

THE HUMAN RIGHTS
SITUATION OF LGBT
PEOPLE IN ARMENIA
DURING 2020
ANNUAL REPORT



Annual Report: Human Rights Situation of LGBT People
in Armenia During 2020

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GLOSSARY OF TERMS¹ AND ABBREVIATIONS

Bisexual	■ a person who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with more than one sex or gender
Gay	■ a homosexual man who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with other men
Gender expression	■ the expression of a person's own (or perceived) gender identity
Gender identity	■ is each person's deeply felt internal and individual experience of gender, which is a category of social identity and refers to the identification of an individual as male, female, or another gender(s)
Heterosexual	■ a person who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and relationships with another gender
Homosexual	■ a person who is sexually and emotionally attracted to people of the same gender or sex
Homophobia	■ the fear, unfounded anger, intolerance, and hatred towards homosexuality. An inclusive term which often includes transphobia
Lesbian	■ a homosexual woman who has a set of deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with other women
Sex	■ is the classification of a person as male, female, or intersex. A person's sex is a combination of bodily characteristics including chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics.
Sexual orientation	■ the totality of a person's deeply emotional, sensual, and intimate attractions, as well as a desire for sexual relation and/or relationships with another person
Trans or transgender	■ a person whose gender identity and gender expression differs from the sex established at birth and includes women and men with transsexual past, people identifying as transgender, transgender people, transvestites, etc. It is an umbrella term inclusive for transgender, transsexual, and non-binary gender identities.

¹ The main source of these terms is "Guide to working with LGBT people". A Guide for Mental Health Professionals. Pink Human Rights NGO. 2017. <https://www.pinkarmenia.org/wp-content/uploads/2018/06/professionals-guideline.pdf>.

Transphobia	■ negative cultural and personal beliefs opinions, attitudes, and behaviors based on prejudice against transgender or gender identity and variations in gender expression, and are also based on disgust, fear, and hatred
CoE	■ Council of Europe
ECHR	■ European Court of Human Rights
EEU	■ Eurasian Economic Union
EU	■ European Union
LGBT	■ lesbian, gay, bisexual, transgender
MP	■ Member of Parliament
RA	■ Republic of Armenia
SOGI	■ sexual orientation and gender identity and/or gender expression

INTRODUCTION

2019 has set in motion events that would later change societal relations, ways of organizing work, and provide a reasonable basis for restricting essential human rights such as freedom of movement and assembly. The coronavirus infection detected in China spread around the world in 2020, with various countries enacting restrictions on the normal course of life through legislative changes. At the beginning of the spring of 2020, a state of emergency was declared in Armenia to prevent the development of the epidemic² This initiated the process of isolating individuals, maintaining physical distance in in-person communication, replacing some types of work with remote work, restriction on traveling, moving around as little as possible, and always wearing protective equipment.

2020 was marked by another negative event for Armenia: on September 27th, a large-scale war was unleashed in the direction of Artsakh and Armenia by the Azerbaijani authorities with the support of Turkey. It led to the death of civilians, numerous military losses, and captives of the Armenian side, as well as civilian settlements, civilian infrastructure, cultural facilities, and first aid facilities, were targeted by military attacks. The war was over with territorial losses by the Armenian side. It seemed that the public and government would be concerned with these potential issues and the hatred towards lesbian, gay, bisexual, and trans (LGBT) people would be pushed to the background, and sexual orientation, gender identity (SOGI), and gender-based discrimination would be reduced. However, the current year has shown that these humanitarian expectations were in vain. In 2020 discrimination based on SOGI continued, since hate speech was spread on social networks, media, and other Internet platforms. The number of human rights violation cases registered by the organization in 2020 was 40.

The escalating geopolitical situation also led to some difficulties during the investigation of these cases, slowing down the investigation of criminal cases due to lack of priority and wait for the end of the epidemic. This report presents the significant developments that have taken place in Armenia in terms of ensuring the human rights of LGBT people during 2020. The substantive part of the report presents the violations based on SOGI combined with discrimination in 2020. It includes the obligations of the state to prevent these violations, to protect the victims, as well as the response of law enforcement agencies and the attitude towards LGBT people. Violations of the rights of LGBT people to be free from torture, inhuman or degrading treatment, privacy, family life, honor and reputation, education, employment, and violations of other rights were reported. The state, on the one hand, failed to provide a non-discriminatory environment for the realization of the rights of LGBT people, on the other hand, failed to restore the violated rights of LGBT people through proper investigation. LGBT people were mocked and humiliated by the law enforcement officers, moreover, there have been cases of law enforcement revealing information about same-sex relationships and other details on their personal life.

The rest of the content of the report concerns hate speech. It includes an analysis of hate speech in the direction of regulation of state policy, legislative changes, regulation

² Decision of the government of the Republic of Armenia. "On declaring a State of Emergency in the Republic of Armenia". March 16, 2020, decision No. 298-N. <https://www.arlis.am/DocumentView.aspx?docid=145261>.

of hate speech expressed by state authorities and other public figures.

The report is summed up with conclusions on the events that have taken place, with recommendations to state institutions, the media, and international organizations.

The Annex section of the report discusses the course and developments of strategic litigations initiated by Pink.

PART 1.
**VIOLATIONS OF HUMAN
RIGHTS OF LGBT PEOPLE**

State obligations to ensure human rights and prevent discrimination

Human rights are the fundamental freedoms that every person is entitled to from birth, which accompanies them throughout life. The Republic of Armenia (RA), as a state governed by the rule of law, ensures the undisturbed realization of the rights of all persons in its territory. In this regard, the state has undertaken three main obligations under the Constitution and international treaties recognizing human rights.

The state is obliged to respect human rights, that is, to refrain from human rights violations i.e., negative obligations of the state. Violations of the rights of the individual should not be allowed by state bodies, including law enforcement officers or other persons with state authority³.

The state has a positive obligation **to protect the rights of the individual from violations by third parties**. Under this obligation, the state must prevent the violation of individual rights by various individuals and organizations. This implies the creation of effective legal mechanisms to effectively investigate the violations of rights, to restore the violated rights, to compensate the damages caused by the violation.

The next positive obligation of the state is **to create an environment for the realization of rights**. The state government must establish such legal mechanisms and such a public environment where individuals can exercise their fundamental freedoms unimpeded. The primary guarantor of human rights protection in the Republic of Armenia is the supreme law of the country, the Constitution of the Republic of Armenia, which stipulates those human rights operate directly⁴. The supremacy of human rights in the Republic of Armenia is at the same time recognized by international treaties and treaties, which have been ratified by the state.

Such international instruments have a higher legal force than the codes, laws, and other normative legal acts in force in the country⁵. The equal rights of all before the law and of non-discrimination are defined both by the RA Constitution and international conventions.

Discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances is prohibited by the Constitution of the RA⁶.

All major human rights instruments define the possibility of exercising human rights without discrimination. It underscores the universal value of a person's right to non-discrimination⁷.

Discrimination in international law is defined as an exclusion, distinction, or preference based on a particular circumstance or feature and which aims to restrict or recognize or

3 The Constitution of the Republic of Armenia, article 3. 2015. <https://www.arlis.am/DocumentView.aspx?docid=143723>.

4 Ibid. Article 3(3).

5 Ibid. Article 5(3).

6 The RA Constitution, article 29. 2015.

7 Articles 1 (3) and 55 of The UN Charter, article 7 of UDHR. Article 2, 4 (1) and 26 of ICCPR, article 2 of ICESCR, article 2 of CRC, article 14 of ECHR, Protocol No. 12 of the ECHR.

lead to the recognition or exercise of a person's rights and freedoms⁸. In other words, discrimination is the discriminatory treatment of individuals in the same situation without any reasonable or objective basis⁹. In international law, direct discrimination is defined as a form of discrimination, when an individual is treated differently from other persons in such a situation, due to any personal, social, or other characteristics of the individual¹⁰. Indirect discrimination is a virtually neutral provision, standard, or practice that may create certain disadvantageous conditions for individuals from a specific group compared to others¹¹. Another type of discrimination is associative discrimination - when a person who, although he or she does not have a non-discriminatory feature, is related to a person with that feature is discriminated against¹², e.g., their husband, mother, father, etc.

Discrimination is conditioned by a person's trait, which is called the basis of discrimination. Neither the Constitution of the Republic of Armenia and domestic laws nor most international treaties directly mention SOGLas grounds of non-discrimination. However, the list of grounds for non-discrimination in domestic law is open, meaning legal acts do not preclude circumstances of a personal or social nature other than those directly envisaged, which may be the subject of differentiated treatment. This means that SOGI can and must be treated as personal and other social circumstances and be equally protected from discrimination such as gender, race, disability. Human rights treaty bodies have repeatedly reaffirmed this assertion, stating that the SOGI is fully integrated into the non-discrimination features list¹³.

Thus, the Republic of Armenia must respect the right of a person to be free from discrimination. It should protect LGBT people from harassment by government officials, including government, police, and investigators. Ensuring equality is not just about avoiding violations by state bodies, yet the state must create an environment in which private individuals would not violate the rights of LGBT individuals because of their sexual orientation or gender identity. Moreover, the cases of such violations should be properly investigated, and the perpetrators should be punished.

Documented human rights violations against LGBT people

In 2020, the organization registered 40 cases of human rights violations against LGBT people, combined with discrimination based on their sexual orientation, gender identity, and expression.

8 HRC, general comment No. 18, section 7.

9 ECHR. Judgment of 23 July 1968, Case of Certain Aspects of the Lawson the use of languages in education in Belgium. *Willis v. United Kingdom*, No. 36042/97, Section 48, ECTHR 2002-Iv, *Virabyan v. Armenia*, No. 40094/05, 02/01/2013.

10 The European Court of Human Rights and European Union Agency for Fundamental Rights (Fra). *Non-Discrimination In International Law A Handbook for Practitioners*. P. 17-18. 2011.

11 Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin, (B) Point of Article 2 (2).

12 *Molla Sali v. Greece* [Gc], 2018; *Guberina v. Croatia*, 2016, Section 78; *Škorjanec v. Croatia*, 2017, Section 55; *Weller v. Hungary*, 2009, Section 37.

13 *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, § 21, 22.

Violations registered were:

- *cases of physical, including sexual violence,*
- *real threats of violence, calls for violence,*
- *cases of illegal dissemination of details and information on personal life, sexual orientation, gender identity,*
- *domestic violence and pressure by the family members,*
- *cases of restriction of liberty,*
- *expelling from an educational institution or termination of employment against the will of the worker,*
- *cases of violations of other rights¹⁴.*

In these cases, the rights of individuals to be free from torture, inhuman or degrading treatment, the right of respect for private and family life, freedom of expression, assembly, work, education, and several other rights have been violated. As a result of the actions of the offenders, several human rights of the victims were often violated at the same time.

Violations against LGBT persons included in this report are cases of violation of the right to non-discrimination based on the SOGI, combined with other types of human rights violations. The recording and monitoring of these violations have the same significance, without the supremacy of any specific one. The cases presented in the sections of the report are grouped to point out and highlight some types of human rights violations. Each of the cases has a violation of more than one human rights, although in the report the case may be presented in one of the sections of human rights violations. One case may be included in another separate section on human rights violations.

¹⁴ Expression of hate speech against LGBT people on public platforms and social networks is not included in this violations list, they are listed in part 2 of this report.

INVIOABILITY OF PRIVATE AND FAMILY LIFE, HONOR, AND GOOD FAME

1. Everyone shall have the right to inviolability of his or her private and family life, honor, and good reputation.

2. The right to inviolability of private and family life may be restricted only by law, for state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health, and morals, or the basic rights and freedoms of others.

The RA Constitution, Article 31

Everyone has the right to privacy, family, honor, and reputation¹⁵. The right to private and family life defines the right of every person to recognition before the law, as well as the right to privacy¹⁶. "Private life" is a broad concept, which includes the physical and psychological integrity of the person. In some cases, it includes aspects of a person's physical or social identity. Circumstances such as gender identity, name, sexual orientation, and sex life, fit in the context of the protection of a person's right to privacy and family life¹⁷.

The right to physical inviolability is one of the fundamental, inalienable rights of the individual an integral part of human dignity, the proper protection of which is a necessary precondition for the democracy of the state¹⁸. Under the international obligation to protect the latter, the state must first refrain from torturing individuals. Statesmen, law enforcement officials, and persons empowered by the state should not physically or mentally abuse individuals based on any of their characteristics protected from discrimination. It is necessary to state that freedom from torture and ill-treatment is an absolute right of a person and is not subject to restriction¹⁹.

In trying to distinguish between torture and inhuman or degrading treatment or punishment, it should be noted that torture is deliberate harm to a person which caused very serious and severe suffering, while a degrading treatment can be considered an attitude that causes feelings of being in danger, fearfulness, a humiliation in a person²⁰, diminishes a person's reputation and role, human dignity or forces a person to act against his or her will or conscience²¹. In some cases, discrimination and threats based on SOGI, are also considered degrading treatment²².

However, the ban on torture, inhuman or degrading treatment does not apply only to civil servants.

15 Constitution of the Republic of Armenia, article 31. 2015.

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

17 *Pretty v. The United Kingdom*, No. 2346/02, §49.

18 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Article 1. 1984.

19 *Pretty v. The United Kingdom*, No. 2346/02, §4.

20 *Aydin v. Turkey*, No23178/94.

21 *East African Asians v. United Kingdom*, No 4715/70, 4783/71, 4827/71.

22 *Smith and Grady v. United Kingdom*, No 33985/96, 33986/96.

Under the international obligations of the protection of this right, the state must prevent the violation of the physical security of others by other persons²³, must not allow physical abuse, such as a battery, damage to health, beatings, stabbings, or other pain infliction on a person's body. At the same time, the state must create mechanisms to eliminate the violation of the right to physical integrity. Such mechanisms may include criminalization of such actions, compensation for damage caused to the victim²⁴. The physical and psychological integrity of a person is also protected under the right to privacy, family life, honor, and reputation²⁵.

The European Court of Human Rights has stated in a number of its rulings that the authorities have a positive obligation to protect the right to physical and psychological integrity of individuals from violations by individuals while stating that states should create and provide a proper framework of legal norms that will allow protecting individuals from violence guaranteed in some cases under Articles 2 or 3 of the ECHR, in other cases under Article 8 either separately or in combination with Article 3²⁶. In Armenia in case of intentional infliction of physical harm on a person, the mechanisms of responsibility are provided by the Criminal Code of the Republic of Armenia²⁷. It prescribes punishment for crimes of varying degrees of endangerment, physical acts causing different types of injuries.

Cases of physical violence

In 2020, the organization registered 18 cases of physical violence²⁸. In the reported cases, LGBT or LGBT associated individuals were beaten, slapped, kicked, dragged, pulled from their hair, causing various injuries to their health. Below are brief descriptions of the cases of physical violence.

A young man approached the trans woman and presented her with a flower. The woman took the flower, thinking of it as a positive gesture. However, the man hit her afterward. The victim tried to escape and got into a taxi that was parked on the street and she knew she used it previously. When she got into the taxi, she asked the driver to leave, but the driver said he didn't know her and demanded her to get out of the car. During that time, the perpetrator and 3-4 other men continued to hit the victim, while she was in the car since the taxi was parked and the window was not closed. The victim got out of the car sometime later and ran away from that place. During the battery and while she was escaping, she was verbally insulted. The victim lost her bag, shoes, and her wig.

23 CAT, General Comment No. 3. A V United Kingdom, No. 25599/94, Rep. 1996-Vi, Judgement of 23 September 1998.

24 Blanco Abad v. Spain, CAT communication No. 59/1996, 14 May 1998, Members of the Gldani Congregation of Jehovah's Witnesses v. Georgia, Op. Cit., §97. CAT, General Comment No. 2.; Torture in International Law, A Guide to Jurisprudence, Association for the Prevention of Torture, Page 72.

