

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	302
Land:	Armenien
Kilde:	ILGA Europe
Titel:	Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia 2020
Udgivet:	februar 2020
Optaget på baggrundsmaterialet:	20. maj 2020



ARMENIA

ACCESS TO GOODS AND SERVICES

The first court hearing in the case of three trans people, who were banned from attending the Mali Sports Club in 2018, was unsuccessful in October. The representatives of the gym failed to answer their court order and did not show up. The cases are pending.

ASYLUM

In the summer, three trans asylum seekers from Latin America were detained by the police without any justification, held for four hours, bullied and sexually harassed. They were not provided an interpreter, were forced to sign documents without understanding them, and told to leave the country. NGO Right Side filed a complaint with the Human Rights Defender (Ombudsman).

BIAS-MOTIVATED SPEECH AND VIOLENCE

Pink Armenia was successful in challenging an unsatisfactory court judgment from last year, regarding the attack against nine LGBTI people by a group of 30 in Shurnukh. The case was first dismissed, but following Pink's appeal, the investigation had to continue this year.

On 29 January, the Council of Europe Commissioner for Human Rights, Dunja Mijatović, published her 2018 country visit report. The report calls for prompt action against violence, hate speech and hate crimes targeting LGBTI persons, including by criminalising hate speech and hate crimes against LGBTI persons, combined with specific training for police and judges.

On 17 May, the European Court of Human Rights communicated the Oganezova v. Armenia case to the government. The case is about an arson attack against the DIY club in 2012 that authorities had failed to effectively investigate and identify as a homophobic hate crime.

On 20 June, 11 LGBT activists were verbally abused by four men in a park in Yerevan. The victims called the police, who told the activists to leave the park and took the four men to the police station. The investigation is ongoing.

In August, Right Side published its Legal Report: Situation of human rights of transgender people in Armenia based on the period of 2018-2019, documenting hate crime and hate speech cases.

BIAS MOTIVATED SPEECH

In August, Naira Nahapetyan, a member of Yerevan's Municipal Council boasted online about attacking LGBTI people. Comments on the post incited violence against LGBTI people.

EQUALITY AND NON-DISCRIMINATION

In May, Pink Armenia published its Annual Review highlighting a record number of human rights violations against LGBT people in 2018, a total of 25.

Dunja Mijatović's report (see under **Bias motivated speech and violence**) expressed concern about the lack of a comprehensive anti-discrimination law inclusive of SOGI. The draft law, opened for public discussion online in July, fails to include SOGI, which the Office for Democratic Institutions and Human Rights (OSCE ODIHR) criticised in a formal opinion in September. On a positive note, the section stating that the anti-discrimination law must not contradict the Law on the Armenian Apostolic Church, was removed.

The new draft Criminal Code was released for consultation in November. It introduced criminal liability for discrimination and slightly rephrased the provisions on incitement and aggravating circumstances, but failed to include SOGI anywhere.

In an unprecedented move, Prime Minister Nikol Pashinyan defended the importance of state funding for a film about the Armenian weightlifting champion Mel Daluzyan, a trans person.

FAMILY

On 12 November, the Parliament rejected a draft law aiming to outlaw same-sex marriage, saying the Constitution already defines marriage as a union between "a woman and a man." Another draft to outlaw adoption by same-sex couples and trans people was also rejected during the same session.

FOREIGN POLICY

Several embassies and the Delegation of the EU in Yerevan criticised the government for hate speech against Lilit Martirosyan (see under **Human rights defenders**). The Ministry of Foreign Affairs disagreed with the criticism.



FREEDOM OF EXPRESSION

On 16 May, the Prosperous Armenia party proposed an amendment to Article 165.1 of the Criminal Code to criminalise the “propaganda of non-traditional sexual orientation” among minors under 16. The proposal was criticised by civil society and Parliament rejected it.

HEALTH

Upon Right Side’s query in June, the Ministry of Health failed to clarify the meaning of “arvamol” (literally: “man obsessed with man”) in the law on blood donations. “Arvamol” are permanently banned from donating.

HUMAN RIGHTS DEFENDERS

On 11 February, Vrezh Varzhapetyan, a non-binary trans activist of Right Side, was beaten up by two men. Varzhapetyan had received several threats earlier, due to their visible activism. Following the attack, they were targeted by hate messages. They reported the attack and hate mails to the police, who made hateful remarks about them and failed to investigate. They appealed to the General Prosecutor.

On 5 April, the Standing Committee on Human Rights and Public Affairs of the National Assembly held a public discussion on Armenia’s UPR review. Representatives of the Government, the National Assembly, as well as civil society were invited to participate. President of Right Side, Lilit Martirosyan, made history by speaking about transphobic violence in the country.

“I ask you to see me as a collective figure of those people who are tortured, raped, kidnapped, subjected to physical violence, burned, immolated, knifed, subjected to murder attempts, killed.” - Lilit Martirosyan, President of Right Side, at the National Assembly

The Chairperson of the Committee, Naira Zohrabyan, called the intervention a disgrace and accused Martirosyan of disrespecting her and the Parliament. Other politicians made hateful comments, e.g. that such people should be burnt. Local NGOs published a statement calling Zohrabyan’s statement discriminatory, questioned her suitability for the role, and asked the National Assembly’s Ethics Committee to investigate the incidents.

In the following weeks, Martirosyan, other trans activists and trans people received several death threats. Media outlets published several negative article. The police and the General Prosecutor dismissed all reports. Martirosyan appealed and the cases are currently at the Criminal Court of Appeal.

LEGAL GENDER RECOGNITION AND NAME CHANGE

Following the first successful application in 2018, the Civil Status Acts Registration Agency of the Ministry of Justice continued to not require an expert opinion from a psychiatrist for trans people to change their name.

The hearing of a trans man at the Administrative Court, scheduled for October, was postponed, as the Court requested an official Armenian translation of the European Court of Human Rights judgment that is cited in his appeal. The man applied to the Civil Status Acts Registration Agency back in 2018 to change his gender marker, but in lack of proof of surgery, was denied.