



NATIONAL REPORT

ON VIOLATIONS OF THE RIGHTS
OF LGBT PEOPLE AND MSM
IN ARMENIA



2023

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ACRONYMS AND ABBREVIATIONS

ECOM Eurasian Coalition on Health, Rights, Gender and Sexual Diversity

EECA Eastern Europe and Central Asia

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 rights of LGBT people are regularly violated in Armenia. This has been reported by human rights organizations and activists in Armenia, as well as by international organizations, which devote separate sections to the problem of discrimination based on sexual orientation and gender identity in their annual reports.

In this report for 2023, ECOM presents cases of discrimination and related offenses based on SOGI and HIV status. Over the course of the year, cases of violence against LGBT people and MSM committed by members of their families, as well as offenses based on discrimination on the part of law enforcement agencies were recorded. Cases of brutal murders of trans women and cases of suicide and suicide attempts by gay men were also documented.

The report consists of five sections. The introduction presents the general situation with respect to the rights of LGBT people and MSM in Armenia and outlines the structure of the report.

The next section presents the data collection methodology used to prepare the report.

The section «National legislation in the field of health» briefly presents the legal norms in force in Armenia that are directly or indirectly related to issues of discrimination and health.

The next section presents cases of rights violations documented by ECOM in 2023.

The last section provides a general analysis of the rights violations. As a result of this analysis, discriminatory motives for rights violations were identified, and quantitative data was obtained. Based on this data, recommendations were developed to facilitate respect for and promotion of the rights of LGBT people and MSM.

МЕТОДОЛОГИЯ СБОРА СЛУЧАЕВ НАРУШЕНИЙ ПРАВ

This 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 national report is based on systematized information about cases of violations of the right to health (cases documented during the year) in Armenia, collected using tools provided by ECOM and partner organizations, as well as a brief analysis of the legal environment.

During the monitoring, various research methods were used, such as:

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

The goal of collecting information was to identify cases of human rights violations, in particular the right to health among LGBT people and other MSM.

It should be taken into account that the report does not provide a complete picture of hate crimes based on SOGI in the RA, since many victims do not want to discuss violations or do not have access to information about the documentation of human rights violations.

NATIONAL LEGISLATION IN THE FIELD OF HEALTH

The Constitution of the RA is the highest legal act in Armenia and ensures the protection of human rights. The Constitution provides that human rights apply directly¹. The supremacy of human rights in the RA is also recognized by the state through the ratification of international treaties and agreements. It should be emphasized that ratified international documents in the RA take precedence over legal codes, national laws and other legal acts².

ANTI-DISCRIMINATION LEGISLATION

According to the Constitution, a person has the right to be free from discrimination. Discrimination based on religion, gender, race, skin color, ethnic or social origin, genetic characteristics, language, worldview, political or other views, membership in a national minority, property status, birth, disability, age or other personal or social circumstances is prohibited³.

Discrimination in international law is defined as any exclusion, distinction or preference based on a particular circumstance or characteristic, which is intended to restrict the recognition or exercise of the rights and freedoms of a person or which results in such restrictions⁴. In other words, discrimination is differential treatment of persons in the same situation without any reasonable or objective grounds⁵.

It should be noted that the Constitution and national legislation of Armenia do not directly prohibit discrimination on the basis of sexual orientation and gender identity. However, the Constitution of the RA provides that, in addition to the expressly provided grounds, discrimination may also occur «due to other personal or social circumstances». This means that sexual orientation and gender identity and expression can and should be treated as «other personal and social circumstances» and be protected from discrimination in the same way as sex, race and disability. International bodies have repeatedly confirmed this assertion, saying that gender identity and sexual orientation are characteristics fully protected from discrimination⁶. Therefore, the Republic of Armenia must respect the human right to be free from discrimination. It must protect LGBT people from harassment by government agencies, such as violence from the government, police, and investigative agencies.

¹ Constitution of the RA, 2015 with amendments, Article 3, para. 3

² Constitution of the RA, Article 5, para. 3

³ Constitution of the RA, Article 29

⁴ HRC, General Comment No. 18, para. 7

⁵ ECtHR, Judgment of 23 July 1968, Case of Certain Aspects of the laws on the Use of Languages in Education in Belgium. *Willis v. United Kingdom*, no. 36042/97, § 48, ECHR 2002-IV, *VIRABYAN v. ARMENIA JUDGMENT*, no. 40094/05, 02/01/2013

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

In addition, the state must create an environment in which private individuals cannot violate the rights of members of the LGBT community on the basis of their sexual orientation or gender identity. Moreover, cases of such violations must be properly investigated by law enforcement agencies and violators must be punished.

