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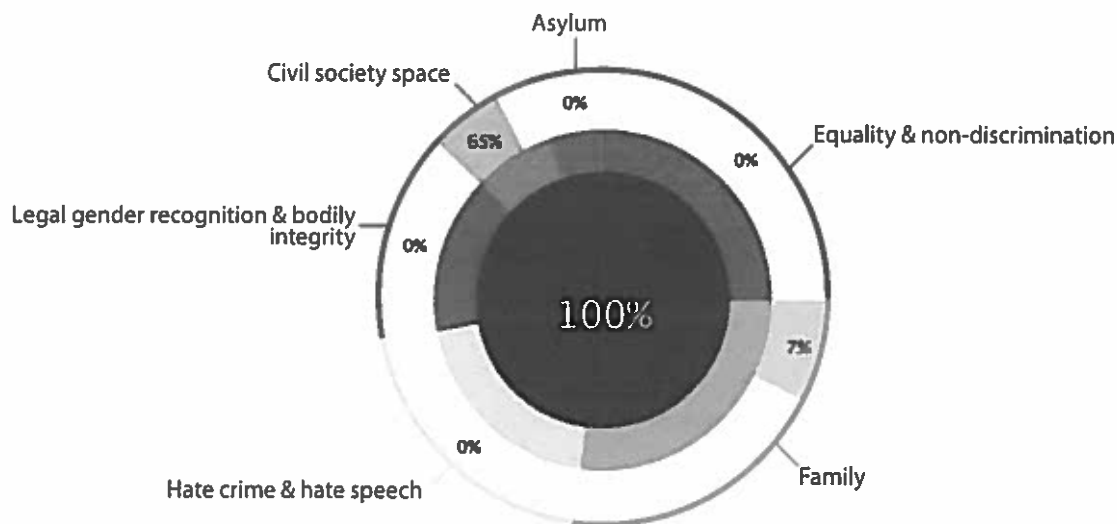
Armenia



The legal structure relating to the fundamental rights of LGBTI people did not undergo much change in 2016, leaving members of LGBTI community with very minimal law or policy to rely on. Support instead continues to be provided by civil society groups. NGOs assisted LGBTI people in a variety of ways, from recording and reporting episodes of discrimination, helping people to issue complaints, and providing backing in subsequent cases. Research, also compiled by LGBTI NGOs, emphasised the daily difficulties that LGBTI people encounter. Discrimination can be compounded by a traditional outlook on life and the situation is not helped when bias-motivated speech (still not prohibited) against LGBTI people continues. This prompted the Council of Europe's monitoring body ECRI to recommend that parliamentary and media ethics codes be amended to protect LGBTI people. Public opinion data, once again gathered by NGOs, showed that over 97% of the people surveyed said it was unacceptable for same-sex couples to kiss in public – underlining that a more informed, less hostile conversation about the lives of LGBTI people is certainly required.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Armenia** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Adopting legislation that expressly protects against discrimination on the grounds of SOGISC (sexual orientation, gender identity, sex characteristics) when accessing goods and services.
- ➡ Introducing hate crime laws that explicitly cover all bias-motivated crimes based on sexual orientation, gender identity and sex characteristics.
- ➡ Introducing hate speech laws that explicitly include sexual orientation, gender identity and sex characteristics as protected grounds.

Access to goods and services

- An LGBT activist who had been attacked (see **Bias-motivated violence**) attended Yerevan's N1 hospital on 16 February, the day after the incident. The activist made a complaint, stating that the medical professionals treating them said "Come, let's do a blood test on you. Let's see if you have a deviance". LGBT NGO PINK Armenia submitted an administrative complaint about the staff's conduct to the Ministry of Health. During the subsequent hearing, the representatives of the health inspection department said that the staff in question had not behaved inappropriately. Representatives of the medical centre agreed, saying they had watched a security video and that their colleagues had not acted in this way. The video was not played during the hearing as it had been self-deleted. On 25 March, the Ministry informed PINK Armenia that the case was being suspended due to the absence of any violation.

Bias-motivated speech

- During an episode of the *'kisabac lusamutner / Half Opened Windows'* talk show in February, lawyer Garik Galikyan stated that gay people "...must be burnt". The same episode featured other panellists who also displayed insensitive and homophobic attitudes. The topic at the centre of the programme was the discrimination faced by people based on their sexual orientation, gender identity and/or expression. The president of NGO PINK Armenia, Nvard Margaryan, and an LGBT-friendly doctor also took part in the discussion. NGOs New Generation Humanitarian NGO, PINK Armenia and the Anti-Discrimination Coalition submitted a complaint about Galikyan's comments to the Ethics Committee of the Chamber of Advocates. On 13 June, the Chamber of Advocates found that Galikyan violated the Code of Advocate's Ethics. A case was also filed by several NGOs, including PINK Armenia, but this was later rejected by the police.

Bias-motivated violence

- Five LGBT activists, including two staff members of LGBT NGO PINK Armenia, were attacked in Yerevan on 15

February. A group of three unidentified people verbally and physically attacked one of the activists and then also assaulted the other activists who came to their aid. An incident report was filed with the police but the case was subsequently suspended due to a lack of evidence.