25 The RA Constitution. Article 31. 2015 and European Convention on Human Rights, Article 8.

26 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.

27 RA Criminal Code, chapter 16. <https://www.arlis.am/documentview.aspx?docid=149259>.

28 The figure includes 1 case of sexual violence, as well as 11 cases of domestic violence in which victims were physically abused, except in cases of deprivation of liberty imposed by the family.

In September 2020, the applicant was walking along North Avenue with one of their friends when she heard expressions from a young man sitting on one of the benches, "Look at them, such things shouldn't exist, people like them are not Armenians," etc. According to the applicant, these expressions were conditioned by the appearance of her friend. The applicant's hair is pink, there is a tattoo on her arm, and they were smoking at the time, and the friend had shoulder-length hair. The applicant showed her middle finger to the offender, after which the man uttered a sexually explicit insult. After receiving the same answer from the applicant, the man approached and kicked the applicant in the abdomen, because of which she fell. The man approached to hit again, but the applicant's friend and a woman that was with the attacker at that moment both did not allow him to proceed. The man continued to insult, swear, and utter sexually explicit insults. The applicant reached out to the phone and started videorecording the perpetrator to prevent further violence against them. The man tried to take the phone and threatened to break it. After an argument, the applicant left the place.

A trans woman provides paid sex services. In July 2020, she was at her home with a client. After having sexual intercourse, the client took a shower and was preparing to leave at 2 am, however, when in the corridor he punched the woman after which she fell. The client started kicking the applicant while she was on the floor. The applicant had injuries to the face and ribs.

In June 2020, while walking in the street the applicant noticed what he thought a man under alcohol or drug influence was pulling and pushing a trans woman. The applicant approached and tried to stop the man. The man asked if the applicant is also trans and the applicant responded that he was gay. The answer angered the man and he said, "I will show you now" and pulled his knife to hurt the applicant. The man threatens and curses while saying that he is a police officer, and he will be able to evade criminal liability with bribes. The applicant defended himself with an electric shock device he had on him, and as he begins to video-record to report it to the police later. The abuser then leaves.

In October 2020 a trans woman was near the English Park in Yerevan when an unknown man approached her in his car and started to talk to her. The woman agreed to provide sexual services to the man for a certain amount of money. She got into the man's car and the man drove a couple of meters and then stopped. After learning that the woman is trans he demanded that she provide him with sexual services for free. The woman did not agree and asked him to return her to where he picked her up. The man refused, then slapped and then punched the woman in the face, after which she hit her head to the car window. The man got out of the car, opened the door from the woman's side, she fell to the ground, after which the man continued to hit, slap, and kick her arms, feet, back, and different parts of her body.



In each of the reported cases, the perpetrator or perpetrators intentionally violated the physical integrity of LGBT people. They beat, assaulted used various forms of violence

with the aim of humiliating victims and showing their supremacy towards LGBT people. The victims of the violence experienced physical pain and received various degrees of bodily injuries. Physical violence was accompanied by swearing, insults, other expressions insulting the dignity of the victims. The use of insulting expressions on SOGI of victims by attackers shows that they were motivated by hatred and discrimination against LGBT people. As a result of these actions, the rights of the victims to be free from torture, inhuman and degrading treatment, and private and family life were violated. Indeed, these actions were not carried out by the employees of state bodies, and the implementation of the negative obligation of the state to refrain from violating the right under discussion did not fail. However, the state has failed to create the necessary environment for LGBT individuals to exercise their freedom of physical integrity because it has not prevented individuals from physically abusing them.

Cases of domestic violence

In 2017, the RA Law on Prevention of violence within the family, protection of victims of violence within the family, and restoration of peace in the family was adopted in the Republic of Armenia, hereinafter referred to as the Law on Prevention of Domestic Violence. It seemed that after its adoption, LGBT people would be more protected in their families, but many individuals contact Pink NGO with complaints of being abused by their families. 2020 During the year, the organization registered 17 cases of domestic violence. 6 of the victims of domestic violence were lesbian or bisexual women, 8 were gay or bisexual men, 3 were trans people. 6 of the victims of domestic violence were minors.

The parents of a gay minor, after learning about his sexual orientation, regularly checked his phone correspondence, kept track of his phone calls, forced him not to communicate with friends, who are also LGBT people, and often used violence. The person fled the house and sought refuge from his friends.

In some cases, if a person suffers from certain mental and physical suffering, which is regular, it can simultaneously violate not only his right to privacy and family life but also his right to be free from inhuman, degrading treatment. The applicants reported various types of domestic violence: physical, psychological, and economic. These types of violence were mostly combined such as physical with the psychological and the psychological with the economic. In two of the reported cases, family members forced the victims to see a doctor or psychologist for attempting to change their sexual orientation or gender identity. These practices are known as conversion practice or conversion therapy cases²⁹.

In 12 out of 17 cases, LGBT people were **physically abused**. Physical violence was manifested by a battery using some objects, kicking, and punching, deprivation of liberty, and other means.

²⁹ Pink Human Rights Defender NGO. Research on Implementation of Conversion Practices and Therapies in Armenia. 2019. <https://www.pinkarmenia.org/en/news/conversion-therapy/>.

Upon learning of his sexual orientation, the applicant's parents began to harass him. They took the applicant to a sexologist, who informed them that homosexuality was not a disease. On the way back from the doctor's appointment, the applicant's father got out of the car and started hitting the applicant, because of which the applicant's lip was damaged, bruises appeared on different parts of the body. He somehow managed to get out of the car, and when his father's anger subsided, they returned home. Later, the applicant was subjected to psychological violence, because of which he decided to leave his family and live separately.

The father of a gay man saw his photos on the Internet, where he, as a model, participated in the shooting of a clothing brand. The photos were circulated on the Internet with discriminatory, hateful, and violent comments, identifying and associating the people in the photo as LGBT people. The father physically abused him because of his son's homosexuality and justifying that the fact that this circumstance became known in society discredits the honor of his family. The person had to leave the house and move to another city because his father threatened to kill him by shooting him in the head if he found him.



In almost all the registered 16 cases, the persons who contacted the organization reported the **psychological violence** used against them by the family. They have been mocked, insulted, ridiculed because of their SOGI, they also have been threatened with physical violence, as well as were barred from attending school, deprived of contact with friends, and were threatened to expose their SOGI to friends or family. In one case, continuous psychological pressure led one lesbian to attempt suicide.

The mother of a bisexual woman read her correspondence with her girlfriend and found out about her daughter's same-sex relationship. After that, the mother beat the applicant, threatened to publish intimate photos of her and her partner, to inform everyone about their relationship and sexual orientation, to tarnish their honor. The mother demanded that her daughter be corrected, treated, threatened that she would call the psychiatrists, also demanded her to leave the house. However, the victim does not work, she has no other place to live, so she could not leave with her 2 minor children and had no choice but to stay. The mother also contacted the victim's girlfriend, threatened that she will publicize the photos, and threatened to inform the girlfriend's family members and relatives about her sexual orientation. A few days later the victim had to leave the house and temporarily live in another place.

The applicant's parents had suspicions about his homosexuality, which angered them, they shamed him, threatened that they wouldn't allow him to have friends and go to school and that they would deprive him of communication devices. Parents also began to monitor his actions and who he communicates with. According to the applicant, this continuous oppressive atmosphere was so overwhelming that he even attempted to commit suicide.

In 3 of the cases, the applicants were subjected to **economic violence**. They were deprived of means of communication, such as telephones, computers, and were not allowed to use the toilet or dishes.

The homosexual man revealed his sexual orientation to his mother, after which his relationship with his parents became tense. The family regularly had disputes over the applicant's orientation. Sometimes he was locked in a room, told not to use the sink, not to touch the glasses, because they thought he had sexually transmitted infections due to homosexuality. He was regularly verbally assaulted. He was called "woman" because of his appearance and "fag" (in Armenian 'gyot'). He was also physically assaulted, punched.

LGBT people were abused by their mothers, fathers, and in some cases other family members, such as sisters, brothers, and grandmothers.

The applicant is identified as a trans woman. The woman reported that her family members, her mother, and father, regularly subjected her to physical violence, beating, and punching, as well as psychological violence, arguing, insulting the applicant over her identity, and threatening to "deprive her of everything". The parents forced the applicant to visit a psychologist to "change" her gender identity. The meetings with the psychologist took place 3 times a week in an online format. The applicant asked the psychologist for help, stating that she wanted to change her gender, but the psychologist did not provide any assistance. A few days later, when the applicant visited her brother's house, the brother argued with her and hit him. The applicant had locked herself in a room to avoid being beaten again.

The Law on Prevention of Domestic Violence uses the idea of the family to determine the subject of violence perpetration. According to that law, family members can be persons who are not related to each other but live together. Therefore, both in law³⁰ and in practice, the husband of the person's sister is considered a subject of domestic violence. A case of violence against a bisexual man by his sister's husband was also registered during the reporting year.

A bisexual man lives with his sister, sister's husband, and sister's mother-in-law, as well as his mother. The sister's husband, having doubts about his sexual orientation, made insulting remarks, mocked the victim regarding his sexual orientation, and asked his children not to communicate with the victim. In June 2020, his sister's husband beat him, cursing with sexually explicit insults in connection with his sexual orientation. The victim fled to his room, but the abuser entered the room through another door, tried to strangle him, threatened to strangulate him, and kill him.

30 Republic of Armenia Law on "Prevention of Violence Within the Family, Protection of Victims of Violence Within the Family and Restoration of Peace in The Family". Article 4, part 1, section 1(B). <https://www.refworld.org/pdfid/5a6b2e274.pdf>



In the reported cases, the violence took place after family members of LGBT individuals became aware or suspected of them being an LGBT person. And this information became known to the family members in various circumstances, after reading the personal correspondence of the victims, after being declared unfit for military service based on sexual orientation, through the friends of the victims, etc. The use of violence against LGBT people by family members has been continuous and unceasing.

The mother and brother of a gay man found out about his sexual orientation after the military service commission was informed about his homosexuality while examining the suitability of military service. After that, harassment and pressure started on him. His brother physically abused, humiliated, and insulted him. The man decided to leave and live separately because he could not live with his family anymore, besides, his family members also demanded it.



The RA Law on Prevention of Domestic Violence was adopted to ensure the implementation of the international obligations undertaken by the RA in the fight against domestic violence. Various international bodies, whose positions should be considered when interpreting human rights by Armenian state bodies, noted the importance of combating domestic violence. Recommendation 1582 (2002) of the Parliamentary Assembly of the Council of Europe proposes that member states take certain measures to prevent domestic violence, such as improving statistics on domestic violence, developing a clear picture of its nature and prevalence, launching national media campaigns against domestic violence, and educating the public about gender equality, etc.

The Council of Europe Convention on preventing and combating violence against women and domestic violence not ratified by the Republic of Armenia³¹ has an advisory role for the state. It also sets out certain actions that states must take to prevent domestic violence, protect victims of violence, and investigate cases of domestic violence³².

The volume of cases registered by Pink shows that Armenia has failed in its obligation in the fight against domestic violence. It has failed to create a legal and social environment in which LGBT people will be safe in their families. Lack of a non-discriminatory environment has led to violations of LGBT people's right to physical and psychological inviolability, privacy, economic rights, and non-discrimination by their family members.

Case of sexual violence

Physical immunity of a person includes sexual immunity, that is, sexual inaccessibility, sexual freedom. In other words, everyone is free to make decisions about their sexual life. It is unacceptable to have sex with a person in any way, by using violence, by

³¹ The Convention was signed by Armenia in 2018 but has not been ratified yet.

³² Article 1, article 4 (3), article 55 of Convention on Preventing and Combating Violence against Women and Domestic Violence.

threatening to use violence, by persuading, forcing, by using their helpless state, without their consent and against their will.

In the summer of 2020, the man (the abuser), being aware of the sexual orientation of 2 gay men being in a relationship with each other, offering them to drink alcohol together. Then he took them to his room, locked the door of the room, and asked them to have sex in front of him or have sex with him, then dragged them and threatened them with a knife. The victims, being under the influence of alcohol to some extent, fearing the consequences of resistance to the abuser, agreed to have sex with each other, thus trying to avoid having sex with the abuser. But after that, the abuser did not let them go. He forced each of them to have oral sex with him under the threat of violence.



In this case, the right of 2 homosexual men to sexual immunity and respect for private life was violated, their physical and psychological health was damaged because of the criminal's illegal actions. The crime took place without the consent of the victims, it was against their will, while using violence, pushing them, threatening to hurt them with a knife, hitting them, as well as taking advantage of the fact that they were in a state of alcohol intoxication. It is noteworthy that the applicants in this case initially did not want to apply to the police, fearing the disclosure of their data, the dissemination of information about their sexual orientation. However, in the end, they applied to law enforcement authorities, hoping to restore their violated rights and to prevent new encroachments by the criminal. However, the criminal case was terminated on the grounds of lack of corpus delicti, and discrimination on the grounds of sexual orientation was not examined.

The real danger of threats to and calls for violence

The absence of the risk of physical harassment is an integral part of physical integrity. The state should create an environment where LGBT people will not be threatened with retaliation, no preparatory actions would be possible to be taken, for example, with an intent to harm LGBT people forming a criminal group, acquiring a weapon, ambushing in the places where homosexual or trans people usually gather. The organization also registered cases of threats of physical violence and real danger of violence.

In the spring of 2020, a trans woman wearing a military uniform and dancing on high heels posted a music video on one of the social networks. The rainbow flag is seen in the video. The video was widely spread on the Internet, after which the person received numerous threats of murder and violence against her.

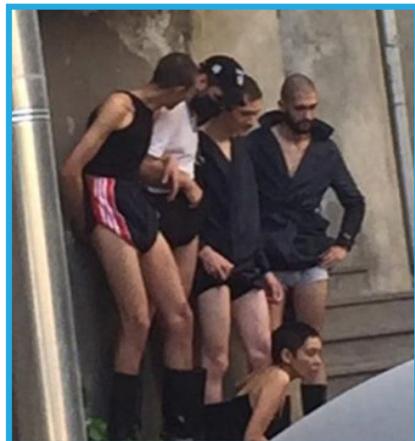


In 2020, calls for violence were registered conditioned by the person's real or presumed

sexual orientation and/or gender identity³³.

At the end of June 2020, an exhibition of a collection of clothes of the newly created brand took place in the city of Yerevan.

One passerby took photos of the models wearing the clothes, posted the photo* on his social network page, identifying them as LGBT people, and wrote insulting remarks to them. The identification of them as LGBT people was conditioned by the clothes they wore and their different appearance, for example, one of the models was a young woman with rather short hair, the young men folded their pants up to the thighs. After that, various people with large audiences spread the photo, insulting the models, calling for violence, and similar calls were made in the comments of the publications. These calls turned into calls for violence and intolerance against the general LGBT community.



(*Photo that was taken by a passerby)



Although the Republic of Armenia enshrines the right of a person to freedom of expression³⁴, however, this right is not absolute, since it may be restricted in certain cases provided by law to protect the honor and reputation of others, other fundamental rights, and freedoms. This means that the state may not allow a person to express his or her views freely, to share his or her thoughts if he or she insults, humiliates, slanders others, threatens or calls for violence against other persons, or otherwise violates the rights of others. In the cases described, public statements made by different persons go beyond the scope of freedom of expression, as they violate the rights and freedoms of others³⁵ the right to privacy, family life, honor, and reputation.