Domestic legislation establishes penalties for discrimination under the Criminal Code. The Code briefly defines the concept of «discrimination» as differential treatment on the basis of certain grounds that violates human rights or freedoms or provides an advantage to any person without an objective basis or legal purpose⁷.

Hate crimes are not separately mentioned in the Criminal Code of the RA. It provides for aggravating circumstances⁸, the list of which includes the commission of a crime motivated by hatred, intolerance or enmity, which is based on racial, national, ethnic or social origin, religion, political or other views or other personal or social circumstances. SOGI is included in this list of characteristics as «other personal or social circumstances». Some articles provide for aggravating circumstances, in which case the crime is punishable by a more severe punishment, for example, with a longer prison term.

Back in 2018, the draft Law of the RA «on ensuring equality» was submitted for discussion, but it has not yet been adopted.

LEGISLATION ON THE RIGHT TO LIFE AND THE PROHIBITION OF TORTURE

One of the most important rights is the human right to life, which should not be arbitrarily violated⁹.

The Constitution also provides for the right to physical security. Protection of the right to physical security is necessary for the realization of other fundamental human rights, and at the same time, is an integral part of human dignity. The right to physical security is protected by provisions against torture and inhuman or degrading treatment or punishment. According to the Constitution of the RA, no one can be subjected to torture, inhuman or degrading treatment or punishment¹⁰.

«Torture» means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity¹¹. In some cases, discrimination or threats based on sexual orientation or gender identity are also considered degrading treatment¹².

⁷ Criminal Code of the RA, 2021, Article 203

⁸ Criminal Code of the RA, 2021, Article 71

⁹ Constitution of the RA, Article 24

¹⁰ Constitution of the RA, Article 26

¹¹ Article 1, UN Convention of 1984 «Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment»

¹² Smith and Gredin v United Kingdom, cases 3985/96 and 33986/96 ECtHR

LEGISLATION ON THE RIGHT TO PRIVACY

It should be noted that the physical and psychological integrity of a person is also subject to protection as part of the right to private and family life, honor and good name¹³.

The European Court of Human Rights has, in a number of decisions, expressed the position that authorities have a positive duty to protect the right to physical and psychological integrity of an individual from harassment by private individuals, in some cases in accordance with Articles 2 or 3 of the European Convention on Human Rights (ECHR), in other cases under Article 8 (alone or in combination with Article 3). These articles establish and provide an adequate legal framework for protection from violent acts by private individuals¹⁴.

Every person has the right to the inviolability of his private and family life, honor and good name¹⁵. The right to private and family life defines the right of every person to recognition as a legal personality, as well as the right to confidentiality¹⁶.

The concept of «personal life» includes the physical and psychological integrity of a person. In some cases, it also covers aspects of a person's physical and social identity. Circumstances such as a person's gender identity, name, sexual orientation, and sex life fall under protection of a person's right to private and family life¹⁷.

At the same time, every person has the right to protection of their personal data¹⁸. Personal data should be understood as all information by which a person can be identified¹⁹, such as: passport details, address, telephone number, sexual orientation, gender identity, and other data relating to health and personal life.

LEGISLATION ON THE PROTECTION OF VIOLATED RIGHTS

Violated human rights must be restored by law enforcement agencies and the courts. According to the Constitution, everyone has the right to effective judicial protection of their rights and freedoms²⁰. The right to a fair trial means that everyone has the right to a fair, public hearing by an independent and impartial tribunal within a reasonable period of time²¹.

¹³ Constitution of the RA, Article 31, European Convention on Human Rights, Article 8

¹⁴ *Osman v. the United Kingdom*, §§ 128-130; *Bevacqua and S. v. Bulgaria*, § 65; *Sandra Janković v. Croatia*, § 45; *A v. Croatia*, § 60; *Đorđević v. Croatia*, §§ 141-143; *Söderman v. Sweden* [GC], § 80

¹⁵ Constitution of the RA, Article 31

¹⁶ Article 16, International Covenant on Civil and Political Rights, 1966

¹⁷ *Pretty v. United Kingdom*, ECtHR, Judgment 2346/02, §49

¹⁸ Constitution of the RA, Article 34

¹⁹ Law of the RA «on the protection of personal data», Article 3

²⁰ Constitution of the RA, Article 61

²¹ Constitution of the RA, Article 63

LEGISLATION IN THE FIELD OF HEALTH AND HIV

The Constitution defines the human right to healthcare²². It should be noted that the Law of the RA «on the prevention of disease caused by the human immunodeficiency virus» states that people living with HIV have the right to non-discriminatory treatment²³. The same law establishes the right of an individual to receive medical care and services, and also outlines the duties and responsibilities of persons providing medical care and services.

