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1. Admission of LGBT People into the Military

Sources indicate that military service in Armenia is compulsory for men between 18 and 27 years of age (CPTI May 2010, 1; US 23 June 2014). A 2009 report produced jointly by the European chapter of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) [1] and COC Netherlands [2] indicates that

[h]omosexual men are discharged from military service, this being justified legally by Article 12 of the RA [Republic of Armenia] law on "Military Service". According to this article, citizens considered unfit for military service due to health conditions are discharged from compulsory military service by the Republican Drafting Commission. There exists an internal decree of the RA Defense Minister, based on this article, according to which gay people are discharged from compulsory military service on the grounds that sexual orientation is an illness. (ILGA and COC Netherlands Feb. 2009, 54)

The report explains that since 2001, "based on Order No. 378 by the Minister of Defense, homosexuality has been considered an illness and, therefore, homosexuals are considered unfit for military service" (ibid., 38). According to information collected by the Armenian chapter of Public Information and Need of Knowledge (PINK) [3] and the Civil Society Institute (CSI) [4] and cited in a report produced by the Danish Institute for Human Rights (DIHR) [5],

some military registration and enlistment offices introduce an unwritten rule that if a person declare[s] his homosexual orientation during the obligatory medical board preceding military service, he may be given the option of getting a health certificate stating he has a mental disorder that does not allow him to serve in the military. The male population in Armenia ha[s] to have a military document before going to the army, and in such cases, when someone is being released from the military service due to homosexuality, the Commissariat puts the decision [in] that document after the medical examination. The harsh conditions for (in particular) openly gay or bisexual men in the Army are the reason why many would choose a label of mental illness to avoid the potential problems waiting for them in the Army. (DIHR n.d., para. 52)

The US Country Reports on Human Rights Practices for 2013 indicates that

Openly gay men were exempt from military service, purportedly because of concern fellow service members would abuse them. An exemption required a medical finding, based on a psychological examination, that an individual had a mental disorder; this information appeared in the individual's personal documents. (US 27 Feb. 2014, 37)

2. Treatment of LGBT People in the Military

Two sources report that homophobia is "widespread" and "deeply ingrained" in Armenian society (PINK et al. July 2012, 6; AI Aug. 2013, 11). In a 2014 report on Armenia, the Norwegian Helsinki Committee (NHC), an NGO that promotes respect for human rights, particularly in Europe, Central Asia, and North America (NHC n.d.), states that:

Lesbians are perceived to break with the ideal of an Armenian wife and mother, whereas gay men break with the stereotype of the macho Armenian man who is ready to fight and is the head of a large family. Neither of them is likely to have many children that will sustain the Armenian nation and army. Such opinions are commonplace in Armenia and even recited in the media or by government representatives, or expressed directly on the streets. In some cases they incite and result in violence. (NHC 2014, 24)

Amnesty International (AI) notes that authorities "frequently" condone violent attacks against LGBT people, describing the violence as an "expression of 'traditional values'" (AI Aug. 2013, 10). Human Rights Watch reports that LGBT people face "violence and discrimination based on sexual orientation and gender identity by both state and non-state actors" (Human Rights Watch 2014). A shadow report on human rights violations of LGBT people in Armenia that was jointly produced by PINK, ILGA, the Heartland Alliance for Human Needs and Human Rights [6], and the George Washington University Law School International Human Rights Clinic and submitted to the United Nations Human Rights Committee in 2012, similarly notes that "individuals face discrimination and human rights violations on grounds of their sexual orientation and gender identity in virtually all spheres of society" (PINK et al. July 2012, 6).

PINK reports that LGBT persons face human rights violations in institutions such as the military and that those who serve in the military are subjected to "physical and psychological abuse" (PINK Apr. 2014, 1,13). Two sources report that LGBT people face discrimination and abuse on the grounds of sexual orientation in the military (DIHR 2011, 3, para. 6; US 27 Feb. 2014, 2). The ILGA and COC Netherlands report states that in the army, "the level of homophobia is extreme and 'homosexuality' is seen as an illness or a pathology, not an orientation" (ILGA and COC Netherlands Feb. 2009, 24). The same source also reports that

[h]omosexuals enlisted into the army do not disclose their sexual orientation to anyone for fear of the consequences. There are, however, reports of cases where a gay man's homosexuality has been disclosed to members of his unit, sometimes by people within the LGBT community itself, creating grave problems for the person concerned. He may be subjected to constant humiliation through actions such as being given a separate set of dishes with a hole in the plate, being given the dirtiest tasks, such as cleaning the toilet (sometimes with his own toothbrush), being assigned to the most distant barrack or the one with the worst conditions. In extreme cases, he may be subjected to physical violence or sexual assault by other soldiers. There are also reports of the military using 'hazing' techniques on gay men, i.e. purposefully confusing, tricking and producing fear in individuals in custody. (ibid., 38)

Without providing further information, the shadow report similarly notes that "gay and bisexual men are at particular risk of torture while serving in the army" (PINK et al. July 2012, 17).

Information on particular instances of ill-treatment faced by LGBT people in the military was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. Two sources note that in 2006 a young soldier was reportedly raped and beaten by fellow soldiers (PINK et al. July 2012, 18; DIHR 2011, para. 51). According to the DIHR report, fellow soldiers "completely isolated him as a gay" and continued to beat him (ibid.). The same source notes that the soldier was treated in military hospital "several times," numerous complaints were made to the military unit by family and NGOs, and the case was settled with "no consequences for the officer or military administration" (ibid.).

The ILGA and COC Netherlands report includes an interview ILGA conducted in January 2006, during which an individual reported a case in which a homosexual soldier was refused food, forced to live in a public toilet for two years and regularly assaulted (ILGA and COC Netherlands Feb. 2009, 30). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In 2010, EurasiaNet, a news website based in New York that is operated by the Open Society Foundations [7], reports that one man was assaulted by an army officer when he revealed his homosexuality during a psychiatric exam for military service and then spent three days in a mental hospital before being discharged from military service with the diagnosis of a "personality disorder" (EurasiaNet 30 Mar. 2010). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] ILGA Europe is an umbrella NGO that "works for equality and human rights" for LGBT people in Europe (ILGA n.d.). It has participative status at the Council of Europe and consultative status at the Economic and Social Council of the United Nations (ibid.).

[2] COC Netherlands is an NGO that advocates for the rights of LGBT people "in the Netherlands and all over the world" (COC Netherlands n.d.). It has consultative status with the United Nations (ibid.).

[3] Founded in 2007, PINK is an NGO that "lead[s] activities to increase public awareness about sexual and reproductive health and rights, sexually transmitted infections and HIV/AIDS" (PINK n.d.).

[4] The CSI is an Armenian-based NGO that promotes the "principles of democracy and human rights" in the country (CSI n.d.). It is the Armenian member organization of the International Federation for Human Rights (FIDH) (ibid.).

[5] The Danish Institute for Human Rights is an independent state-funded institution that promotes human rights in Denmark and abroad (DIHR n.d.).

[6] The Heartland Alliance for Human Needs and Human Rights is "the leading anti-poverty organization in the [US] Midwest" (Heartland Alliance for Human Needs and Human Rights, n.d.).

[7] The Open Society Foundations are a "family of offices and foundations created by philanthropist George Soros," located throughout the world (OPS n.d.a), that "work to build vibrant and tolerant societies whose governments are accountable and open to the participation of all people" (OPS n.d.b).

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Lesbian Human Rights Commission; Minority Rights Group International; PinkNews; Radio Free Europe; United Nations - Integrated Regional Information Networks, ReliefWeb.

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