Cases of illegal disclosure of personal data

A person has the right to the protection of personal data concerning him or her³⁶. Personal information should be understood as all the information through which it is possible to identify a person³⁷, such as passport details, address, phone number, sexual orientation, gender identity, health-related and other personal information. Moreover, even if the mentioned information has already been published in the public domain, it does not mean that the protection of the disputed right has been canceled³⁸. The collection, storage, use, or disclosure of personal data is permitted only in cases provided by law, and the illegal dissemination of such data shall result in legal liability³⁹.

33 Registered calls for violence are analyzed more extensively in part 2 of this report.

34 The RA Constitution, article 42. 2015.

35 The RA Constitution, article 34. 2015.

36 More detailed analysis refer to the part 2 of this report.

37 The RA Law on Personal Data Protection, Article 3. 2015. http://www.foi.am/u_files/file/Personaldataprotectionlaw_ENG.pdf.

38 Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland [Gc], § 134.

39 The RA Criminal Code, articles 144, 145.

Cases of personal data disclosure have been registered by the organization.

One Facebook user, who has an audience of thousands, posted on Facebook passport data of a trans person with a sarcastic comment. The publication received a wide response in the media, many insulting comments were made about the trans person.

An employer of a homosexual person, without consent, accessed the message section of the person's phone and read the correspondence between the employee and their partner. The employer informed about the sexual orientation of the person to other employees of the organization, who started making remarks about it.

The father of a lesbian person, trying to prevent his daughter's girlfriend from communicating with his daughter, told her parents that their daughter was a lesbian attending the offices of LGBT rights NGOs. The victim had to deny that information to avoid a family quarrel.

The trans woman's partner, who is also a trans woman, filmed her on the phone with a woman's clothes and make-up, that is, with a trans identity. These pictures she later passed on to the applicant's fellow villager. The latter, being in a bad relationship with the applicant, showed those photos to the applicant's father and other fellow villagers. Information about the applicant's trans identity was disseminated throughout the village. The father forced the applicant to leave the house because, according to him, the applicant was discrediting the family with his identity.



In the cases described, various individuals published the personal data of LGBT people, information on their sexual orientation, gender identity, with the aim of targeting, ridiculing, humiliating, or otherwise harming them. The state has failed in its obligation to protect the right to respect for private and family life, as it has failed to protect the privacy of LGBT individuals from harassment by private individuals.

Two cases have been registered when the state has violated its negative obligation, has not respected the right to privacy of LGBT people.

A criminal case was instituted against the applicant for evading conscription. The applicant informed the prosecuting authority that he had been declared unfit for military service on the grounds of personal incapacity, stating that he was homosexual. The applicant was later informed that the information about his sexual orientation had been passed on to an employee of the Investigation Department of his place of registration, who had visited his family's apartment and informed the family. The employee met with the applicant's brother, informed him of the applicant being gay, at the same time embarrassing him and urging him to "restrain"(қууқт) the applicant.

In the summer of 2020, the applicants submitted a report to the RA Police about the crime committed against them. Two days after submitting the report, they noticed that information materials about their case had been spread in the Internet domain of the media. Their names, ages, and the exact place of the crime were mentioned in them. The articles contained information about the criminal proceedings, which could have been known only to the officers of the police or the investigation department conducting the case, from which it became clear that the leak was committed by a law enforcement officer.



In the registered cases, the employees of the state bodies made public the data that became known during their official activity without the grounds provided by law. It should be noted that during the investigation of the criminal case, the information made known to the participants in the case, the persons conducting the case, cannot be disclosed to third parties not related to the case. Therefore, in the described cases, the state has failed to fulfill the obligation to respect the right of the victims to privacy and family life.

LABOR RIGHTS

1. *Everyone shall have the right to free choice of employment.*
2. *Every worker shall have the right to protection against unjustified dismissal from work. The grounds for dismissal from work shall be prescribed by law.*

The RA Constitution. Article 57

According to the Constitution of the Republic of Armenia, everyone has the right to free choice of employment, protection in case of unjust dismissal. This regulation tells us that everyone can choose any profession, do their favorite job. The employer-employee relationship is based on the principle of stability, so in case of dismissal without grounds, the employee can defend their rights in court. As a guarantee of the stability of labor relations, the state does not leave the grounds for dismissal to the discretion of the parties to avoid arbitrariness but rather defines by the RA Labor Code⁴⁰.

The 2020 events affected labor relations as well. Both the public and private sectors, as well as international organizations, have been looking for different ways to organize their work more effectively in the face of the pandemic. Despite the emergency conditions, the protection of labor rights could not be abolished.

Case of dismissal

Colleagues of a woman who is in a same-sex relationship accidentally read her correspondence with her partner, after which she was insulted and mocked. The employer also found out about the person's sexual orientation, shouted at her, humiliated her. Other employees removed the woman from online job-related chats. The woman's workplace was temporarily closed during the declared state of emergency due to the spread of the coronavirus. The woman was later informed that she had been fired. According to the applicant, the employer used the opportunity of the declared state of emergency to dismiss her, but the real reason for the dismissal was her sexual orientation. The woman was not willing to use legal protection mechanisms.

In practice, it is very difficult to identify the real discriminatory motive for dismissing LGBT people, as the discriminatory reasons are not voiced or mentioned by the employer. The labor legislation of 2019 has been reformed, in addition to the prohibition of discrimination provided by the RA Constitution, it has also been amended in the field of labor relations. According to Article 3.1 of the Code, it is prohibited to differentiate a person depending on his personal or social nature, because of which in case of termination of employment, less favorable conditions arise for the employee. In other

⁴⁰ The RA Labor Code, articles 109-114. 2004. <https://www.ilo.org/dyn/travail/docs/961/Labour%20Code%20ENG.pdf>.

words, dismissal of a person on the grounds of sexual orientation is not only not included in the grounds for dismissal but is also prohibited as a form of discrimination. In this case, the person who applied to the organization was discriminated against because of her sexual orientation as her labor rights were restricted without any grounds specified by law.

RIGHT TO EDUCATION

1. Everyone shall have the right to education. The programs and duration of compulsory education shall be prescribed by law. Secondary education within state educational institutions shall be free of charge.

2. Everyone shall, in the cases and under the procedure prescribed by law, have the right to receive free education on a competitive basis within state higher and other vocational education institutions.

The RA Constitution. Article 38

Education is the guarantee of the development of society. Therefore, to raise public awareness, to ensure its continuous development, the state has a positive obligation to create conditions for the realization of the right to education. The RA Constitution stipulates that everyone has the right to education. At the same time, no one should be denied the right to education⁴¹. The right to education includes more than just school (secondary) education⁴² but also studying in higher education institutions (universities)⁴³. The state, by giving higher education institutions the right of self-government⁴⁴, anticipating the possibility of expelling a student from an educational institution, stipulates that the expulsion of a student from an educational institution can be carried out in the cases defined by the internal policies and regulations of that institution⁴⁵. This regulation serves as an additional guarantee for the protection of the right of persons studying at the university.

Case of restriction of the right to education

The applicant, a bisexual woman, was studying in one of the military educational institutions of the Republic of Armenia. In the fall of 2020, after her sexual orientation became known to the management of the educational complex, she was called and told that she could no longer continue her studies at that institution. The reason given was her smoking and her being a homosexual. The applicant's mother and grandmother were informed about it from the educational complex. The applicant did not want to legally restore her rights, as she considered it ineffective.

The internal acts of the educational institution may not contain provisions that contradict

41 Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by protocols No. 11. article 2. 1950. https://www.eods.eu/library/CoE_European%20Convention%20for%20the%20Protection%20of%20Human%20Rights%20and%20Fundamental%20Freedoms_1950_EN.pdf

42 St'ü Bahri SULAK v. Turkey, No 24515/94.

43 Leyla Şahin v. Turkey [Gc], § 141; Mürsel Eren v. Turkey, § 41.

44 Constitution of the Republic of Armenia, with 2015 amendments. Article 38, part 3. <https://www.president.am/en/constitution-2015/>

45 Law of the Republic of Armenia on Higher and Postgraduate Professional Education. Article 17, part 6. 2004. <http://www.anqa.am/en/about-us/legal-field/laws/law-of-the-republic-of-armenia-on-higher-and-postgraduate-professional-education/>

the RA Constitution. In this case, the restriction of the applicant's right to education was conditioned by her sexual orientation, which means that the educational institution violated the person's right to be free from discrimination.

OTHER VIOLATIONS COMBINED WITH DISCRIMINATION

Prohibition of visiting a place of entertainment

The state must create an atmosphere where individuals can exercise their rights, act, live, work, use services without any discrimination against their characteristics.

In 2020, the manager of the Yerevan pub several times prevented a trans person from entering the pub. During two different visits to the pub, he asked the same person to leave the pub under various pretexts, for example, that the person was wearing a short skirt, but in one case the trans person was in a sports uniform, and in the other time there were other people in similar clothes, but the manager demanded that only a trans person leave the area. Another time, the manager forbade the trans person to go in and stay in the entertainment place, reasoning that she is trans, she should come to the pub without make-up and in men's clothes.



In this case, despite the place of entertainment, the area of the pub is privately owned, but private individuals, the owners, should also provide their services without discrimination, should not discriminate against individuals because of their appearance, clothing, identity. Restricting a trans person from entering his pub the owner has violated a person's right to privacy. In addition, entertainment venues are places of service provision, so in that case, too, the state must provide equal access to those services. Consequently, the state has failed its international obligation of creating a non-discriminatory environment for the exercise of these rights and freedoms.

Eviction of trans people from a rented apartment

In the case of renting an apartment, the tenant acquires the right to possess and use it⁴⁶. In the case of renting real estate, a written contract must be signed, which is subject to notarization, and the rights arising from it to state registration⁴⁷. However, in practice these requirements of the legislation are not observed, thus such transactions are considered invalid. This is widespread in Armenia; it is the basis for several human rights violations, including the illegal eviction of people from their homes. Such cases very often happen to people who have different appearances or gender identities. This circumstance is another reason for the owners to show intolerance and a differentiated approach to the latter and are evicting the tenants from their apartment without any reasonable basis and explanation. This is evidenced by the cases registered by the organization. However, everyone has the constitutionally guaranteed right to equal treatment in all

⁴⁶ The RA Civil Code, chapter 35. 1998. https://www.arlis.am/Annexes/5/CIVIL_CODE_angleren.pdf.

⁴⁷ The RA Civil Code, articles 610, 611.

spheres of public life, including renting and using a property on that basis.

In 2020, the organization registered 3 cases of illegal eviction of trans people from their rented apartments.

The trans woman rented an apartment in Yerevan with the preliminary agreement with the landlord for a year. About two weeks after the lease, the landlord demanded to leave the apartment by the end of the same month. According to the applicant, such a demand of the apartment owner relates to her gender identity, since the applicant's neighbors found out that the applicant was trans, and informed the landlord, who did not want a trans person to live in their apartment.

In another case, two trans women rented an apartment together. They reached an agreement with the owner on renting the apartment, hiding their trans identity. They lived there for about 8 months. Their neighbors noticed that they were trans people because applicants often wore women's clothing and had women's posture. The residents organized a petition to demand that the landlord evict the tenants. The owner showed the applicants the sheet with signatures and demanded to vacate the apartment.

The applicants from the previous case left and have rented a new apartment. The neighbors found out about their gender identity again and demanded that the landlord evicts them from the apartment, threatening that otherwise, they would call the police. Trans women had to move out of their newly rented apartment again.



In the cases described, trans women were discriminated against because of their gender identity and expression. Although in these cases the tenants have not entered into a written lease agreement and have not registered their rights in the manner prescribed by law⁴⁸, however, this circumstance is secondary in this case, as it is practically common in Armenia to rent an apartment based on an oral agreement. And the legal relations that arose were dismantled after the information about the gender identity of the tenants became known to the owners of the apartment, who on that basis, and not prescribed by the RA legislation⁴⁹, evicted trans people. In this case, the tenant's property rights were violated based on discrimination against their gender identity, which constitutes a violation of their right to privacy and family life.

48 The RA Civil Code, article 662.

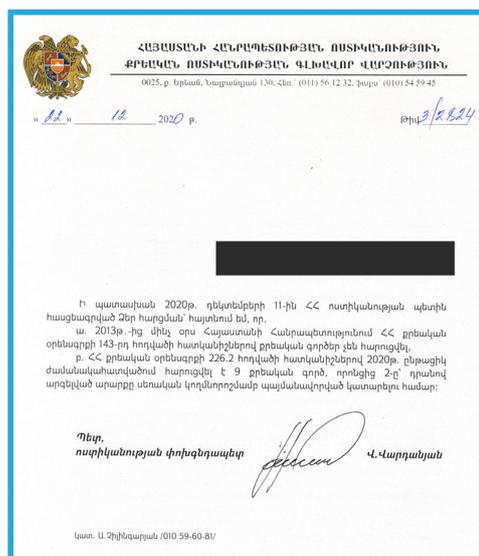
49 The RA Civil Code, article 662.

LEGAL PROTECTION OF VIOLATED RIGHTS AND THE ATTITUDE OF LAW ENFORCEMENT BODIES

The Republic of Armenia must conduct a proper investigation to restore the violated rights of LGBT people. As a result of the adoption of laws, policies, and other legal changes, the state should create mechanisms to investigate the harassment, punish the perpetrator, and compensate for the damage caused to the victim. At the same time, the effectiveness of the mechanisms must be ensured. The use of these mechanisms should be accessible to victims; investigators should externally exercise reasonable diligence, avoid double victimization, and receive regular training to obtain compassionate and non-discriminatory approach skills.

At present, the Republic of Armenia does not have a separate legal act on the prevention of discrimination. The draft law "On Ensuring Equality"⁵⁰ was put up for discussion by the RA Ministry of Justice in 2018 but has not been adopted yet. The RA Criminal Code envisages punishment for human rights violations that are combined with discrimination⁵¹. In response to the inquiry sent by the organization, the RA Police stated that no case has been filed under this article since its adoption, which means that this criminal mechanism for punishing discrimination is not effective not only in cases of discrimination based on sexual orientation or gender identity but in general.

Violations of LGBT rights are widespread, they take place in the capital Yerevan, in different cities and villages of the RA regions, LGBT people of different ages, social status, employment, and preferences are discriminated against. Nevertheless, LGBT people are not inclined to resort to legal protection mechanisms. They explain the lack of this inclination with several main reasons.



**Information provided by the Police*

50 Draft laws and draft of related laws of the Republic of Armenia on "National Minorities" and "Ensuring Equality". <https://www.e-draft.am/projects/1801/about>.

51 The RA Criminal Code, article 143. <http://www.parliament.am/legislation.php?sel=-show&ID=1349&lang=eng>.

LGBT people:

- *do not trust law enforcement agencies, particularly police officers, think that their cases are not investigated objectively,*
- *do not consider legal protection mechanisms effective,*
- *think that the protection of rights lasts a long time, can be delayed for years,*
- *are afraid that the information on the crime committed against them, their SOGI will be made public by the law enforcement bodies,*
- *do not feel protected from criminals, they are afraid of being avenged by them,*

There are also cases when the victims try to restore their violated rights on their own, for example, to agree with the offender so that the violence does not happen again.

Infringement procedure

Of the 40 offenses reported in 2020, only 20 cases were reported to the police. This number of reports includes both domestic violence cases and criminal offenses. It is noteworthy that the provisions of domestic law in cases of domestic violence have specific provision⁵², that is, if the applicant wants the offender to bear the punishment provided by the criminal legislation, then they should report to the police with two separate reports: one as domestic violence complaint and another report as a separate crime. In case of non-submission of a separate crime report, only the restrictions provided for in the Law on Prevention of Domestic Violence shall apply to the perpetrator. Exceptions are cases of domestic violence when the victim is unable to defend his or her rights on his or her own due to his or her helplessness or dependence on the perpetrator⁵³. And in cases of public accusation, for example, in cases of illegal deprivation of liberty, the law enforcement bodies are obliged to investigate, regardless of the victim's complaint. Only 6 of the victims of domestic violence reported to law enforcement. A warning or urgent intervention orders were issued against the perpetrators. Most of the domestic violence victims did not report to law enforcement because they did not want to file a complaint against their family members, did not consider their actions to be real violence, or did not trust law enforcement, believing that their rights would not be protected by police. Moreover, they feared that law enforcement officers will also use violence against them, or ridicule them, as well as spread information about their sexual orientation and gender identity.