The Order of the Minister of Health of the RA No. 06-N «on the procedure for a blood donor to undergo free medical examination and a list of contraindications to donation in order to preserve the health of a blood donor before taking blood or its components», is in force in Armenia, which previously considered men who have sex with men as a risk group, and prohibited them from donating blood except in exceptional circumstances. However, amendments were made in December 2022, and this restriction was lifted²⁴.

LEGAL RECOGNITION OF GENDER

The lack of legislation on changing the gender marker in one's passport makes the process difficult for trans people. The legislation of Armenia does not regulate the legal recognition of gender; changing the gender marker in one's passport and medical interventions for transgender transition are not provided for by law in the country. Changing the gender marker in one's passport is possible on the same general basis that allows for amendments to other data in one's passport²⁵. To make any changes to passport data, a person must provide documents justifying such changes. To change the gender marker in one's passport, the relevant authorities require documents about the completion of a gender affirming operation. However, it is difficult to obtain such documents, since such an operation is not separately included in the list of medical services available in the country²⁶. In practice, such operations are officially registered as a "correction" of bodily deformities.

LEGISLATION ON DOMESTIC VIOLENCE

Since 2018, the Law «on preventing domestic violence, protecting persons subjected to domestic violence, and restoring solidarity in the family» has been in force in Armenia, which establishes restrictive measures for physical, economic, sexual, and psychological violence and neglect of a person by family members.

²² Constitution of the RA, Article 85

²³ Law of the RA «on the prevention of disease caused by the human immunodeficiency virus», Article 14

²⁴ The Order is available at: <https://www.arlis.am/DocumentView.aspx?DocID=171918>

²⁵ Law «on passports of the citizens of the Republic of Armenia», Article 5, Part 10, para. 3.1; Article 6, Part 1, para. 1

²⁶ The list of specified medical services is determined by the Decree of the Government of the RA No. 276-H «On determining the list of types of medical care and services provided in the Republic of Armenia», available at: <https://www.arlis.am/DocumentView.aspx?DocID=69784>

DESCRIPTIVE REPORT ON CASES

CASE 1

1.1. CASE DESCRIPTION

On the night of August 19-20, 2023, a stranger entered the apartment of a trans woman, stabbed her and, having convinced himself of the victim's death, tried to burn the evidence of the crime. A neighbor noticed the smoke and called the police. When they arrived, half the apartment had already burned. Police found the victim's body on the floor; a medical examination showed stab wounds.

1.2. RIGHTS ALLEGEDLY VIOLATED/RESTRICTED

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

1.3. BASES FOR DISCRIMINATION

Gender identity of the victim.

1.4. LEGAL OUTCOME OF CASE

A criminal case was opened.

CASE 2

2.1. CASE DESCRIPTION

In January 2023, a trans woman filed a police report against her partner. A few months later, on March 4, the partner, seeing the trans woman, demanded that she withdraw her report. She refused, after which the partner stabbed the woman several times. She died in the hospital on March 5. Her family refused to bury her next to her relatives because of her gender identity.

2.2. RIGHTS ALLEGEDLY VIOLATED/RESTRICTED

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

2.3. BASES FOR DISCRIMINATION

Gender identity of the victim.

2.4. LEGAL OUTCOME OF CASE

A criminal case was opened. Further information is not available.

CASE 3

3.1. CASE DESCRIPTION

On November 14, a young man jumped off a bridge and was found dead. Friends of the deceased stated that he had family problems. Photos of the victim were published on the private Telegram channel XAYTARAK 18+ («shameful»). As a result, his parents discovered his sexual orientation and kicked him out of the house. His employer also received this information and fired him. The young man was in a severe depression and, unable to withstand such pressure, committed suicide. The media reported the incident under the headline «Gay Throws Himself Off Bridge». In the comments, there are a lot of negative comments and hate speech, such as: «They should all jump together».

3.2. RIGHTS ALLEGEDLY VIOLATED

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

3.3. BASES FOR DISCRIMINATION

Sexual orientation of the victim.

3.4. LEGAL OUTCOME OF CASE

A criminal case was opened on incitement to suicide.

CASE 4

4.1. CASE DESCRIPTION

The victim is a gay man. In the winter of 2022, he joined the army for temporary military service. He tried to hide his sexual orientation so that unnecessary problems would not arise. In June 2023, he received a text message on his phone that mentioned his homosexuality. The message was also read by one of his comrades, who found out about his sexual orientation from it. The serviceman informed the entire military unit about it, and from that day on, everyone put psychological pressure on the victim. They insulted him, mocked him, and said that people like him had no right to live. In mid-July 2023, the victim, unable to withstand such pressure, attempted suicide. He spent a month in a psychiatric center before being released.

