she is a trans woman. They started screaming loudly and insulting her. One of the men pushed the woman hard, and shouted insults at her family. The applicant started screaming and calling for help, and then both men attacked her. One of them tried to close the applicant's mouth, and hit her hard in the mouth and on the cheek three times, which knocked out her teeth. The other man kicked her indiscriminately in the stomach, back and legs. Then the men ran away.

39.2 ALLEGED RIGHTS VIOLATIONS

Right to be free from torture, inhuman or degrading treatment or punishment, right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

39.3 GROUNDS FOR DISCRIMINATION

Gender identity of the victim.

39.4 LEGAL OUTCOME OF THE CASE

The victim did not want to contact law enforcement agencies, as she does not believe that her rights will be restored.

CASE 40

40.1 CASE DESCRIPTION

After serving a year in the army of RA, on 4 January, 2022, I. was dismissed from military service due to his HIV status, since, according to the law, people living with HIV are considered unfit for service. A few days later, the police informed the man that a criminal case had been opened against him, and he was called in to provide a statement. At this time, the police officers asked the victim questions about who he had sexual relations with in the army. During the investigation of the case, it was discovered that the police had known about the sexual orientation of the victim, so they wanted to find out who he had had a relationship with, and had misled him in order to initiate a criminal case against him for infecting other soldiers.

40.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

40.3 GROUNDS FOR DISCRIMINATION

Sexual orientation and HIV-positive status of the complainant.

40.4 LEGAL OUTCOME OF THE CASE

Complaints were filed with the Ministry of Defense and the police. As a result, the criminal case was closed.

CASE 41

41.1 CASE DESCRIPTION

The applicant is a transgender person, who underwent surgery a year ago, and, at the beginning of 2022, had already applied to the civil registration authority of the Ministry of Justice of RA to obtain permission to change the sex in their passport. A month has already passed, more than the legal limit for this process, but the applicant has not received a response.

41.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

41.3 GROUNDS FOR DISCRIMINATION

Gender identity of the victim.

41.4 LEGAL OUTCOME OF THE CASE

The document was issued after the intervention of a lawyer.

CASE 42

42.1 CASE DESCRIPTION

The TV series, "Corruption 2", directed by Gor Vardanyan was shown on the TV channel "Yerkir Media". During the broadcast of the third part of the series, at 27:45, they show a flashback to an incident that took place in 2018 at the Yerevan Police Headquarters, when a group of trans* people infiltrated the Police Headquarters. After showing some episodes of the incident, Vardanyan, playing the role of a policeman, says: «Let me tell you what you should have done. First of all, these ... should have been in cages and beaten up...». The series gained a large number of views on the Internet in just a few days.

42.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

42.3 GROUNDS FOR DISCRIMINATION

Gender identity of the victim.

42.4 LEGAL OUTCOME OF THE CASE

A letter was sent to the Commission on Television and Radio with a request to take appropriate action regarding these episodes. Based on the decision of the Commission, the TV company was fined for spreading vulgarity and profanity.

CASE 43

43.1 CASE DESCRIPTION

Y. is a gay man who lived with his partner for many years. His partner forced Y. to engage in sex work, and took the money for himself. Y. tried to escape several times, but without success. His partner caught him, and kept him locked up. Y. was able to escape on 7 August. After escaping, Y. turned to his friends for help as he was being chased by his partner.

43.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination, right to property.

43.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

43.4 LEGAL OUTCOME OF THE CASE

Y. refused to file a complaint against his partner because he did not want to harm him.

CASE 44

44.1 CASE DESCRIPTION

The applicant is gay. In November 2022, he was summoned to the military commissariat for a medical examination. On 7 November, he appeared at the military registration and enlistment office and told the psychologist about his sexual orientation. He was referred to a mental health center for a final diagnosis in accordance with the national procedure. The officers of the military commissariat knew the applicant's father. They called him in to the military enlistment office and handed over his son's medical documents to him, and told him that his son was gay. After finding out about this, the applicant's father began to argue with him. The applicant was forced to lie to his father about his sexual orientation.

44.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to be free from discrimination.

44.3 GROUNDS FOR DISCRIMINATION

Sexual orientation of the victim.

44.4 LEGAL OUTCOME OF THE CASE

The victim did not want to file a complaint, because he convinced his father that he was not gay.

CASE 45

45.1 CASE DESCRIPTION

A young man told his sister about his orientation. When the victim found out about his HIV-positive status, he also revealed this to his sister. However, he felt that after telling her this news, his sister began to avoid him, and to find various reasons to avoid meeting him. One day, when the applicant had a toothache, he wanted to make an appointment with his sister's husband, who is a dentist. The latter refused him, and told him to seek help in «his hospital». The sister and her husband said that the man needed special services using disposable tools. The sister admitted that every time her brother visited, she had to carefully wash the whole house using different cleaning materials. She added that she and her husband are planning to have a child, and therefore asked him not to contact them anymore. The victim had to leave their apartment.