Only 2 cases of domestic violence were reported in addition to one crime report. One of the victims later took back the reported complaint.

■ In one of the reported cases of domestic violence, when the victim turned to the police, the applicant had to take back the report after talking to the head of the police department in that area, as the head verbally promised that the perpetrator

52 The RA Criminal Procedure Code, article 183, part 1. http://parliament.am/law_docs/010998HO248eng.pdf?lang=eng.

53 The RA Criminal Procedure Code, article 183, part 4. http://parliament.am/law_docs/010998HO248eng.pdf?lang=eng.

would not use violence against the victim again and persuaded not to complain against the perpetrator.



Almost none of the cases prepared based on the reports submitted to the law enforcement agencies or the cases under investigation had sexual orientation or gender identity or gender expression as a subject of investigation. In only one case did law enforcement investigate calls for violence against individuals based on their sexual orientation or gender identity.

No case was sent to the court with an indictment based on the registered violations. In some cases, the victims reconciled with the offender, because of which the criminal cases were terminated, or no criminal case was initiated. Some reports were not processed, i.e., according to the police, the corpus delicti was absent, the violation was civil, etc. In all cases, the body conducting the proceedings delayed providing information to the applicants about the progress of the case or did not inform them at all about the decisions made within the case investigation.

Pink does not provide more comprehensive case statistics, as some of that information is based on verbal information provided by victims, who, in the absence of legal knowledge, do not provide comprehensive, necessary information on case decisions. The rest of the applicants are not retrospective about the examination of their cases, do not pursue decisions and developments in their case. However, decisions not to prosecute or dismiss criminal cases are appealed by human rights organizations to higher instances to restore the violated rights of LGBT people and to achieve justice.

The attitude of law enforcement officers

In some cases, law enforcement officers are neutral and, rarely, supportive of the abused person. They are often curious about the victims' sexual orientation, gender identity, and other characteristics. Investigators do not differentiate between sexual orientation and gender identity, they often identify that being trans or gay is the same thing, they use inappropriate or offensive terms, which suggests that law enforcement officials lack knowledge about sexuality. Sometimes there is a ridiculing, mocking, and insulting attitude towards LGBT people.

One of the trans people who applied to the organization said that the police officers mocked them, asked questions about their gender identity, criticized their appearance, saying, "are you doing manicures?" and so on.



In conclusion, it is possible to assert that in 2020 the state failed to fulfill its responsibilities to protect the rights of LGBT people and to restore their violated rights, as well as no effective protection mechanisms, have been established, and the bodies operating the mechanisms have not shown an impartial attitude.

Everyone shall have the right to freely express his or her opinion. This right shall include freedom to hold own opinion, as well as to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers.

The RA Constitution. Article 42

Freedom of speech, as one of the pillars of a democratic society, includes almost any form and content of expression, including the right to freely express one's gender identity, which includes ideas, opinions, and information about one's identity. Freedom of speech is not an absolute right; it is subject to certain restrictions⁵⁴. It includes the freedom to express ideas, opinions, but at the same time, the obligation to avoid expressions that offend people and violate their rights⁵⁵. In particular, the right to freedom of speech does not presuppose freedom of hate speech⁵⁶.

Hate speech regulations

The definition of hate speech does not yet have a universally recognized wording, but in practice, conventional interpretations have been made by international bodies.

Hate speech can be all forms of expression that spread, incite, encourage, or justify racial hatred, xenophobia, anti-Semitism, or other forms of hatred: based on intolerance, including intolerance and hatred expressed by extreme nationalism, ethnocentrism, discrimination against minorities, immigrants (migrants), persons of migrant origin⁵⁷.

Article 19 (2) of the UN Covenant on Civil and Political Rights recognizes freedom of expression, affirming, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice"⁵⁸.

Freedom of expression under Article 19 Part 3 of the Covenant may be restricted if the following conditions are met:

- a) should be provided by law and should be necessary,*
- B) aimed at respecting the rights and reputation of others, the protection of public security, public order, public health, or morals,*
- c) be necessary for a democratic society to protect these interests. The mere existence of one or two conditions is not sufficient to justify the restriction.*

Article 20 (2) of the Covenant states, "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by

54 UN Human Rights Committee, General Comment No. 34. <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

55 *Erbakan v. Turkey*, No 59405/00.

56 UN Human Rights Committee, General Comment No. 11.

57 Recommendation No. R (97) 20 of The Committee of Ministers to Member States on "Hate Speech", 1997: <https://bit.ly/2wa4QoE>.

58 International Covenant on Civil and Political Rights, 1966, article 19(2).

law”.

Hate speech is expressed not only by calls for, discrimination or justification, advocacy of violence but also with an insulting, humiliating, hostile attitude, sowing intolerance towards certain groups. On the one hand, it can lead to hate crimes against groups or individuals, on the other hand, it can violate the psychological integrity of individuals with certain characteristics, causing mental suffering or depression.

Hate speech is addressed at different levels by the legislation of some countries. For example, the laws of Canada, Iceland, Great Britain, Finland, France, the Netherlands, and other countries provide criminal liability for hate speech⁵⁹.

The responsibility for hate speech is due to its severity. The following factors are considered to determine the severity of hate speech⁶⁰:

- *The context in which it is expressed,*
- *Its author, its role, the attitude of the society degree of confidence of the author,*
- *The intent and goal: the speech was expressed intentionally or unintentionally, or was it aimed at causing backlash or achieve a specific effect?*
- *Content: the speech may be as influential as it can be and to what extent it may cause some damage?*
- *Means of dissemination and audience: is it important to determine the extent of public dissemination?*
- *Levels of risks.*

Based on the analysis of these circumstances, the level of responsibility under the law for hate speech can be distinguished. In a situation where 95% of society has a negative attitude towards homosexuals⁶¹, even the most seemingly harmless expression of hatred can deepen the polarization within the society and lead to violations. In the case when the author of the hate speech is a state official, the degree of its peril is higher not only due to the reputation enjoyed by the official but also due to the creation of an atmosphere of impunity. Carelessly uttered hate speech should be criticized and, in some cases, even prosecuted, but in this case, criminal liability is not mandatory. Such expressions may be condemned by public officials, and disciplinary action may be taken against both public officials and members of the professional community as a violation of professional ethics. For the analysis of the content of the speech, it is especially important to assess the consequences, as it can keep a certain group of people in an

59 Relevant Legislative Regulations with the following links:

Canada. <https://laws-lois.justice.gc.ca/eng/acts/C-46/section-318.html>.

Iceland. https://www.government.is/library/Files/General_Penal_Code_sept.-2015.pdf.

Great Britain. <http://www.legislation.gov.uk/ukpga/2003/44/section/146>.

Finland. <http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>.

France. <https://www.legifrance.gouv.fr/affichCode>.

do?cidTexte=LEGITEXT000006070719&dateTexte=20181010.

Netherlands. https://wetten.overheid.nl/BWBR0001854/2018-09-19#BoekTweede_TiteldeelV_%20Artikel137c.

60 Annual Report of the United Nations High Commissioner for Human Rights, 2013, Report of the United Nations

High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred: https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf.

61 Pink Human Rights Defender NGO. "From Prejudice to Equality: Study of Public Attitudes Toward LGBTI People in Armenia". 2016. <https://www.pinkarmenia.org/wp-content/uploads/2016/06/From-Prejudice-to-Equality-Armenian.pdf>.

atmosphere of fear, psychologically depressed, under constant threat. It is also important to estimate the reach of the hate speech and its spread among the public, which may be conditioned both by the fact of the location of its publicizing and whether it was widely spread through the mass media or not. The spread of such a word by the media should receive a legal assessment as well. After all, hate speech must be real and clear, that is, the expressions used in the speech must either contain clear hostility, insult due to a certain feature, calls for violence, discrimination, or must be perceived as such. Its ambiguous perception reduces the degree of dangerousness.

State policy aimed at regulating hate speech

Since 2019, the state policy aimed at addressing hate speech has changed significantly in the Republic of Armenia. If in the past the author of hate speech was mainly the representatives of the ruling political forces⁶², then since the “velvet revolution” of 2018, hate speech is more often used by the deputies of the opposition factions represented in the National Assembly, the representatives of those parties and non-officials. In the name of freedom of speech, words that degrade the dignity of a certain group of people, violate the right to respect for private and family life, and sometimes contain calls for violence are often used. Such words are used by politicians to create negative moods and attitudes in the society against the ruling political power, exploiting any step aimed at protecting the rights of vulnerable groups. Such speculations are carried out by manipulative methods, often in combination with facts that do not correspond to reality. The target of hate speech in Armenia is mainly LGBT people⁶³, the reason being the stereotypical attitudes towards this group of people in the Armenian society. The danger of hate speech spread by the Members of Parliament lies not only in the trust and authority in the society, as well as in the influence of the speech uttered by them but also in the fact that they are officials with legislative power. Public figures, lecturers, and clergy are the authors of less dangerous hate speech. As a propagator of hate speech, members of some non-governmental organizations, especially, initiatives are particularly active, which are aimed at discrediting the ruling party and manipulating the issues of LGBT people for that purpose. The activities of these groups are presented with examples in the following sections. Back in 2019, on the initiative of the Ministry of Justice, the National Strategy for the Protection of Human Rights, and the resulting action plan 2020-2022 were developed, which included the need for legislation to ban hate speech based on the research of international experience. As a result of the process launched in 2019, a Working Group on Reform of Hate Speech Legislation was formed by the deputies of the “My Step” faction who were also members of the Committee on Human Rights and Public Affairs of the National Assembly, and representatives of civil society organizations and experts have been invited to be members of this group as well⁶⁴. At the same time, the RA Ministry of Justice submitted a draft amendment to the

62 Pink Human Rights Defender NGO. “Hate Speech Displayed by State Officials Towards LGBT People in Armenia During 2004-2018”. 2019. https://www.pinkarmenia.org/wp-content/uploads/2019/05/hatespeech_en.pdf.

63 Hate Speech Monitoring (pilot program) report, Armenia Helsinki Committee, 2018-2019. <https://bit.ly/2OdLBDtt>.

64 The Extraordinary Sitting of the RA National Assembly Standing Committee on Protection of Human Rights and Public Affairs moderated by Naira Zohrabyan was held, where the Committee Member Sargis

Criminal Code, which provides for criminal liability for public calls for violence, public justification, or propaganda of violence⁶⁵.

Yet in 2020, cases of hate speech based on sexual orientation and gender identity were registered.

Activities and responses of working group on reform of hate speech legislation

The formation of a working group on the reform of anti-hate speech legislation was welcomed by civil society. The criterion for inclusion in the group was five-year work and research experiences related to hate speech. The non-governmental organizations and experts who met that criterion were involved in the work of the group. Accordingly, the involvement of non-governmental organizations and individuals who did not have experience and relevance were rejected. This decision received a heated response from the National Assembly Prosperous Armenia Party (PAP) faction, whose deputies refused to join the group, commenting that it was formed with a differentiated approach and considering that it would be good if the group included even organizations with different goals for their statutory purposes. They noted that if the group includes organizations such as Pink and the Women's Resource Center, then NGOs with "national orientation" should also be involved.

In an interview with one of the media outlets, the following was presented anonymously as the position of the PAP faction, *"Having nothing against the group members, we can say that only the inclusion of the mentioned NGOs testifies the direction they will try to take when defining the hate speech in Armenia. In other words, it is already clear that the definitions will be directed and targeted exclusively at the rights and cases of sexual minorities, but not, for example, in social networks, calls for violence, hatred, curses, and imprecations against former and current political opponents (in the name of justice, both sides)"*⁶⁶.

Prosperous Armenia Party's MP Gevorg Petrosyan, not refraining from discriminatory and hate speech, expressed the following position in various interviews, *"When we, along with friends from our party faction, demanded that an equal number of representatives from all stakeholders be included in the so-called working group condemning that hate speech, they immediately refused because unfortunately there were mainly representatives of one party who are interested in making Armenia a so-called open society, I don't know, or to introduce perversions or whatnot and this side that should have defended the traditional values, the members of that side should have introduced themselves with*

Khandanyan proposed to create a working group which would be involved in fight against speech of hatred directed to the reforms of the RA Legislation. http://www.parliament.am/news.php?cat_id=2&NewsID=12494&year=2019&month=12&day=16&lang=eng.

65 The RA Law on Making Amendments to the RA Criminal Code. <https://www.arlis.am/DocumentView.aspx?docid=141919>.

66 Hraparak Daily. Anush Dashtents. "Pink", "Women's Resource Center" and Soros' Office are Included in the National Assembly working group. 2020. <https://hraparak.am/post/04ead0e61bd604b10a7e40e0db55c244>. [Accessed 29 Sept 2021].

Irates.am. Sevak Vardumyan. The fight against hatred and NGOs promoting gender equality. 2020. <http://www.irates.am/hy/1580456022>. [Accessed 29 Sept 2021].

a Facebook post⁶⁷. *"There are more global questions. For example, my opinion is that in reality this is a fake agenda, this is a mechanism to curb political dissent. Because you see, what does the word hate mean? Yes, I hate homosexuality, yes, I hate ignorance, I hate non-constructive approach, I hate betrayal of the homeland"*⁶⁸.

The duties of the working group, however, can hardly be considered effective. This circumstance, however, has objective reasons connected with the force majeure situation during the year. In March 2020, the first and only meeting of the National Assembly deputies with the participation of the representatives of the civil society took place, during which the participants exchanged their positions on the framework of the need to regulate hate speech. Pink human rights defender NGO presented the group with both legal research on the topic and a package of suggestions, which were taken into consideration. The meetings, however, were not continuous. The state of emergency caused by the coronavirus was followed by martial law, due to which the agenda priorities of state bodies changed. No information has been released yet on the work done by the deputies involved in the group on legislative initiatives.

Criminalization of public calls for violence

Despite the formation of a working group on legislative reforms to combat hate speech and the draft of the new Criminal Code was under active discussion, however, the draft law criminalizing public calls for violence, public justification, or propaganda of violence put forward by the Ministry of Justice was sent to the National Assembly and adopted. Before that, during the government session, Nikol Pashinyan had stated that anyone who promotes violence in Armenia should receive a harsh counterattack⁶⁹. The draft was accepted with criticism. The question was discussed in the National Assembly whether in all cases of calls for violence or their justification should lead to criminal responsibility.

In his speech, MP Gevorg Petrosyan voiced the following idea, *"When drafting our legislation, yes, based on the provisions of popular legal acts on human rights, the heights of European legal thought, but we must not forget that we are Armenians, we have a national mentality, national thinking. Now I will bring only one example. A very undesirable example, but I must bring. Probably all of you have seen posted on Facebook a few days ago that bipedal jumping around in military uniform on those internet sites. Now, I do not know what nationality he/she is, is he/she Armenian, it does not matter at all. If the desecration of a soldier's uniform, if I say that his/her ear should be twisted or I do not know, it should be punished, should I be held responsible for this?"*⁷⁰

Following the adoption of the article, Pink submitted four reports of crime to the police in connection with calls for violence against LGBT persons, against organizations working for LGBT advocacy, and individuals. The initiation of a criminal case on three of the

67 News.am. Video. "It is enough to do conjuring. Gevorg Petrosyan to the authorities". <https://www.youtube.com/watch?v=iEfNQSaugug>. 2020. [Accessed 29 Sept 2021].