4.2. RIGHTS ALLEGEDLY VIOLATED

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

4.3. BASES FOR DISCRIMINATION

Sexual orientation of the victim.

4.4. LEGAL OUTCOME OF CASE

After the suicide attempt, the military police conducted an investigation, but no criminal case on incitement to suicide was opened. After his release, he did not want to file a statement because he was afraid of experiencing discrimination again and that information about his orientation would be disclosed.

CASE 5

5.1. CASE DESCRIPTION

The victim was drafted into the army in the winter of 2023. There, someone higher in rank took a liking to him. In the first two months of service, the guy did not notice any hints from this man. He thought he was just lucky to have a good commander. On the victim's birthday, the superior officer invited him to his office to congratulate him and celebrate his birthday. After the victim became intoxicated, the man raped him.

The next day, the victim went to his office to discuss the situation. The superior officer said that this would continue, otherwise everyone would find out that he was a gay man and that he had asked for sex, and all the soldiers would start raping him. The victim was forced to agree to remain silent. For four months, they had sexual intercourse almost every three days, which even caused the victim to bleed. This happened until the victim completed his six months of military training and was transferred to another military unit.

5.2. RIGHTS ALLEGEDLY VIOLATED

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.

5.3. BASES FOR DISCRIMINATION

Sexual orientation of the victim.

5.4. LEGAL OUTCOME OF CASE

No report about the violence was filed, the victim continues to serve in the military and is trying to overcome the trauma.

CASE 6

6.1. CASE DESCRIPTION

On the night of April 23, police entered the electronic music nightclub «Polygraph» on suspicion of the sale of drugs. During the operation, disproportionate force was used against those who were there: the officers participating in the operation put everyone on the floor, walked on them, spoke rudely, and trampled a girl lying on the floor. About 40 detainees were brought to the police station, where police officers treated them roughly and stripped them, allegedly to search for drugs. The police officers also bullied guys with earrings and a girl with pink hair, and made inappropriate comments about their appearance and gender expression. One of the victims says that an officer pressured her and found out the password for her phone. He looked at its contents, including her personal correspondence, from which he realized that she was a lesbian and began asking her questions of a personal nature, which she was forced to answer under duress.

6.2. RIGHTS ALLEGEDLY VIOLATED

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 liberty and security of person, right to be free from discrimination.

6.3. BASES FOR DISCRIMINATION

Sexual orientation, gender identity and gender expression of the victims

6.4. LEGAL OUTCOME OF CASE

A criminal case was opened under the article on abuse of official powers.

CASE 7

7.1. CASE DESCRIPTION

On October 9, a trans woman was taken to the police station on suspicion of committing a crime. According to the trans woman, the police recognized her because she is a famous video blogger. At the police station, they began to mock her with personal insults: «where are your nails, where is your makeup, you have a man's belly». They made her feel oppressed and expressed their happiness at the recent murder of a trans woman. The complainant was threatened that if she did not admit her guilt, she would be arrested for three days. Then she was informed that she needed to submit to a personal search. She was asked whether she preferred a woman or a man to conduct the search. When the complainant said that she would prefer to be searched by a policewoman, she was told that because she had a penis, she could not be searched by a policewoman. She was told that she must strip completely in order to be searched. When the complainant refused, she was told that this was mandatory, otherwise they would not be able to conduct the search. The situation was resolved when the complainant called a lawyer, who informed the complainant of her rights and also informed the police officers that they had no right to strip her. The search took place without her having to strip.

7.2. RIGHTS ALLEGEDLY VIOLATED

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

7.3. BASES FOR DISCRIMINATION

Gender identity and gender expression of the complainant.

7.4. LEGAL OUTCOME OF CASE

The client did not want to file a report because she was afraid that it would result in further poor treatment, and that charges would be brought against her.

CASE 8

8.1. CASE DESCRIPTION

Two girls, one of whom was underage, were kissing in the park. Two patrol policemen approached them. They stated that they were watching them and approached them because they noticed that two girls were kissing. They said that if a guy and a girl were kissing, they would not have approached them. The officers said that homosexuality is a crime in Armenia. They demanded 40,000 Armenian drams (approximately 92 US dollars) from the girls so that they would not be prosecuted. The girls paid the bribe because they did not know that the police were deceiving them. The police insisted on escorting them, supposedly so that they would not have problems with other police officers. They escorted the girls along a rather long route, while asking them questions of a personal nature.

8.2. RIGHTS ALLEGEDLY VIOLATED

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

8.3. BASES FOR DISCRIMINATION

Sexual orientation of the complainants.