45.2 ALLEGED RIGHTS VIOLATIONS

Right to inviolability of private and family life, honor, and good name, right to medical care, right to be free from discrimination.

45.3 GROUNDS FOR DISCRIMINATION

HIV-positive status of the complainant.

45.4 LEGAL OUTCOME OF THE CASE

No legal measures were taken. After this incident, the applicant began to experience strong self-stigma.

CONCLUSIONS AND RECOMMENDATIONS



CONCLUSIONS

In 2022, 80 cases of rights violations against LGBT people were recorded in Armenia. These are just the cases that were documented in the REAct system. However, it is frequently the case that LGBT people, faced with violence, do not wish to contact human rights organizations or documenters, because they do not understand the severity of threats and incitement to hatred, or they cannot understand whether what happened to them was violence or a rights violation. It also happens that LGBT people do not have the contacts of organizations and individuals that can provide assistance, or only contact them after much time has passed. In such cases, violations committed many years ago that were identified were not included in this report.

It should be noted that public organizations involved in protecting and advocating for the rights of LGBT people in Armenia very often become targets of discrimination and hate speech themselves.

In 80 documented cases, the following rights of LGBT people were violated:

- right to inviolability of private and family life, honor, and good name;
- right to personal freedom;
- right to be free from torture, inhuman or degrading treatment or punishment;
- right to property;
- right to medical care;
- right to education;
- right to a fair trial;
- right to judicial protection;
- right to free choice of labor;
- right to be free from discrimination.

In several of the cases described, the victims were subjected to violations of a number of their rights simultaneously. In all cases, the reason for the violations was a negative attitude and hatred towards the protected characteristics of the victims. Therefore, it can be said that in all cases, the right of the victims to be free from discrimination was violated.

Discrimination occurred based on the following characteristics of the victims or their friends and acquaintances:

- sexual orientation;
- gender identity and/or gender expression;
- involvement in sex work;
- HIV-positive status.

Violations were committed both by individuals unknown to the victims, as well as by acquaintances, colleagues, and relatives of LGBT people. It was not uncommon that state authorities, such as the military commissariat, registry office, police, or medical institutions, discriminated against victims due to their SOGI or HIV status.

Many cases of domestic violence have also been documented. Relatives and family members of LGBT people have subjected them to physical violence, or kept them locked up after learning about their identity. They have also placed psychological pressure on them, forbade them from communicating with their friends, or have avoided communication with them or completely ignored them. LGBT people have also been subjected to economic pressure: their phones and computers have been confiscated. There were also cases where they were not allowed to attend school, thereby preventing them from receiving education.

It is worth noting that among the cases, the majority relate to attacks on trans* women in public places by transphobic strangers, discrimination, as well as to outings in military commissariats.

In most cases, LGBT people and MSM did not wish to turn to law enforcement agencies, courts or other state institutions. According to the victims, this is because they do not trust law enforcement agencies, they do not believe that their rights will be restored, and because they are afraid to reveal their sexual orientation, identity or HIV status to law enforcement agencies. There were also cases where victims did not turn to law enforcement agencies, because they did not want the offender, who was their relative or acquaintance, to be punished. Victims sometimes resolved the issues that arose on their own, while in some cases, the issue was resolved after the intervention of a lawyer.



RECOMMENDATIONS

- Explicitly include sexual orientation and gender identity as characteristics protected from discrimination in national legislation, including the Constitution of RA and the Criminal Code of RA;
- Adopt a comprehensive legal act on eliminating discrimination and ensuring equality, which clearly defines sexual orientation and gender identity as characteristics protected from discrimination;
- Adopt measures to disseminate information about gender among the population, and to eliminate existing stereotypes, stigmatization and discrimination in relation to sexual orientation and gender identity;
- Publicly condemn hate speech, stigmatization, discrimination, and hate crimes targeting LGBT people;
- Ensure proper investigation of crimes related to discrimination on the basis of SOGI, while avoiding further discrimination and the double victimization of victims;
- Conduct regular trainings for law enforcement agencies, including on the topics of gender and discrimination;
- Compile statistics on cases of hate crimes related to discrimination based on SOGI and on domestic violence in RA, and analyze the data obtained;
- Ensure the right of trans* people, including women, to change the gender marker in their passports and other identification documents;
- Establish platforms for discussions with the political community regarding legislative changes, discrimination, increasing the effectiveness of hate crimes investigations, and other issues.