68 Hraparak TV. "Yes, I hate homosexuality". 2020. <https://www.youtube.com/watch?v=kUWmHtPn14Q>. [Accessed 29 Sept 2021].

69 Asekose.am. "Anyone who promotes violence in Armenia should receive a harsh counterattack says Nikol Pashinyan". 2019. <https://www.youtube.com/watch?v=WRwc0VSxIZY>. [Accessed 29 Sept 2021].

70 A1plus. "Should I be held accountable for saying the ear of a military uniform defamer must be twisted?". 2020. <https://www.youtube.com/watch?v=3H02puexADY>. [Accessed 29 Sept 2021].

submitted reports was rejected by the investigation body, one remained unanswered. The decision to refuse to initiate a criminal case was appealed to the prosecutor supervising the investigation of the case. Two of the appeals were satisfied, one was rejected. The prosecutor's decision to reject the appeal was appealed in court. Information on the progress of the pending case has not yet been provided to the applicant.

Hate speech displayed by state officials, discriminatory attitude

The peril of hate speech can be higher due to the identity of its author, its role, and behavior in society. Hate speech expressed by officials is considered more dangerous, as they are official representatives of decision-making bodies, public policymakers, and, accordingly, opinion-makers in society. Political-religious leaders should refrain from using intolerant calls or expressions that could provoke violence, hostility, or discrimination. They also play a key role in speaking out against intolerance, discriminatory stereotypes, and hate speech⁷¹. The words used by the representatives of the National Assembly, their attitude towards the problems of vulnerable and minority groups play a particularly important role, especially due to two main circumstances. First, elected to the highest body of the state, the deputies of the National Assembly are supposedly persons with a high rating and audience in the society. And secondly, the National Assembly, being a legislative body, has as its main function the adoption of laws, the implementation of changes and additions in them, consequently, the approach of the representatives of that body has a direct impact on the legislative process.

As before, in 2020, there were cases of hate speech expressed by officials targeting homosexual, bisexual and trans people. It is noteworthy that in the examples presented below, the authors of the speech were *the deputies of the 2nd largest faction of the National Assembly, "Prosperous Armenia Party"*, about whom examples were also presented in reports of the previous years⁷².

This is due, first, to the fact that despite the policy of combating hate speech adopted by the authorities, no active steps have yet been taken to bring the authors of hate speech to justice. It should be reminded that not only reports of hate speech uttered by the same persons or other representatives of the same faction during the previous year were submitted to the police, but also an application was submitted to the National Assembly to form an ad hoc ethics committee to assess the deputies' behavior⁷³.

As an example, the statements of the **deputy of the National Assembly "Prosperous Armenia" faction Gevorg Petrosyan** are presented with quotations. Regarding the receipt of a bonus payment by the Minister of Education, Science,

71 Annual report of the United Nations High Commissioner for Human Rights. Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial, or religious hatred. 2013. https://www.ohchr.org/Documents/Issues/Opinion/Seminar-Rabat/Rabat_draft_outcome.pdf.

72 Pink Human Rights Defender NGO. Annual report. "Human Rights Situation of LGBT People in Armenia During 2019". Section 5: Public Speeches of State Officials. 2019. <https://www.pinkarmenia.org/wp-content/uploads/2020/05/lgbtreport2019en.pdf>.

73 Pink Human Rights Defender NGO. "Hate Speech Displayed by State Officials Towards LGBT People in Armenia During 2004-2018". 2019. https://www.pinkarmenia.org/wp-content/uploads/2019/05/hatespeech_en.pdf.

Culture and Sports Arayik Harutyunyan he made the following post, *“For what was the Minister of Education and Science awarded for honorary admission of the sexually deviated or for the development of education and culture fields...”*⁷⁴

It should be reminded that during the 2018 citizens’ reception, Minister Arayik Harutyunyan received in his office a transgender person whose right to education was violated based on his sexual orientation⁷⁵. He wrote about the same issue, *“The Minister of MESCSLMNOP [mocking the abbreviation of the ministry] who honorably receives the sexually deviant, who failed the field, who was completely unaware of his work, starved the scientists have received a salary of several million drams and bonus payment, but the contractor-soldier guarding the border was paid several thousand drams...”*⁷⁶

Regarding Arayik Harutyunyan, the **head of the same faction Iveta Tonoyan** stated the following, *“As for Mr. Harutyunyan, we reaffirm once again that we do not see the expediency of his further tenure, because a minister, who during his activity stood out exclusively with different transgender people, it is not clear whether discussing the nuances of education, science, culture or sports, or eliminating the subject of the history of the Armenian Church?”*⁷⁷

Gevorg Petrosyan also referred to the process of changing the members of the Constitutional Court, which was conditioned by the crisis caused by the Constitution adopted in 2015. In particular, he described this process as a “conspiracy” due to the change in the procedure for electing members of the Constitutional Court and the need to replace them with judges, saying that the purpose of the change in the composition of the Constitutional Court is the unimpeded ratification of “some conventions” that the society is supposedly against, such as the Istanbul Convention⁷⁸.

It should be reminded that in 2019, some groups launched a campaign against the Istanbul Convention, during which the convention was presented with manipulative false information, aiming to create a negative attitude towards the convention by presenting it as a gay protection convention, that aims to “introduce the third sex”, to allow same-sex couples to marry and adopt children⁷⁹.

The issue of amending the RA Law on Civil Status Acts was discussed, which envisages adding the word “sex” after the citizen’s surname in the birth certificate, as a piece of indicating information regardless of the desire and consent of the parents. To the question of Nikolay Baghdasaryan, MP of the National Assembly “My Step” faction, whether there is a situation when the sex of a person is not known now of birth, Gevorg Petrosyan responded, “How can it not be possible to decide the sex? What is deciding?”

74 News.am. “Professors and teachers are kept in hunger, but they are rewarded”. 2020. <https://news.am/arm/news/553282.html>. [Accessed 29 Sept 2021].

75 Aravot Daily. “Arayik Harutyunyan did not comment on the meeting with transgender and about the news of resignation”. 2018. <https://www.aravot.am/2018/11/12/992675/>. [Accessed 29 Sept 2021].

76 Hayeli.am. “The minister who honorably received the sexually deviant received a salary of several million drams...says an MP”. <https://www.hayeli.am/?p=161706&l=am>. 2020. [Accessed 29 Sept 2021].

77 Analitic.am. “Iveta Tonoyan spoke about the meetings Arayik Harutyunyan had with transgenders”. 2020. <https://analitik.am/news/view/659891>. [Accessed 29 Sept 2021].

78 168.am. “Referendum on Constitutional amendments, situation around the Constitutional Court, political challenges”. 2020. <https://www.youtube.com/watch?v=e1bJenvlGRg&t=2412s>. [Accessed 29 Sept 2021].

79 Pink Human Rights Defender NGO. Annual report. “Human Rights Situation of LGBT People in Armenia During 2019”. Section 6: Associated Discrimination and Hate Speech. 2019. <https://www.pinkarmenia.org/wp-content/uploads/2020/05/lgbtreport2019en.pdf>.

But you do not need a specialist for that... how come, a boy is a boy, and a girl is a girl. Yes, the sex of the person must be noted in the birth certificate, so that when the person decides to betray his/her sex, then we would know that he/she is a traitor. If we do not write the sex, the person may say, "But who deceived you that I am a boy or a girl?" We must maintain our sexes, sexual orientations, and belonging. If not, then our nation has no future"⁸⁰.

Other public expressions of hate speech

Less dangerous expressions of hate speech are expressions uttered by individuals, which, however, may spread through social networks that are used by thousands of people, thus, gaining a wider audience. In the presented examples, the authors of hate speech are both politicians and representatives of public associations. Even though some politicians do not hold any state positions, they are high-ranking officials of the former government, they still have a wide audience in the society.

The reaction of former Deputy Speaker of the Parliament

The Ministry of Education and Science has taken the initiative to remove the subject "Armenian History" from the curriculum of compulsory subjects in higher education institutions.

Member of the Republican Party of Armenia (RPA), former Deputy Speaker of the National Assembly, Eduard Sharmazanov said, *"The propaganda of transgenderism from the National Assembly is a disintegrating action, the disintegrating action is when the representatives of sexual minorities enter the police building and attack the police. It is a destructive action when the person holding the post of the Prime Minister of the country meets terrorists in the government building, quickly manages to deceive the people"*⁸¹.

Eduard Sharmazanov also expressed the following thought, *"Have you seen, for example, someone from the Parliament "My Step" faction standing up and saying that condemns the transgenderism propaganda during the hearings? Have you heard from Pashinyan's supporters or his political team that they should stand up to these, I don't know whether they are transgender or faggot [uses the derogatory term in Russian 'goluboy'] that entered the police [station] and behaved impudently..."*⁸²

RPA Speaker Eduard Sharmazanov wrote about the referendum on constitutional amendments⁸³ *"To vote for a referendum means to vote for the ratification of the*

80 Iravunk.com. "'The birth certificate must state the sex of the person', The parliament proposes amendments to the relevant law". 2020. <https://www.iravunk.com/?p=102622&l=am>. [Accessed 29 Sept 2021].

81 Iravunk.com. "Disintegrating action is the preaching of transgenderism from the NA". 2020. <https://iravunk.com/?p=103901&l=am>. [Accessed 29 Sept 2021].

82 Aravot Daily. "But why did he get nervous? Sharmazanov to Pashinyan". 2020. https://www.youtube.com/watch?v=b1vt-3_XjAU. [Accessed 29 Sept 2021].

83 Azatutyun.am. "The ruling majority proposes to terminate the powers of Hrayr Tovmasyan and six

convention [Istanbul Convention]. Pashinyan's regime in the National Assembly drafted an unconstitutional bill, according to which, in case of voting for the referendum, the powers of the chairman of the Constitutional Court and the judges are terminated. I consider it necessary to remind that to say yes to Pashinyan's unconstitutional initiative means to say yes to the following points. • Ratification of the Istanbul Convention • Propaganda of transgenderism • Abandonment of national "template" • Policy of "paving into asphalt"[an expression Pashinyan made about punishing oligarchs by paving them into asphalt i.e., without remorse] • Separation into blacks and whites • Lack of concept and 'isms' in the Artsakh issue • Political arrests • Lack of investment • And finally, say yes to dictatorship"⁸⁴.

It should be noted that the initiative for constitutional change was conditioned by the constitutional crisis caused by the change in the procedure for electing members of the Constitutional Court because of the 2015 amendment to the Constitution. To resolve it, it was proposed to suspend the appointed members of the court until the relevant amendment to the Constitution enters into force, to elect new judges per the procedure provided by the new Constitution. As it becomes clear from the study of the process, it had nothing to do with the ratification of the convention or the examination of the issue of constitutionality. This assertion was another manipulative comment against the authorities, which was circulated not only by the representatives of the former government but also by the persons who are now deputies of the National Assembly (as presented in the previous section).

Manipulations by various public initiatives

An announcement was shared on the Internet by the New Generation humanitarian NGO in connection with the training course held with the police officers. **The representative of the "Veto" public initiative Narek Malyan** made the following note in that regard, *"The crime causing elements' situation in Armenia has sharply increased in all spheres... Now the question is, what is the police doing ... You won't believe it, but Soros NGOs engaged in LGBT propaganda are conducting training in police...#Soros_merits"*⁸⁵.

The "Veto" public initiative, whose representatives spread hate speech against the LGBT community, is presented both this year's and in the previous year's annual reports. The fact that these individuals continue to spread hate speech, discrimination, humiliation, and insulting remarks against people based on their sexual orientation or gender identity is a direct consequence of the atmosphere of impunity that prevails in the country and that atmosphere has not changed yet, despite the policy adopted by the state bodies in that direction. Posts containing such expressions are accompanied by the dissemination of untrue information, attempts to manipulate them for certain political purposes.

members of the Constitutional Court". 2020. <https://www.azatutyun.am/a/30418411.html>. [Accessed 29 Sept 2021].

84 Hayeli.am. "Pashinyan's Regime clamped an anti-constitutional initiative, says Sharmazanov". 2020. https://hayeli.am/?p=165230&l=am%2F&fb_comment_id=2715893768505644_2715916795170008. [Accessed 29 Sept 2021].

85 Narek Malian. Blog news reposting a post from the Facebook user. <https://blognews.am/arm/news/658861/> [Accessed 29 Sept 2021].

This time the initiative has issued a statement, which reads, "Analyzing almost two years of state occupation, we record the following. For 22 years, the agents of oligarch George Soros have been, for money and through lies and fabrications engaged in propaganda of dividing the society, generating hatred, sowing distrust in the state, law enforcement, judiciary, glorifying murderers, terrorists, demoralizing the army, preaching loving Azerbaijan, preaching LGBT, carrying out dirty campaigns against the Armenian Apostolic Holy Church. As a result, two years ago, mercenaries of oligarch George Soros managed to seize power, and months later, the legislature. Today, they want to establish total control over the judiciary as well. The mercenaries of the oligarch George Soros, who already holds the levers of power, for money continue to advance and to impose the foreign agenda on the citizens of the Republic of Armenia. The solution to this crisis must be clearly stated by all political forces: as a series of actions carried out by the agent network of oligarch George Soros in the framework of the complete struggle against the occupation of the state, which should be understandable and predictable for the citizens of Armenia and the international community. The solution to the crisis must be carried out by all healthy and truly concerned parliamentary and extra-parliamentary forces. All political forces operating in Armenia must accept the fact of the occupation of the state by the mercenaries of oligarch George Soros. Employing a statement or resolution of the RA National Assembly, it is necessary to recognize the fact of occupation of the state by the agent network of oligarch George Soros, fixing the mechanisms, background, components, executors, participants, and supporters of that occupation. To ban the activity of the office of oligarch George Soros "Open Society Foundations Armenia" in Armenia as a criminal-anti-government organization. Study and publish the names of all the organizations and individuals that collaborated with the oligarch George Soros for money, carry out large-scale lustration of foreign agents and consequently, ban them from holding public office. Initiate the adoption of the law on foreign agents immediately. Consequently, prosecute the mercenaries of the foreign oligarch who, in the hope of money, took part in the process of seizing the state"⁸⁶.

Thus, this initiative tries to present the problems, its' raising and protection of rights of LGBT people as part of a "conspiratorial" anti-government program, trying to create a negative attitude towards LGBT people in the society and to deepen intolerance towards them. At the same time, an attempt is being made to bring to the agenda the issue of restricting the activities of human rights organizations and envisaging their pressure by law.

The same initiative published another statement, "If you notice elements of propaganda, camps, educational programs, and propaganda of perversion in the literature offered to your children, we urge you to immediately contact the "VETO" socio-political movement"⁸⁷.

And how the phrase "perversion propaganda" is interpreted is left to the discretion of the addressees of the appeal, also "Veto" regularly tries to spread intolerant, discriminatory attitudes towards some human rights defenders, attempts to form a distorted idea about the concept of "perversion".

86 «ՎԵՏՕ VETO BETO» Facebook page. <https://www.facebook.com/VETOArmenia/photos/2538140883120669/>. [Accessed 29 Sept 2021].

87 «ՎԵՏՕ VETO BETO» Facebook page. <https://www.facebook.com/watch/?v=580639305848926>. [Accessed 29 Sept 2021].

The “Veto” initiative also released a video featuring news about various politicians, public figures, and non-governmental organizations claiming that were funded and run by George Soros’ Open Society Foundations attempting to create a public perception that some human rights defenders, NGOs, or politicians are run by a center with anti-state goals, that measures to protect human rights have a different purpose. Thus, society builds barriers against the perception of human rights, the acceptance of the culture of equality, deepening the atmosphere of intolerance and hatred. Dissemination of such views in the society and the formation of the idea of a conspiratorial center allows for further political manipulations by linking any, in their opinion, defamatory initiative with that center.