8.4. LEGAL OUTCOME OF CASE

The victims were afraid to turn to law enforcement agencies.

CASE 9

9.1. CASE DESCRIPTION

On the night of October 8, the complainant was taken to the investigative department on suspicion of committing a crime. During his arrest, he was not informed of his rights, which officers were obliged to do. The investigator forced him to reveal his phone password, saying that the complainant was obliged to do this. After this, the investigator illegally examined the contents of the applicant's phone, as well as his personal correspondence on social media, including on Odnoklassniki. After reading his personal correspondence and looking at intimate photos of the complainant, the investigator found out that he was gay. Following this, he began to call him names and insult him because of his sexual orientation, and ask questions about his sex life, for example, whether «he does it, or it's done to him?». According to the complainant, various investigators/police officers then entered the room and insulted him because of his sexual orientation. Fearing that a criminal case would be opened against him, the complainant did not respond, but simply said: «What difference does it make to you who I am?».

9.2. RIGHTS ALLEGEDLY VIOLATED

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

9.3. BASES FOR DISCRIMINATION

Sexual orientation of the complainant.

9.4. LEGAL OUTCOME OF CASE

The client did not want to file a complaint because he had negative experiences with law enforcement agencies in the past.

CASE 10

10.1. CASE DESCRIPTION

On November 18, 2023, a trans woman was at a gathering place for trans women involved in sex work. She noticed that her friends, other trans women, were arguing with a man, and then began to run away. She also attempted to run away, crossed the street, and got into a taxi in an attempt to leave the area. The man her friends were arguing with ran up to the taxi, opened the door, and started kicking the trans woman. She was injured as a result of this.

10.2. RIGHTS ALLEGEDLY VIOLATED

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

10.3. BASES FOR DISCRIMINATION

Gender identity of the victim and sex work.

10.4. LEGAL OUTCOME OF CASE

The victim filed a statement with the police A criminal case was opened.

CASE 11

11.1. CASE DESCRIPTION

In early August, three strangers attacked and beat two trans women who were engaged in sex work. The trans women suffered physical harm and psychological trauma. Later, at the end of August, the same men attacked the trans women again, swore at them, and threw beer bottles and stones at them. The victim filmed it all on her phone.

11.2. RIGHTS ALLEGEDLY VIOLATED

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

11.3. BASES FOR DISCRIMINATION

Gender identity of the victims and sex work.

11.4. LEGAL OUTCOME OF CASE

After the first attack, the trans women contacted the police, who assured them that an investigator would contact them and issue an order for a forensic examination. After 23 days, no one had contacted them. Their injuries had already healed. After the second attack, the victim contacted the police again, but no positive progress has been made in the case.

CASE 12

12.1. CASE DESCRIPTION

The victim is 16 years old and lives in an orphanage in one of the regions of Armenia. He fell in love with an 18-year-old boy from his orphanage. At first they were friends, and he wanted to share his secret about liking guys with him. The guy supported him and persuaded him to engage in sexual activities. The victim resisted for a long time, and they only kissed. He was afraid to continue, because he did not know what to expect, and thought that it would hurt him. The older boy's graduation was approaching, and he began to more actively persuade the victim to have sex. After much persuasion, he began to take more severe action and to threaten the victim. He said that if they did not do anything, then he would tell everyone about the victim's sexual orientation, and since the victim has to continue living there, life would become hell for him. The victim did not believe him and tried to end their communication amicably. Then the guy raped him in the toilet, saying that the victim would not tell anyone anything anyway. The victim experienced severe pain and fear, and did not know what to do. These actions were repeated two more times until the rapist left the orphanage.

12.2. RIGHTS ALLEGEDLY VIOLATED

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

12.3. BASES FOR DISCRIMINATION

Sexual orientation of the victim.

12.4. LEGAL OUTCOME OF CASE

The victim does not want to take legal action because he is afraid to reveal his sexual orientation. He does not want to give any information about the rapist.

CASE 13

13.1. CASE DESCRIPTION

A young gay couple moved to Gyumri from the city of St. Petersburg (Russia). They quickly rented an apartment and moved in. Two weeks later, there was a knock on their door one evening. Two guys were outside their apartment. They later learned that one of them was their neighbor. They invited the victim outside to talk.

There was a large group of guys gathered in the yard who «attacked» him and complained that his mother could hear moans from their apartment through the wall, and that, according to them, this was wrong. The guy apologized, said that he didn't know this could be heard through the walls, and promised that it would not happen again. The second victim then went down to find out what was happening and get his partner. He found the group and approached them. The neighbor realized that he was not a girl, but a long-haired guy, and guessed that they were gay. He said something to his friends in Armenian, and they threw them to the ground. They kicked the victims several times and spat on them. They said that they should be ashamed, that the children of the neighbors would see them, and that such people cannot live in the building. They said that they should not be seen there again, otherwise they would end up disabled. The guys packed their things the same day and went to a hotel for the night. They decided that it was better to move to Yerevan.