Data collection

- The Solidarity Network for LGBTI in Armenia and Georgia project published 'The Human Rights Situation of LGBTI Individuals in Armenia: a Practical Assessment' report in June. The research paper, prepared by NGO Society Without Violence, concluded that traditional social perceptions of gender roles and heteronormative assumptions make it very difficult for LGBTI people to live openly. Participants in the focus groups reported discrimination in education, employment and when accessing goods/services as well as public harassment. The report concluded with a wide range of recommendations for civil society groups, international bodies, EU institutions, national courts and the government.
- 'From Theory to Reality', the results of a study by NGO PINK Armenia, was published in November. The report focused on hate crimes against LGBT people, looking at the existing legislative framework, examples of public intolerance, and the legal barriers. 198 hate crimes, that took place from 2010-2015, were examined as part of the study. In 79% of hate crime incidents, the victim themselves reported the attack; 20% of cases were reported by witnesses. The report recommended including sexual orientation and gender identity as aggravating circumstances for both crimes and punishments, amending national legislation to comply with international human rights obligations, and ensuring full and impartial investigation of hate crimes against LGBT people.
- On 2 December, the Heinrich Boell Foundation South Caucasus Regional Office, together with LGBTI NGO PINK Armenia and Society Without Violence NGO organised a presentation of a comprehensive LGBTI rights strategy document, titled 'Realising the Human Rights of LGBTI

People in Armenia', based on the research papers published in June (see also **Police and law enforcement**).

Equality and non-discrimination

- LGBT NGO PINK Armenia held a support group session on 1 March, celebrated by the UN as Zero Discrimination Day. The meeting was the first event to bring together LGBT people living with HIV and allies in order to discuss how to eliminate stigma and support each other.
- In May, an American-Armenian man was told to leave a dance group (the Bekor Folk Dance Ensemble) by the instructor when he realised the participant was gay. NGO PINK Armenia brought the incident to the attention of the diaspora and culture ministries and called on them to prevent such incidents of discrimination at cultural events. There was no response from the ministries at the end of 2016.
- In the Ombudsman's Annual Report for 2015, released in April, discrimination faced by LGBT people in the areas of healthcare, education and employment was highlighted. The report noted several cases where people had been refused medical care due to their sexual orientation. It referred to violent attacks on trans people who were then refused help by security guards, and the vulnerability of LGBT people in prisons was also mentioned by the Ombudsman.
- As part of its five-year monitoring cycle, the European Commission against Racism and Intolerance (ECRI) published a report on Armenia on 4 October. ECRI was concerned at the level of hate speech and violence directed at the LGBT community during the last reporting cycle. The report notes that this is troubling when combined with the low levels of reporting of such crimes and the fact that intolerant speech is not condemned, or also perpetrated, by political figures. ECRI's recommendations included adding sexual orientation and gender identity to the list of protected grounds in hate crime law, drafting an anti-discrimination law that applies to all areas of life, and reviewing legislation to see if it complies with ECHR Article 8 in relation to changing civil status and legal gender. It also recommends a code of

media ethics and punishments added to the parliament's code of conduct, both measures designed to protect LGBT people from hate speech.

Freedom of expression

- *'Listen to Me: Untold Stories beyond Hatred'*, a documentary about the lives of LGBT people in Armenia, was first shown at the Armenian Centre for Contemporary and Experimental Art on 11 October. Gagik Ghazareh's film features 10 members of the LGBT community who came out publicly, speaking about their childhood, identity, self-recognition, family relations, homophobia and transphobia.

"I have never heard my family say anything hurtful about a gay or lesbian person. Even after my coming out, that issue was not discussed in our family, because a person is a person..."

Mel Daluzyan, as heard in the *'Listen to Me: Untold Stories Beyond Hatred'* documentary, released 11 October 2016

Human rights defenders

- Mamikon Hovsepyan, the executive director of NGO PINK Armenia, spoke at a press conference on 24 February on the issue of anti-LGBT violence. In response to a question from one of the assembled journalists, Hovsepyan spoke publicly about his sexual orientation. Hovsepyan was openly gay but this was the first time he had come out via the media. NGO Chai Khana subsequently made a video *'Life under the Rainbow'* about his public coming out to mark 17 May.
- Chair of Human Rights House Yerevan and LGBT rights advocate Michael Danielyan died on 24 August. He had supported the work of many human rights organisations and established the Helsinki Association in Armenia.

Police and law enforcement

- The Heinrich Boell Foundation requested adequate protection for the launch of their LGBTI strategy document in Yerevan on 2 December. Despite security

concerns, the event concluded without incident and was protected by 28 policemen, who also stopped several people who attempted to enter the venue without authorisation.

- The president of New Generation Humanitarian NGO spoke at a press conference on the topic of protecting prisoners' rights on 28 June. Sergey Gabrielyan highlighted the ongoing issue of vulnerable groups in the prison system, including LGB people, saying that they are more likely to experience discrimination while incarcerated. The press event had been called by the Group of Public Observers Conducting Public Monitoring of Penitentiary Institutions and the Ministry of Justice.

Public opinion

- On 17 June, NGO PINK Armenia (also as part of the Solidarity Network for LGBTI in Armenia and Georgia) released the results of their study on societal attitudes towards LGBTI people in Armenia. 'From Prejudice to Equality' contained the results of public opinion surveys, carried out in Yerevan and in urban and rural regions outside the capital, between November and December 2015. 1071 people were interviewed, and of those 91% said they had no LGBTI acquaintances. Television was cited as the main source of information on LGBTI people and their lives, followed by social networks and online news; print or radio journalism was the least used resource. 33% of those surveyed said that homosexuality resulted from a child being brought up incorrectly. 11.8% think homosexuality is a personal choice, and 5.1% believed it could be caused by "homosexual propaganda". 89% of those questioned said that gay men and lesbian women should not be allowed to work with children. 97.5% of the survey participants said that it was unacceptable for gay and lesbian couples to kiss in public.