Thus, in the last part of the distributed video, reference is made to the state-funded presentation of the “Huzank u Zang” 2019 Performance and documentary film “Mel”, shown in 2019, saying, *“It turns out that the Sorosian minister [means Arayik Harutyunyan] enthusiastically finances a performance and film with incomprehensible content and propagation of perversion in some way, but refuses to finance, for example, a film about King Varazdat”*⁸⁸.

It is known that the co-financing of the “Mel” film was approved on May 25, 2019, before the appointment of Arayik Harutyunyan as Minister of Education, Science, Culture, and Sports⁸⁹.

The video says that after the revolution, there were provocations by LGBT people for the adoption of the Istanbul Convention, including the Shurnukh case, the discussion of the book “My Body is Private”, the distribution of letters on violence against women by journalist Lucy Kocharyan, etc. to “smoothly” bring the agenda of the adoption of the convention. According to the author of the video, these publications on violence were intended to create a myth that we live in an environment of violence, that the adoption of the Convention is a necessity.

Thus, the author of the video first questions the sincerity of the victims and considers the violence against them as a normal phenomenon, making the perpetrators the victims of the situation, thus downplaying the nature of the violence, and encouraging impunity. And even though this campaign against the Istanbul Convention was directed against the new authorities, it should be noted that it was signed by Armenia even before the Velvet revolution.

Another “Alternative Municipality” initiative spread false rumors rumors about a conference held by LGBT people in Tsaghkadzor by posting an old photo from several years ago, presenting that the policy pursued by the authorities serves the interests of the LGBT community.

Sona Aghekyan, a member of the initiative, wrote on her Facebook page, *“On March 1-3, the conference of the Armenian LGBT community is taking place in a beautiful corner of my homeland. On March 1, Nikol prevented all of us from entering Tsaghkadzor so that there would be no obstacles. Be brave”*⁹⁰.

88 «VETO Movement». “The Sorosians are in power in Armenia”. 2020. https://www.youtube.com/watch?v=ZtHe8iV_Xrc. [Accessed 29 Sept 2021]

89 Fact Investigation Platform (FIP). “The manipulative shades of the” anti-Soros “video broadcast by ArmNews”. 2020. <https://fip.am/9991/>. [Retrieved 29 Sept 2021].

90 Sona Aghekyan. Post on Facebook. <https://www.facebook.com/Sona80.aghekyan/posts/264765086885487>. [Retrieved 29 Sept 2021].

The initiative aimed to discredit the ruling party in the eyes of the public and to discredit the agenda of the constitutional changes, by carrying out anti-propaganda against it and using the atmosphere of intolerance towards LGBT people. This is evidenced by the article posted on the website "Politik.am" which spread the mentioned post stating that in addition to discussing several issues on the agenda during the conference, the representatives of the LGBT community also discussed the upcoming referendum. They expressed confidence that if "YES" to referendum wins, they will soon be able to defend their rights on a stronger basis such as the right to marry and adopt a child⁹¹.

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was brought to the agenda of the National Assembly, which again became a target of groups inciting intolerance and discrimination. A campaign was launched against the Convention, and false information was spread about the scope of its application and the goals pursued.

"Kamq" (in Armenian means Will) non-governmental organization issued the following statement, *"This convention opens the door for Sorosian LGBT people and other NGOs alike, to sneak into our schools, hospitals and even law enforcement agencies to force perversion in our society. With this, the goal of the anti-Armenian forces hiding in our National Assembly is to make our children and our families vulnerable"*⁹².

Another wave of hatred has spread after a model from a modeling agency was photographed on the street by a passerby and their pictures were spread on the internet, presenting them as transgender people. The following comments were made in this regard, *"You were fighting for the freedom of these enslaved transgender people, weren't you? Everyone in this country should make sure that such a picture does not exist, and whoever is to blame for this situation, should be simply locked in a room with them and give them 10 Viagras. This is the disgrace of our country, there is no greater disgrace than this for our people and our identity in our country!"*⁹³

Hayk Ayvazyan, Head of Luys Information-Analytical Center, presented distorted and manipulative information, *"To make the information-propaganda process of child molestation and perversion even more widespread and thorough, the Government of the Republic of Armenia has submitted to the National Assembly for ratification the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter referred to as the Convention), in which Article 2 states that measures to protect the rights of victims (victims within the meaning of the Convention are children) must be taken without discrimination, including regardless of sexual orientation. According to this article, the authors of the convention prove that there are children of other sexual orientations, which is a lie. There can be no child with another sexual orientation. Sexual perversions of a child can only be achieved through targeted and guiding advocacy work. Article 6 of the Convention obliges the State to ensure that children receive appropriate sex education during their primary and secondary education. Because the convention stipulates*

91 Politik.am. During the LGBT forum, they expressed confidence that if YES wins, they will be able to get married and adopt a child". 2020. <http://politik.am/am/lgbt-forumi-zhamanak-vstahutyun-en-haytnel-vor-ete-ayo-n-haxti-apa-ireng-kkaroxanan-amusnanal-ev-erekha-vordegrel>. [Accessed 29 Sept 2021].

92 Yerkir.am. "This opens the door for Soros and LGBT NGOs to sneak into our schools, "Kamq" on Lanzarote Convention". 2020. <https://www.yerkir.am/news/view/199785.html>. [Accessed 29 Sept 2021].

93 Ankakh Hayastan. Facebook user. <https://www.facebook.com/vagrblogger/posts/2837289669732300>.

*that there may be children of other sexual orientations, those sex education programs in primary and secondary schools should also include information on homosexuality and other related topics, including sexual orientation and gender identity. These sex education courses for children should also include information that other sexual orientation and gender identity is the norm and not a perversion*⁹⁴.

Actor Rafael Yerosyan, referring to transgender people during the interview, said: *"How can a man take and wear women's clothes and go out and become like that? I do not know, I can't ... One should answer to all of that with insults"*⁹⁵.

The founding chairman of the "Armenian Eagles United Armenia" party Khachik Asryan stated the following during the public gathering, *"I am deeply convinced that perverted cultures have no place in the Armenian holy land, and LGBT representatives will leave the holy land of Armenia within 24 hours during our rule"*⁹⁶.



In these examples, LGBT people and their representatives are presented as "perverts", "those who spread perversion", and the protection of the interests of this group of people as "propaganda". The issue of "transgenderism or homosexuality propaganda" has been repeatedly referred to as not only unscientific from a legal point of view but also leads to hatred of this group of society, marginalization, and insecurity of persons belonging to that group. In the presented examples, it is especially necessary to single out the thoughts expressed by a person acting as a politician, a person who has applied for power, an actor, and public initiatives, which have their audience and are presented to the public as bodies carrying out public activities in different spheres, raising public issues. They made these announcements in public, on pages with a large readership, during gatherings, or during a well-known program, which makes their impact even more dangerous. At the same time, none of these statements received any response from law enforcement agencies.

Public speech of representatives of professional fields

The opinion of the representatives of the professional communities is important for the formation of the public position, as they appear before the public as experts; it is assumed that their point of view or the presented analysis is supposed to have some scientific basis. However, there are often cases where experts in various fields present a public opinion or analysis that lacks scientific justification, and the so-called scientific approaches presented in them have nothing to do with international standards, moreover, they often contradict internationally accepted principles and norms.

94 Yerkir.am. "Alarm to all parents and a crime report: Hayk Ayvazyan". 2020. <https://www.yerkir.am/news/view/199763.html>. [Accessed 29 Sept 2021].

95 Hakazruc. "Rafael Yerosyan on the bride, the LGBT community and premarital sex". 2020. <https://www.youtube.com/watch?v=yWlq91rdMTA>. [Accessed 29 Sept 2021].

96 Yerevan Today. "The flag of the LGBT community was burnt in Freedom Square". 2020. <https://yerevan.today/all/society/64539/azatoutyan-hraparakoum-hanrahavaq-irakanacnoghner-patrecin-lgbt-hamayn-qi-droshy>. [Accessed 29 Sept 2021].

It is noteworthy that in the assessments given, human rights NGOs are often presented as bodies pursuing some “conspiratorial” goal, spreading myths about the involvement of organizations in educational programs. This phenomenon is evidence of the fact that various politicians are conducting well-targeted propaganda against human rights organizations presenting them as part of a “conspiratorial” program.

Sexologist Narine Nersisyan continues to make anti-scientific statements and analyzes, for which there are practically no effective mechanisms for holding her responsible. The statements are not cited by scientific sources, they are comments based on her own opinions. Narine Nersisyan wrote on her Facebook page, *“In the value system of a person who exhibits homosexual behavior, pleasure occupies the primary and most important place. Sexual sensual pleasure is the highest value for these people and the driving force of life. Homosexuals are not able to have long-term relationships, they usually break up relations when their enamoredness, sexual interest is exhausted, the initial intensity of sexual pleasure fades. ... Because sexual arousal is easy to achieve with a member of the same sex, these people often think that it will be impossible to get aroused with the opposite sex and they are wrong. Their body can respond to sexual arousal with the opposite sex if they don't sabotage it internally. Being able to get aroused by two sexes bisexual behavior is manifested. This is also not an identity, but a behavior. Sexual arousal difficulties with the opposite sex are not a matter of identity, but a matter of the rigidity of behavioral habits”*⁹⁷.

Another issue that worries the sexologist concerns those who teach sex education at school, *“If this education is going to be implemented by NGOs, which are funded by other interested centers, can you imagine that from the age of 6 a child will be taught that “Your gender is a scale, you are a boy, but you are also a little bit of a girl”. Such things may be taught. It means ruining the child. It is already sexual exploitation of a child. It can be child molestation in a broad sense. You do not have to touch the child's genitals with your hands, you can defile the child with words. It is the same as entering the first grade [classroom] and starting to talk about murderers, criminals”*⁹⁸.

Some specialists provide information to the public that contradicts the scientific texts without any clear references, alternative scientific substantiation. Such a statement was made by **doctor-sexologist Mnats Pahlevanyan**, saying. *“#Homosexuality can lead to typical nervous system disorders. Heterosexual men chronically intoxicated with cocaine may develop #homosexual addictions, which disappear after stopping cocaine use”*⁹⁹.

Medical doctor Zakar Khojabaghyan referred to the CE Lanzarote Convention (The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) presented his comment on the awareness of protection against sexual exploitation, in particular, saying, *“More specifically, it is*

97 Dr. Narineh Nersisyan. Facebook post. 2020. <https://www.facebook.com/sex.and.couple.therapy.Dr.NarineNersisyan/posts/1877912829010018>. [Accessed 29 Sept 2021].

98 168.am. “Teaching about sexual violence in the first grade is the same as entering the first grade and starting to talk about murderers. Doctor-sexologist”. 2020. <https://168.am/2020/05/03/1297298.html>. [Accessed 29 Sept 2021].

99 Sexologist's page Mnats Pahlyanyan. Facebook page. 2020. <https://www.facebook.com/txur.ej.7/posts/918723178640466>. [Accessed 29 Sept 2021].

stipulated that “educational-informative” work should be done with children in ELEMENTARY and middle grades, explaining to them the possible risks of sexual exploitation and how to protect themselves. What do you mean, they should go to school and tell a 6–7-year-old child that if your relative hugs you, will you pay attention to this or that? Instead of judging 100 or 1000 criminals (they say that there have been such cases), instead of punishing them and castrating them by the law, they make a whole generation psychologically mutilated, forcing them to think about it, to treat their relatives as potential pedophiles. If we add to all this the fact that the active circulators of this topic are well-known NGOs that are engaged in propaganda of perversion, then the cause for concern in this issue is further confirmed”¹⁰⁰.

After the ratification of the Convention, he wrote, *“God forbid, at least one case, when one of the Sorosians or sexually perverted persons enter the school, to preach to the children in disguise or open disgrace or, taking advantage of the created legal possibilities, to carry out their dirty plans. As Nikol Pashinyan once said that transgender people are under his protection and not funding a film about him would be a stigma on the Armenian forehead(what should have been said on this, have already been said) now I emphasize, God forbid, after your vote, a disturbed or anti-national creature approaches the education of children, it will remain as a stigma on the FOREHEAD OF ALL OF YOU”¹⁰¹.*

The same person also referred to the appointment of Anna Zhamakochyan, former chairman of the Socioscope NGO, as Deputy Minister of Labor and Social Affairs, saying, *“Why are trying to fake a false impression? Name the Ministry of Social Affairs and LGBT ministry and attach it to the ESCS [Ministry of Education, Science, Culture and Sport]”¹⁰².*

On May 31, 2020, the Constitutional Court of the Republic of Armenia declared the obligations of the state enshrined in the Lanzarote Convention to protect children from sexual exploitation and sexual violence following the Constitution.

Doctor of Law, Professor Gevorg Danielyan expressed an opinion in this regard that compliance with the Constitution does not mean that it can be unconditionally ratified by the National Assembly saying, *“Yes, the Constitutional Court has made a positive decision, but it does not mean at all that the Lanzarote Convention is unconditionally subject to ratification, or based on which laws can be adopted following the ideas currently held in the executive branch, giving rise to arbitrary interpretations. Of course, some of the most problematic provisions of the Lanzarote Convention could have been addressed with more rigorous and predictable positions by the CC decision, especially concerning the teaching of the concepts of sexual exploitation in primary education, other issues, and sexual orientation and only under the Constitution and exclusively to the questions of perceiving and applying the spirit of the Constitution, but if there is the necessary will, the mentioned legal positions are sufficient”¹⁰³.*

100 Zakar Khojabaghyan. Facebook user. 2020. <https://www.facebook.com/zakar.khojabaghyan/posts/3179243458761724>. [Accessed 29 Sept 2021].

101 Analitik.am. “So, listen carefully. God forbid at least one case when one of the Sorosians or sexually perverted persons enters school. Zakar Khojabaghyan”. 2020. <https://analitik.am/news/view/620216>. [Accessed 29 Sept 2021].

102 Zakar Khojabaghyan. Facebook user. 2020. <https://www.facebook.com/zakar.khojabaghyan/posts/3347711338581601>. [Accessed 29 Sept 2021].

103 LiveNews.am. “In countries that have ratified the Lanzarote Convention, parents have realized that unpredictable dangers lurk beneath beautiful and promising words”. 2020. <https://livenews.am/press/2020/41399/07/20/20/>. [Accessed 29 Sept 2021].

Reserve Major Aram Baghiyan made a note on the issue of LGBT protection bodies and their protection of children, saying, *“Similarly, if child protection issues were addressed, for example, by the Armenian Parents Association or another similar organization, as Saryan was creating masterpieces of art, the issue of child protection would be viewed from a different perspective, but since such issues are addressed by those who serve LGBT interests, it contains a completely different context and is a problem”*¹⁰⁴.

Instilling a negative attitude towards the LGBT community by military personnel can also be considered high risk, as it is difficult to ensure equal, non-discriminatory treatment of LGBT people in the military as a closed institution, and the state has not yet taken effective steps to increase tolerance within the military command and ensure the rights of LGBT people.

These individuals did not limit themselves to spreading discrimination and hatred, but also proposed a draft law on “The basics of protection of the Armenian Apostolic Church, the Armenian language, cultural heritage, family and childhood”:¹⁰⁵

The project, which is, in fact, an expression of the tendency to classify traditions above human rights as equality, was developed by a group of lawyers, psychologists, and military experts. The latter formed the “Protection of National Values” initiative, declaring themselves defenders of national values from “perversion”. The founders of the initiative are Doctor of Laws Gevorg Danielyan, Doctor of Law, Professor, Honored Art Worker of the Republic of Armenia Aram Satyan, military expert, reservist colonel Hayk Nahapetyan, Ph.D. Candidate of Psychological Sciences, Associate Professor Karine Nalchajyan, Ph.D. Candidate of Historical Sciences Ruben Melkonyan and Ph.D. Candidate of Juridical Sciences, President of the Chamber of Advocates Ara Zohrabyan. As a justification for the bill, it is stated that giving homosexual partners equal status with family members will lead to discrimination, as same-sex cohabiting couples will enjoy wider privileges than other people in cohabitation. Therefore, according to the authors of the draft, the law should provide for the restriction of the right to marry and form a family. The statements made by the members of the initiative during the press conference once again referred to the Istanbul and Lanzarote conventions and protection of “traditional values” and minors from these conventions¹⁰⁶.