13.2. RIGHTS ALLEGEDLY VIOLATED

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

13.3. BASES FOR DISCRIMINATION

Sexual orientation of the victims.

13.4. LEGAL OUTCOME OF CASE

The victims did not contact law enforcement agencies because they believed that they would not be able to protect their rights in a foreign country.

CASE 14

14.1. CASE DESCRIPTION

On March 10, a bisexual woman assaulted her partner out of jealousy. She swore at her and threatened to reveal information about the victim's sexual orientation to her parents and acquaintances in order to «destroy her life».

14.2. RIGHTS ALLEGEDLY VIOLATED

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

14.3. BASES FOR DISCRIMINATION

Sexual orientation of the victim.

14.4. LEGAL OUTCOME OF CASE

The victim filed a police report, but later withdrew the complaint because she did not want her partner to be prosecuted.

CASE 15

15.1. CASE DESCRIPTION

On the evening of March 3, the victim, a trans woman, received a call from an unknown client who asked her to meet him at his home. She asked who he lived with, and he told her that a girl was living with him. The victim warned him that she was not interested in girls, and they agreed that the girl would not disturb them. They met at the client's home, and she was invited for a drink, but she declined. The victim and the client went into the bedroom, and the girl remained in another room. The client offered her drugs, and the victim took them, but the client tricked her and gave her a large dose. They began to have sexual intercourse, but under the influence of the drugs, the victim lost her coordination and perception of reality. The client handcuffed her hands, which they had agreed to in advance. After this, he called his girlfriend into the bedroom. The victim tried to weakly object, but they did not respond to her. The girl came in already undressed and immediately began to have sexual intercourse with the victim. The client and his girlfriend raped the victim in various ways. The victim was able to leave the apartment only after the end of the sexual assault.

15.2. RIGHTS ALLEGEDLY VIOLATED

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

15.3. BASES FOR DISCRIMINATION

Gender identity of the victim and sex work.

15.4. LEGAL OUTCOME OF CASE

The victim did not take legal action.

CASE 16

16.1. CASE DESCRIPTION

On the night of March 13-14, at the intersection of Amiryan and Zakyan streets in Yerevan, more than ten masked people with batons in their hands attacked a trans woman, severely beat her, threw her to the ground, and struck her on various parts of her body. The trans woman managed to escape by hiding in the entrance of a building. She then noticed police patrols on duty in the area, and approached them to ask for help, but the attackers managed to escape before the patrols reached the scene.

16.2. RIGHTS ALLEGEDLY VIOLATED

Right to be free from discrimination.

16.3. BASES FOR DISCRIMINATION

Gender identity of the victim.

16.4. LEGAL OUTCOME OF CASE

A statement was filed with the police.

CASE 17

17.1. CASE DESCRIPTION

M. is a trans woman and a citizen of another country, who has been incarcerated in one of the penitentiary institutions of the Ministry of Justice of Armenia for two years. M. has a female appearance, but in her passport, her gender is indicated as male. Therefore, she is kept in a men's facility in a separate treatment ward, which was justified as being "for her safety." M. has health problems. In March 2023, she contacted the relevant government authorities and the administration of the penitentiary institution in order to be taken for a medical examination. According to her, the last time she was taken for a medical examination was in August 2022. To date, no one has addressed her health problems, and she has not received any response to her requests.

17.2. RIGHTS ALLEGEDLY VIOLATED

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

17.3. BASES FOR DISCRIMINATION

Gender identity of the complainant.

17.4. LEGAL OUTCOME OF CASE

The issue was referred to the Monitoring Group of Penitentiary Institutions, but has not been resolved.

CASE 18

18.1. CASE DESCRIPTION

The victim lives with his family members. Two years ago, his mother accidentally saw correspondence between the guy and another person on his phone, and she realized that he was gay. From that day on, his father and mother have kept him under strict surveillance, prohibited him from communicating with other people except family members, took away his phone, sent the victim to work with his brother, and confiscated his income so that he would not be financially independent. At the end of May 2023, he managed to secretly take back his phone, inform one of his friends about what had happened, and ask for help to escape from his home.

18.2. RIGHTS ALLEGEDLY VIOLATED

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

18.3. BASES FOR DISCRIMINATION

Sexual orientation of the victim.

18.4. LEGAL OUTCOME OF CASE

There is no information about whether a police report was filed.