Such substantiation is discriminatory, therefore the draft law from the beginning cannot be considered per the RA Constitution. Even if such a bill restricting the equality of persons by law is included in the agenda of the National Assembly, it is subject to rejection only for the simple reason that it contradicts the superior legal act, the Constitution.

Ara Zohrabyan, President of the Chamber of Advocates, also continued his active work in the fight against the ratification of the Lanzarote Convention, voicing its negative aspects related to the sexual education of children:¹⁰⁷ It should be noted that

104 Yerkir.am. “The context and the protective layer of to be ratified Lanzarote “bright” Convention”. 2020. <https://www.yerkir.am/news/view/198716.html>. [Accessed 29 Sept 2021].

105 Azgayin.am. Draft law on “The basics of protection of the Armenian Apostolic Church, the Armenian language, cultural heritage, family and childhood”. 2020. <https://azgayin.am/օրինադրուիմ-2>. [Accessed 29 Sept 2021].

106 5TV. Facebook page. “Ban marriage between two women or two men”. 2020. <https://www.facebook.com/watch/?v=968924516922958>. [Accessed 29 Sept 2021].

107 Ara Zohrabyan. Facebook user. 2020. https://www.facebook.com/permalink.php?story_fbid=2734981220066604&id=100006642580999. [Accessed 29 Sept 2021].

the President of the Chamber of Advocates targeting any public group may result in absence of protection of the discriminated group since the Chamber of Advocates is the body of which all licensed legal aid professionals are members. Therefore, the area of the supposed influence of the speech of the President of the Chamber of Advocates is not only the citizens in general but also the advocacy community itself, which may be constrained in providing legal assistance to individuals.

The lack of ethical legislation regulating professional activity and/or activity leads to ethically inappropriate public expressions by professionals, which, being scientifically unsubstantiated, can lead to misunderstanding and intolerance in society. The absence of legislation regulating hate speech allows one to avoid liability for expressions that interfere with a person's private, family life, violate their mental integrity, and put them in an unfavorable, vulnerable position compared to other members of society.

Hate speech in the media

The problem that the media operating in Armenia often spread false, unconfirmed manipulative news, which contradicts the rules of journalistic ethics, has been raised in the last few years. Moreover, the word often spread in the media goes beyond the limits of freedom of expression, containing discrimination and incitement of hostility, especially towards LGBT people. It should be noted that most of the examples described in the above sections have again been covered by the media and have not been subjected to restrictive control over hate speech. The word spread through the media, wherever it is initially expressed, is becoming more widespread in society, influencing the public mood. It is no secret that the media, conventionally called the fourth power, can create a broad opinion, atmosphere, and attitude, which often makes them a tool by various political forces. In addition to the coverage of the speech on other platforms, the media also spread their editorial analysis, which can also be described as an abuse of speech.

Editor-in-Chief of Analitik.am website Ani Hovhannisyan who is a member of the "Veto" initiative, regularly spreads false news, *"I understand that Armenia has ratified several international documents, adopted laws where there is gender equality, using it in the sense of equal rights for men and women, but the problem is that one day due to that equality is possible to pass both a law on same-sex marriage, educational programs on transgender and other genders in schools, and so on. In case of ratification of the "Istanbul Convention", the implementation of propaganda of homosexuals, transgender people, other genders among children, the introduction of so-called curricula to identify the real genders of children, etc., will be a matter of time, as we have already accepted the so-called gender equality. The Sorosian people use the term gender equality because any law where this term exists will be very easy to apply to transgender and other genders in the future, granting various privileges, campaigning among children, distorting the notion of males and females, or generating other dangerous and fake theses, and so on. P.S. Keep your children away from events, seminars, programs organized by every organization related to the Soros Foundation !!! Pay close attention to new programs and methods*

introduced in schools"¹⁰⁸.

Ani Hovhannisyan actively criticized the ratification of the Lanzarote Convention by the National Assembly, publishing the list of deputies who voted for it.

The day before, she had made the following post, *"Tomorrow, during the voting, it will become clear who are openly or covertly serving the interests of the Sorosian network of agents in the RA National Assembly"*¹⁰⁹.

With these posts, the media editor not only labeled the advocates of the convention in the interests of human rights protection, attributing to them hidden untrue motives but also made them the target of public intolerance. On the one hand, she spread false information about human rights organizations, attributing to their activities that provoke public anger, on the other hand, she called on her audience to refuse the services of those organizations based on that falsification.

Ani Hovhannisyan also referred to the educational standards developed by the Ministry of Education, Science, Culture, and Sports, "revealing" their dangerous hidden goals. Below are the provisions are taken from the graduation results of the secondary school graduate and comments on them.

"For children aged 6-10:

1-Recognize the information received by different senses realize their role in world cognition.

Danger: In this regard, experts argue that focusing on the senses of children can lead to deviance, the desire to have sex from an early age.

2-If desired, the child expresses their thoughts, feelings, needs, and desires, realizes their uniqueness.

Danger: The use of the word "unique" is interesting, which in some countries is associated with sexual orientation - transgender, homosexuals are considered unique, and this ideology is introduced from school age. It is also dangerous to focus children on emotions from an early age.

For children aged 10-15:

1- Be able to balance and harmonize own feelings, desires, needs, goals, personal characteristics, and tendencies.

The danger is that children need to be told about their existing tendencies so that they can orientate and realize what their tendencies are, that is, they will make children from the age of 10 focus on different sexual orientations, supposedly to find out, to realize their feelings and tendencies.

2- Be informed, ready for the physical, physiological, and psychological changes that may take place with them and their peers during puberty, have self-care and hygiene skills.

Danger: This means that children will be told about sex, the use of condoms, abortions, sexually transmitted infections, which, experts say, will help to develop the desire to have sex from an early age.

108 Analitik.am. "Possible dangerous consequences of gender equality. Ani Hovhannisyan". 2020. <https://analitik.am/news/view/594553>. [Accessed 29 Sept 2021].

109 Analitik.am. "Deputies who serve the interests of the Soros network /names/". 2020. <https://analitik.am/news/view/620141>. [Accessed 29 Sept 2021].

3- Be able to put up with pressures and be knowledgeable about who to turn to for help and advice.

The danger is that naturally different structures will be set up near the schools, which will start working with children, as in some countries, where children are allegedly provided with psychological support without their parents' knowledge, then they decide that the child is transgender and then they change the sex of children from the age of 10 with the help of hormonal drugs"¹¹⁰.

The quotation is complete to show the logic of distorting the learning outcomes. The author came to conclusions that have no logical connection with the mentioned provisions.

The Women's Resource Center organized a two-month program for 13–18-year-old girls, within the framework of which it was planned to teach empowerment, communication and self-development skills, self-perception, self-esteem, self-care, relations with parents, and the discussion creating a safe environment. Ani Hovhannisyan dedicated a video message to that, obviously pushing the issue of women's protection to the background, bringing up some imaginary theories about the hidden goals of those courses. To substantiate the theory of the presented conspiracies, an attempt was made to form a negative attitude towards human rights activist Lara Aharonyan, the president of the Women's Resource Center NGO, spreading untrue news about her activities. Using discriminatory and intolerant expressions, she targeted the person due to her human rights activities. Ani Hovhannisyan said about the courses, *"Spreading those LGBT ideas among children, propagating that transgenderism among children. This is a danger, which threatens and will threaten Armenia if we do not take steps and the programs of those Sorosians would be possible to become implemented, which is a great danger. How can a woman who preaches homosexuality, who in fact throughout her social activity has preached exclusively the ideas of transgenderism, homosexuality, which advocates abortion, homosexuality, perversion? How can that woman organize two-month courses and seminars for 13–18-year-old girls? I just want to urge all parents who are supervising their children and do not want their children to be badly influenced, to keep their daughters away from such seminars, discussions, and various, very dubious events organized under covertly cute names. This was the first, the second, I will talk about the issue of transgenderism, I will open the other brackets, how the Sorosians are going to introduce a program that will start spreading the idea of transgenderism among pre-school and school children"¹¹¹.*

A short interview with the Former Press Secretary of the Minister of Defense of Armenia, Artsrun Hovhannisyan, was posted on **"Hraparak.am" website** in connection with the news about a group of deputies working with the army commanders participating in training courses in Germany, during which Artsrun Hovhannisyan commented that it was classified information, but could clarify that there

110 Analitik.am. "The foundations for starting the final destruction of the value system are laid right from the school". Ani Hovhannisyan". 2020. <https://analitik.am/news/view/637913>. [Accessed 29 Sept 2021].

111 Analitik.am. Ani Hovhannisyan. Video, "The propaganda of transgenderism among children is in the agenda of Sorosians". 2020. <https://analitik.am/news/view/585126>. [Accessed 29 Sept 2021].

Ani Hovhannisyan. Facebook user's post. 2020. <https://www.facebook.com/1490081131215399/videos/923682858191848>. [Accessed 29 Sept 2021].

are military training programs in partnership with Germany and that tolerance courses within are related to ethics, the fight against corruption, tolerance, and so on. The site, however, commented the interview in a way it was convenient to them, writing, *"In fact, the Ministry of Defense keeps secret even the names of the seminars organized for the commanders, making them a military secret. By the way, according to our information, there is an officer among the participants of the seminar, who was even punished for harassing a serviceman with non-traditional sexual orientation"*¹¹².

Hovhannes Galajyan, editor-in-chief of Iravunk newspaper, tried to link it with the interests of LGBT people as part of his campaign against the constitutional changes, trying to discredit the need to change the Constitution and its real purpose. In this context, he particularly wrote that in the "yes" campaigning there are LGBT forums organized and "different Zhoujus" are engaged [refers to Zhouju from Dalarik, who became famous from the program "Semi-Open Windows", whose story of discrimination became the subject of ridicule both on the air and later in the society]¹¹³.

Targeting LGBT people during the war unleashed by Azerbaijan

On September 27, 2020, Azerbaijan unleashed a large-scale armed conflict along the entire Armenian-Azerbaijani line of contact in the regions adjacent to Nagorno-Karabakh. The war was hard, the people of Armenia and Artsakh were fighting against a great Azerbaijani-Turkish force. The whole potential of the people was focused on neutralizing the war and its aftermath. In addition to volunteering, people were involved in multi-profile volunteer work to provide both social and other assistance to war victims and participants in the war. Both the population of Armenia and the territory of Artsakh, as well as LGBT people were involved in both military operations and volunteer work. And despite these difficult conditions, when the national security of the entire state and the lives of the population were at risk, many continued to target LGBT people and sow hatred against them. Hostile posts were especially prevalent on social media. Below are some examples.

*"The gays must be sent to the front line urgently. The hair of one of them falls [expression in Armenian meaning little harm] the whole world will condemn Azerbaijan"*¹¹⁴.

"I say maybe we should take to Stepanakert [Capital of Nagorno Karabakh] a few blacks, those blue-haired girls, a couple of fags [uses Russian derogatory term 'goluboy'], that gender-changed Lilit or Varsham that came to Parliament and make an uproar that Azerbaijan threatens Artsakh's blacks (racism) and LGBT representatives,

112 Hraparak.am. "The officers went to Germany to learn how to communicate with sexual minorities". 2020. <https://hraparak.am/post/6befc7d42a6dd70ed94b86b00238856b>. [Accessed 29 Sept 2021].

113 Iravunk.com. "Forward toward "country-AIDS-info". 2020. <https://iravunk.com/?p=106402&l=am>. [Accessed 29 Sept 2021].

114 Ughetsuyts TV channel. Facebook page. 2020. <https://www.facebook.com/ughecuyc/photos/a.667659806689392/3147603105361704/>. [Accessed 29 Sept 2021].

*the international community will wake up*¹¹⁵.

*"How can we convey to the Europeans that the Azeris are violating the rights of gay koalas in the forests of Artsakh?"*¹¹⁶

*LGBTs go to the border and the whole world would be moved by this war! Just a few minutes: the result is guaranteed, unfortunately! This world is like a foolish man!*¹¹⁷

*"One question LGBT: ... they will not be "sent off "? (Buy a one-way ticket) So we can live normally in an Armenian way, after the end of the war"*¹¹⁸.

*"Where is the lesbian and transgender haram [used derogatory] dogs regiment of Sorosians, so they can go to the front? Sorosian sons of bitches and bulls carry [forcefully] to the front line. The young flower dies while these garbage dumps rob the budget with self-paying bonus payments"*¹¹⁹.

*"Why do we suffer so much to attract the attention of the international community, why do we ignore the minorities, form a separate LGBT detachment, and send it to the front line, also attach a media outlet to them? And the hearts of all human rights defenders and the international community will be shattered. There will be no need to spend the night in front of the CNN building, they will come to us on foot (Black)"*¹²⁰.

*"Send a few sectarians and LGBT people to the front lines so that they do not make only calls [on something]"*¹²¹.

*"I will respect the new leader who will forbid uttering the word coronavirus, wearing a mask, the activities of suspicious NGOs, uneducated speech from the rostrum, violations of the law by the police, the use of our population as laboratory rats in suspicious health programs and many other similar degrading programs. Let me not forget the conventions and LGBT people. If anyone agrees with me, please respond and fill out [means to continue the list]"*¹²².

115 Arznetsonts Avag. Facebook user. 2020. https://www.facebook.com/permalink.php?story_fbid=2738539309740291&id=100007527468017. [Accessed 29 Sept 2021].

116 Garegin Miskaryan. Facebook user. 2020. <https://www.facebook.com/gmiskaryan/posts/5381344461891559>. The post has been deleted.

117 Tatusho Gasparyan. Facebook user. 2020. <https://www.facebook.com/tatusho.gasparyan/posts/1516090678582713>. The post has been deleted.

118 Lilit Galstyan. Facebook User. 2020. <https://www.facebook.com/Lil.galstyan88/posts/2756903494578216>. [Accessed 29 Sept 2020].

119 Aspram Khacheni. Facebook user. 2020. <https://www.facebook.com/aspram.hayrapetyan/posts/2584532501859236>. [Accessed 29 Sept 2021].

120 Satenik Tadevosyan. Facebook user. 2020. <https://www.facebook.com/satenik.tadevosyan.9/posts/3452473851532774>. [Accessed 29 Sept 2021].

121 Hovhannes Terteryan. Facebook user. 2020. <https://www.facebook.com/hovhannes.terteryan/posts/980736015738550>. [Accessed 29 Sept 2021].

122 Araks Sargsyan. Facebook user. 2020. https://www.facebook.com/permalink.php?story_fbid=357742372036442&id=100034020451758. [Accessed 29 Sept 2021].

"BIBLE READERS know that in the BELIEVING ARMENIAN WORLD when given space to and sponsored on the government level the l.g.b.t, homosexuals and other blasphemies ARE TRIGGERING GOD'S DREADFUL ANGER. This is emphasized many times in the BIBLE. YOU NEED TO WAKE UP! EVERYONE IS POWERLESS AGAINST GOD!"¹²³

"Our boys are the bravest, the most courageous, the noblest, the most beautiful, and the most heroic and let all LGBT people get lost, there is no place for them in our Holy Land"¹²⁴.