CASE 19

19.1. CASE DESCRIPTION

The complainant is a trans woman. On November 8, her mother spoke on the phone with her brother who lives separately from them. After hearing the complainant on the other end of the phone, the brother went over angrily to their house and began swearing and insulting the complainant based on her gender identity and gender expression. The brother also threatened to kill her and showed her a weapon, a gun. The complainant remained silent in order to put an end to the conflict, as she was in a rush to go to an important meeting, and did not want her mother to get hurt.

19.2. RIGHTS ALLEGEDLY VIOLATED

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

19.3. BASES FOR DISCRIMINATION

Gender identity and expression of the complainant.

19.4. LEGAL OUTCOME OF CASE

The complainant refused to file a complaint against her brother.

КЕЙС 20

20.1. CASE DESCRIPTION

The complainant's wife died two years ago. They have a son who is 11 years old. His father lovingly continued to raise him, but the parents of his deceased wife were not happy with this. They wanted their grandson to stay with them. The complainant allowed his son to see his wife's parents. When the man began to develop a relationship with a male friend, the son told his grandparents that his father's friend often spent the night in their apartment. The grandmother managed to persuade her grandson to take a photo of the father's friend. Now the wife's parents are blackmailing the man, saying they will sue him and deprive him of his parental rights.

20.2. RIGHTS ALLEGEDLY VIOLATED

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

20.3. BASES FOR DISCRIMINATION

Sexual orientation of the complainant.

20.4. LEGAL OUTCOME OF CASE

The situation was resolved through negotiations, a complaint was not filed with law enforcement agencies.

CASE 21

21.1. CASE DESCRIPTION

A trans man made a post on Facebook in which he expressed his opinion on the deaths of military personnel in the army. The publication spread quickly in the media, after which he received hate, insults and curses from various acquaintances and strangers. People also began to threaten him in comments on his photos and posts. Insults and hateful statements were also directed at his appearance and gender identity. His phone number and other personal information were disclosed, after which he began to receive calls and threats by phone and SMS.

21.2. RIGHTS ALLEGEDLY VIOLATED

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

21.3. BASES FOR DISCRIMINATION

Gender identity and expression of the victim.

21.4. LEGAL OUTCOME OF CASE

The victim did not want to file a statement with law enforcement agencies.

CASE 22

22.1. CASE DESCRIPTION

The client is a trans person. She rents an apartment in Yerevan. In June 2023, she moved into a new apartment and paid one month's rent in advance. The client informed the landlord that she was a trans person. After 15 days, the landlord demanded that the complainant leave the apartment, since she had just learned what it meant to be a trans person, and when she rented out the apartment, she had not understood what this meant. The landlord gave her a few hours to vacate the apartment, and stated that if she had understood what was going on from the very beginning, she would not have rented the apartment to her. The victim was forced to pack her things and leave the apartment, and the landlord did not return part of the rent to her.

22.2. RIGHTS ALLEGEDLY VIOLATED

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

22.3. BASES FOR DISCRIMINATION

Gender identity of the complainant.

22.4. LEGAL OUTCOME OF CASE

The complainant tried to have the money returned under contractual terms, and did not want to take legal steps.

CASE 23

23.1. CASE DESCRIPTION

The fiancé of the victim's sister suggested that the victim go and donate blood. At the clinic, their blood was taken for analysis, without specifying what exactly they would be analyzing. The victim had never donated blood before and had no idea about the process. Half an hour later, he was informed that he could not become a donor and was invited into the office. He was accompanied by his sister's fiancé. The health worker, in the presence of the third party, informed the victim about his HIV status. The victim could not understand anything, since it was the first time he had heard about HIV. He expected that his future relative would be supportive, but instead he said that he suspected that he was gay for a long time, and that if it were not for his sister, he would have killed him out of shame. A few days later, the fiancé told the victim's family about the situation and called off the engagement. He said that the disease is transmitted genetically, and that he does not need sick children. The victim's family blames him for what happened (broken engagement).

23.2. RIGHTS ALLEGEDLY VIOLATED

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

23.3. BASES FOR DISCRIMINATION

Sexual orientation and HIV status of the victim.

23.4. LEGAL OUTCOME OF CASE

The victim does not want to contact law enforcement agencies as he experiences strong self-stigma, and believes that he has already disgraced himself enough and that it will only get worse.

CASE 24

24.1. CASE DESCRIPTION

The complainant is HIV-positive. He has been on therapy and closely monitoring his health for several years. He claims that he always uses protection during sexual intercourse. A year ago, his parents forced him to get married. Nobody knew about his status. In order to get away from his wife, he tried to leave more often to earn money. In June 2023, his wife accidentally found a very old certificate about his HIV status. When the client returned home a couple of days later, she caused a scandal. She said that he did not specifically warn her and decided to «infect» her, and that only gays get sick with «these infections». So she filed a police report against him. His wife told his relatives everything. The complainant had lengthy disputes with his parents. The wife filed for divorce and moved out.

24.2. RIGHTS ALLEGEDLY VIOLATED

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

24.3. BASES FOR DISCRIMINATION

Sexual orientation and HIV status of the victim.

24.4. LEGAL OUTCOME OF CASE

The criminal proceedings ended after the complainant's wife tested negative for HIV. The complainant did not want to take legal action to resolve the issue of disclosing information about his HIV status.

ВЫВОДЫ И РЕКОМЕНДАЦИИ

In 2023, ECOM documenters registered 67 cases of rights violations against LGBT people in Armenia in the RE-Act system. Within one year, two trans women were brutally murdered. In one case, a trans woman was stabbed to death, then her apartment was set on fire in an attempt to cover up the crime. In another case, a woman was killed by her partner.

Trans women engaged in sex work are a very vulnerable group in Armenia. They were subjected to hate-motivated violence from strangers and clients: they were assaulted and their money was stolen. Offenders clearly understood that people from this group are deprived of the ability to protect their rights.

In 2023, as in the previous year, a young man from the LGBT community committed suicide. He could not deal with social pressure or the fact that his family did not accept him and that he was fired from his job. He threw himself off from a bridge. When this information was published in the media, various people expressed hatred and called for violence. There were statements that such people have no right to life and that they all deserve such a fate. It should be noted that in 2023, a number of cases were recorded where, in addition to calls for violence, offenders planned crimes against representatives of the LGBT community on social media, shared the personal information of LGBT people, such as phone numbers and addresses, and sent threatening messages to them.

Cases of sexual violence against gay and trans people were recorded, with one of the victims being a minor teenager against whom violence was committed in an orphanage. Offenders ignored the will of victims or used threats, and committed sexual acts against the victims because they were convinced that they would not be punished.

Cases of violence and rights violations have also been recorded in government bodies: the army, passport departments, the penitentiary system, military commissariats, and hospitals. LGBT people have also experienced violence from family members. They were assaulted, deprived of their means of communication, had their communication controlled, were insulted, or kicked out of their homes. A case of domestic violence in a same-sex relationship was also recorded.

Housing continues to be an issue among the LGBT community. Many LGBT people, when renting an apartment, have to hide their SOGI in order to avoid problems with the owner or neighbors. During the reporting period, cases were recorded when landlords kicked tenants out of apartments after learning about their sexual orientation or gender identity.

It is noteworthy that after the start of the war unleashed by Russia against Ukraine, many representatives of the Russian LGBT community moved to Armenia to find safety. However, research shows that some of these people were also subjected to violence.

There are still many stereotypes about HIV in Armenia. Because of these stereotypes, some HIV-positive people have also experienced discrimination.

Despite numerous cases of rights violations, LGBT people avoid contacting the police or other human rights bodies. This is due to the fact that victims are unwilling or afraid to disclose their SOGI, do not believe that there will be a positive resolution of their case, are worried about their lives and safety, do not trust law enforcement agencies, have had negative experiences in the past, etc. It should be noted that during the reporting year, cases were recorded when investigators and police officers violated the rights of LGBT people, for example by assaulting, mocking or insulting them, extorting money, threatening them with prosecution, etc.

In general, violations of the following rights were recorded:

-  right to life,
-  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 healthcare,
-  right to liberty and security of person,
-  right to free choice of work,
-  right to property,
-  right to be free from discrimination.

In documented cases, discrimination occurred based on the following characteristics of the victims (complainants):

-  gender identity and/or gender expression,
-  type of work (sex work),
-  sexual orientation,
-  HIV-positive status.

In order to reduce discrimination based on SOGI and protect the rights of LGBT people, we recommend:

-  adopting a universal law in the RA, which establishes SOGI as grounds protected from discrimination, in order to ensure equality and eliminate discrimination;
-  amending legislation and directly indicating SOGI as characteristics protected from discrimination in the Constitution of the RA, the Criminal Code of the RA, and other laws;
-  disseminating information about SOGI through public platforms, including media and public service announcements, in order to educate the public and combat stereotypes;
-  taking measures to develop sensitive attitudes towards LGBT people and eliminate discrimination among law enforcement agencies, including through trainings;
-  taking measures to increase public awareness about HIV and how it spreads in order to combat stereotypes;
-  maintaining statistics on hate crimes based on SOGI, including cases of domestic violence;
-  amending legislation to provide transgender people, including women, the right to change the gender marker in their passports and other identification documents, in accordance with relevant legal procedures.