"It has always been so in history when the nationalist force put an end to revolutionary perversion, lies, falsification, robbery, terrorism, and chaos. The whore-born LGBT community cannot avoid violence, we will force those to use weapons. We will never allow satanic porno-perverts to present themselves as angels"¹²⁵.

"In our geopolitical situation, you will not escape total militarization. Naturally, not forgetting education, demographics, and high-tech industry. A little more, yes, culture, at least a little. And without LGBTism, without utopias of good neighborliness with Turks ([it's] not homophobia, not anti-humanism, just pragmatism)"¹²⁶.

"Wondering where those homosexual-fags are? Now, if we broke a fag, our whole nation would be condemned, but as a whole generation of healthy and smart people is being slaughtered but the world is soundless, swallowed its tongue [Armenian expression meaning being quite]"¹²⁷.

"When a fag is beaten everyone mingles. So many people are killed, they only make a call [issue concerns].

EU, NATO, EEU, and a lot of such nonsense things I curse your LGBT fathers"¹²⁸.

Articles of similar content were also published by some media outlets; some examples are presented below.

Yerevan Today, *"European and American organizations and the organizations funded by them have been active in these issues when the rights of political activists and members of the LGBT community have been violated, they have made loud speeches that in the 21st century such things should not be allowed, that the man is the highest value. We*

123 Taron Pogosyan. Facebook user. 2020. <https://www.facebook.com/taron.pogosyan.3/posts/3353054768109426>. [Accessed 29 Sept 2021].

124 Maria Aghajanyan. Facebook user. 2020. <https://www.facebook.com/maria.aghajanyan94/posts/3983705994992358>. [Accessed 29 Sept 2021].

125 Artsruni Avetisyan. Facebook user. 2020. <https://www.facebook.com/artsruni.avetisyan.9/posts/1580403098809251>. [Accessed 29 Sept 2021].

126 Garry Arzumanyan. Facebook user. 2020. <https://www.facebook.com/garry.arzumanyan/posts/3295888057200374>. [Accessed 29 Sept 2021].

127 Diana Barseghyan. Facebook user. 2020. <https://www.facebook.com/diana.barseghyan.7/posts/3287550241364268>. [Accessed 29 Sept 2021].

128 Pavel Adamyan. Facebook user. 2020. <https://www.facebook.com/pavel.adamyan/posts/3313966032056915>. [Accessed 29 Sept 2021].

must respect the freedoms and rights of everyone and that ... and so on, not forgetting to spice it all up with the propaganda of "undemocratic, underdeveloped Russia". And today, when in the same 21st century the Azerbaijani government not only openly violates many international norms, uses anti-humanitarian weapons against the civilian population, but also real people are killed, many destinies are distorted, when it is decided to live or not to live, to be or not to be, the question arises: what do these same structures do?"¹²⁹

Global News Armenia, *"What were the EU and US embassies calling for when LGBT activists got beaten up in Shurnukh? Why are they silent now?"¹³⁰*

Arman Abovyan, a member of the Prosperous Armenia parliamentary group, made the same statement without being constrained by his mandate, stating, *"Your "free" Europe does not respond when the Turks shoot the captives, and the dead Armenian soldiers are beheaded in front of the cameras. Speak, the "European Union-loving" Armenian citizens Your voices do not come out ... Or do the Turks have to do a little harm to a pervert or a feminist (for example, by rubbing their big toe) for your European owners to come together? Shameful!"¹³¹*

Photos of non-governmental organizations, human rights activists, and representatives of the ruling party were also spread, with a note containing personal insults and swear words attached to them¹³².

Caricatures of homosexuals and transgender people have been spread on the Internet, presenting politicians as homosexuals as a means of ridicule or insult. One of the examples shows Nikol Pashinyan in a rainbow T-shirt¹³³.

An animated video has been made in which Azerbaijani President Ilham Aliyev and Turkish President Recep Tayyip Erdogan are presented as a homosexual couple¹³⁴. Thus, an attempt was made to humiliate Aliyev and Erdogan, because of which homosexuality was presented as a humiliation.



It should be noted that almost all the posts mention the goal of attracting the attention of the international community. At the same time, since the international community did not take any effective action against Azerbaijani military operation, war crimes and direct targeting of civilians, civilian infrastructure, rescue services, hospitals, cultural heritage, both by artillery and air force, and use of unauthorized weapons by Azerbaijan, consequently these posts may give the public an impression of authenticity, approval, which in turn creates additional negative attitudes against LGBT people.

129 Yerevan Today. "The two faces of a civilized West". 2020. <https://yerevan.today/all/politics/66760/qaghaqakirt-arevmoutqi-erkou-eresy>. [Accessed 29 Sept 2021].

130 Global News Armenia. Facebook page. 2020. <https://www.facebook.com/glnewsarmenia/posts/3767995906543820>. [Accessed 29 Sept 2021].

131 Hraparak.am. 2020. "Progressive value lovers why aren't your voices heard?". <https://hraparak.am/post/dab8fbb4bedc97ba0888c81a5f92aad2>. [Accessed 29 Sept 2021].

132 Oganisyan Arman. Facebook user. 2020. <https://www.facebook.com/photo/?fbid=191380805906920&set=a.115695040142164>. [Accessed 29 Sept 2021].

133 Alex Aramyan. Facebook user. 2020. <https://www.facebook.com/alex.aramyan.351/posts/116700626879268>.

<https://www.facebook.com/alex.aramyan.351/posts/116697840212880>. [Accessed 29 Sept 2021].

134 ArmYE, Kill Dim. 2020. <https://www.youtube.com/watch?v=li6TQlnPxYE>. [Accessed 29 Sept 2021].

CONCLUSION

2020 As a result of monitoring the human rights situation of LGBT people, it became clear that:

- *The human rights of LGBT people continue to be violated in various spheres of public life, moreover, compared to previous years, the number of violations has increased by 2020. During the reporting year, cases of physical violence, threats of violence, illegal disclosure of personal data, dismissal, and expulsion from an educational institution on the grounds of sexuality were registered.*
- *Cases of domestic violence based on sexual orientation and gender identity are frequent. LGBT individuals face physical, psychological, and economic violence after coming out to their family members and revealing their SOGI. The reasons for the violence are frequently mentioned as is the ignorance of the family members about the SOGI, the feeling of shame in front of the relatives, and the society.*
- *Despite the widespread nature of the offenses, LGBT people avoid turning to law enforcement, because they do not trust police officers, they are afraid that they will be ridiculed, mocked, humiliated, and information about their sexuality will be illegally spread, besides, they do not consider legal protection mechanisms effective in the country.*
- *Law enforcement, in turn, continues to discriminate against the LGBT community. Law enforcement officers lack information about sexuality and lack sensitivity on LGBT issues, and they refrain from considering the crimes based on SOGI and combined with discrimination as subjects of investigation and examination.*
- *Even though in the framework of the fight against hate speech, the RA Criminal Code was appended with a new article, which envisages responsibility for public calls for violence and justifying violence, in practice some cases of calls for violence based on SOGI did not receive proper legal attention.*
- *During the year, the problems of LGBT people continued to be used for political manipulations, to discredit the representatives of the political power. Such speculations continued during the war.*

RECOMMENDATIONS

To ensure maximum protection of the rights of LGBT people in Armenia, we suggest:

To state bodies and political forces

- Cooperate with human rights defender non-governmental organizations to obtain more detailed information on systematic aspects of LGBT human rights violations.
- Take steps aimed at preventing discrimination and violence based on sexual orientation and gender identity in different areas of public life in the Action Plan arising from the National Strategy on Human Rights Protection.
- Give clear assessments of LGBT human rights violations, do not avoid condemning human rights violations.
- Carry out a comprehensive study of international human rights instruments, international legal experience, and analysis of the current situation in the country to enact effective hate speech regulations in line with human rights principles.
- Review the RA legislation that prohibits hate speech, define the concept of "hate speech," and put into force a ban on hate speech and intolerance against people with certain characteristics, including against LGBT people
- Take appropriate steps to prevent intolerance and hate speech by state authorities towards LGBT persons and hold persons who engage in acts of intolerance and hate speech accountable.
- Adopt separate, comprehensive legislation ensuring the protection of the right to be free from discrimination, including on the grounds of sexual orientation and gender identity by envisaging prevention and prohibition of discrimination and civil, administrative, and criminal liability.
- Review the RA legislation that prohibits hate crimes, expressly consider a crime committed against a person on the grounds of their sexual orientation and/or gender identity as an aggravating circumstance in criminal liability and punishment
- Develop and implement mechanisms to ensure a comprehensive and objective investigation of crimes based on sexual orientation and gender identity, including by developing appropriate legal and procedural arrangements for identifying the motive of the crime
- Conduct complete, objective, and thorough investigations of LGBT rights violations, without discriminatory, prejudiced attitudes towards LGBT people by investigative bodies.
- Document and run statistics on hate crimes in Armenia, including based on sexual orientation and gender identity, thus making the issue of hate crimes visible in Armenia.
- Ensure access to justice for victims of hate crimes, through effective mechanisms for the protection of individual rights, which will eliminate the risk of double victimization of the person, ensure the safety of the person, and will provide for comprehensive compensation mechanisms.

- Organize and hold training courses for law enforcement bodies on the peculiarities of working with victims and witnesses of hate crimes.
- Instill the ideas of tolerance and equality within state bodies, particularly among the parliamentarians of the National Assembly, representatives of the government of the Republic of Armenia, and other officials.
- Promote the concepts of tolerance and equality within society, particularly with public statements that instill tolerance.

To mass media

- Stop publications that incite hatred and intolerance toward LGBT individuals and offer the public with correct, ethically acceptable materials that respect the human rights of LGBT individuals.
- Do not exploit topics concerning LGBT individuals in media reporting, thus avoiding further undue dissemination of hatred and intolerance in society.
- Do not disseminate hate speech, calls of intolerance, hostility, violence, or discrimination or its justification from officials and other figures.

To international and regional organizations

- Properly monitor the implementation of international commitments on the rights of LGBT individuals undertaken by the Republic of Armenia.
- Publicly stand in support of LGBT individuals and protection of their rights in Armenia with official announcements, stressing the importance and priority of defending their rights.
- Refer to the practices of LGBT human rights violations raised in this report in their reports concerning human rights.

To the Human Rights Defender's office

- Increase public awareness about discrimination of LGBT people and its negative consequences, as well as the importance of the principles of non-discrimination and equality.
- Raise public awareness about the illegality of hate speech and its dissemination.

- Advocate for developing a strategy to create and adopt effective legislation on equality, as well as define effective measures for the protection of LGBT persons in other legal documents.
- Make public statements condemning known cases of human rights violations of LGBT people and give an adequate response to complaints.

ANNEX 1.
STRATEGIC LITIGATION

Pink Armenia has been pursuing strategic litigation since 2012, to achieve changes both in the legislation and in public policy. Three strategic litigations launched in 2018 had some developments. Two of them are pending in domestic courts and one in international courts. No other developments were observed during 2020 of strategic litigation cases conducted by the organization¹³⁵.

The dispute in the Administrative Court concerns the issue of social advertising posters published by Pink in 2017, with the following facts:

In 2017, the above-mentioned advertising posters were submitted to the RA Ministry of Culture with a request to recognize them as public service announcements (PSAs). Recognition of posters as PSAs would allow using the opportunities explicitly created for PSAs, namely the cost-free installation of posters on urban billboards, as well as on specially designated advertisements, in addition to other privileges. The Ministry of Culture rejected Pink Armenia's proposal with the justification that the ads do not address any issue of social importance and do not contain any element of public awareness-raising, plus the public is already aware of the existence of persons with a "non-traditional" sexual orientation from TV programs, therefore there is no need to spread information about them. Pink Armenia has filed a complaint with the Administrative Court with a claim to recognize the Ministry of Culture's administrative act on rejecting the application as unlawful and to oblige the Ministry to identify the ads as PSAs. The lawsuit was rejected by the Administrative Court of First Instance. The decision was appealed to the Court of Appeal. The Court of Appeal partially upheld the appeal, sending the case to the Court of First Instance for a new examination. One court hearing session was held in 2020, the investigation of the case continues.

The investigation of the case of violence in Shurnukh village continues in the domestic instances:

On August 3, 2018, 9 young people, including LGBT activists who were in Shurnukh village of Syunik province for leisure were beaten and psychologically abused by over 20 residents of the same village and Goris town. The perpetrators demanded the victims to leave the village, kicked them with stones, hands, and feet. A criminal case on violence has been initiated only based on the article on battery, and no one has been involved as a defendant. Amnesty has been applied to the perpetrators, and the criminal proceedings have been dropped. All the other persons involved were not prosecuted as the investigative body found that there was no corpus delicti in their actions.

In December 2019, the criminal proceeding was resumed after the decision to terminate the criminal case was quashed on appeal by the injured party. As a result of these two complaints filed in 2020, the courts upheld that the examination was incomplete by the body conducting the proceedings. No charges have been filed since the case was

¹³⁵ Pink Human Rights Defender NGO. Website with case briefs. 2021. <https://www.pinkarmenia.org/en/strategic-litigations/>.

reopened. The article of the RA Criminal Code envisaging punishment and responsibility for discrimination has not been made a subject of examination. In February 2021, the body conducting the proceedings again decided to terminate the criminal case, this time on the grounds of expiration of the statute of limitations for criminal liability. The decision was appealed to the superior court.

The European Court of Human Rights continues to hear the case of Oganezova v. Armenia:

In 2012, the DIY pub was firebombed by a group of people. The perpetrators initially claimed to have carried out their act of violence because the pub owner Oganezova was lesbian, took part in a gay pride event in Istanbul, and because LGBT people frequented the pub. This is evidenced by the fact that sometime before the explosion, a group of people broke into the pub trying to harass and intimidate those gathered there. Consequently, many members and allies of the LGBT community have begun to fear possible attacks by homophobic groups at the pub. The incident was followed by persecutions and threats against the pub's owner. A criminal case was initiated on a charge with the intentional infliction of damage to property, which did not, however, fully reflect the nature of the crime or its gravity due to its motive. The precautionary measure applied to detainees were then changed, and the perpetrators were released on bail based on sureties provided by MP from the Armenian Revolutionary Federation Party. The defendants were sentenced to two years imprisonment by the ruling of the Court of First Instance, but a clause on non-conditional sentence was applied, and they were released. The Court of Appeal upheld the verdict, and the Court of Cassation did not accept the appeal.

The owner of the pub has appealed to the European Court of Human Rights. On May 17, 2019, the Court communicated the case.

The Government of the RA must answer the following questions:

- 1. Did the applicant suffer ill-treatment and interference with her right to respect for her private life, in breach of Articles 3 and 8 of the Convention, because of the arson attack of 8 May 2012 and the following events, including the alleged threats, humiliation, and harassment?*
- 2. Considering having had to the positive obligations enshrined in Articles 3 and 8 of the Convention, was the investigation into the arson attack of 8 May 2012 and the 49 applicant's subsequent allegations of ill-treatment and harassment adequate for these provisions, including for the unraveling of any discriminatory motives of the insulters?*
- 3. Did the applicant have effective domestic remedies at her disposal for her complaints under Articles 3 and 8 of the Convention, as required by Article 13 of the Convention?*
- 4. Has the applicant suffered discrimination on the ground of her sexual orientation contrary to Article 14 of the Convention, this provision taken in conjunction with Articles 3 and 8 of the Convention?*

About the organization

"Pink" human rights defender non-governmental organization was founded in 2007. The organization is known to its beneficiaries and the public as Pink Armenia. Pink is a community-based LGBT (lesbian, gay, bisexual, transgender) organization, which means the organization has been established by LGBT community, serves and supports the needs of the community, and promotes the LGBT persons' human rights protection process and advocates for the change of public policy around LGBT issues.



"Pink" Human Rights Defender
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