

**HATE CRIMES AND OTHER HATE
MOTIVATED INCIDENTS
AGAINST TRANS PEOPLE
IN ARMENIA**



RIGHTSIDE
HUMAN RIGHTS DEFENDER NGO



**OPEN SOCIETY
FOUNDATIONS
ARMENIA**

**JANUARY-JULY 2018
REPORT**

The present report is reporting transphobic violence, a project “Improving legal protection of transgender people in Armenia” supported by Open Society Foundations-Armenia. One of the objectives of the project was to document the cases of transphobic violence.

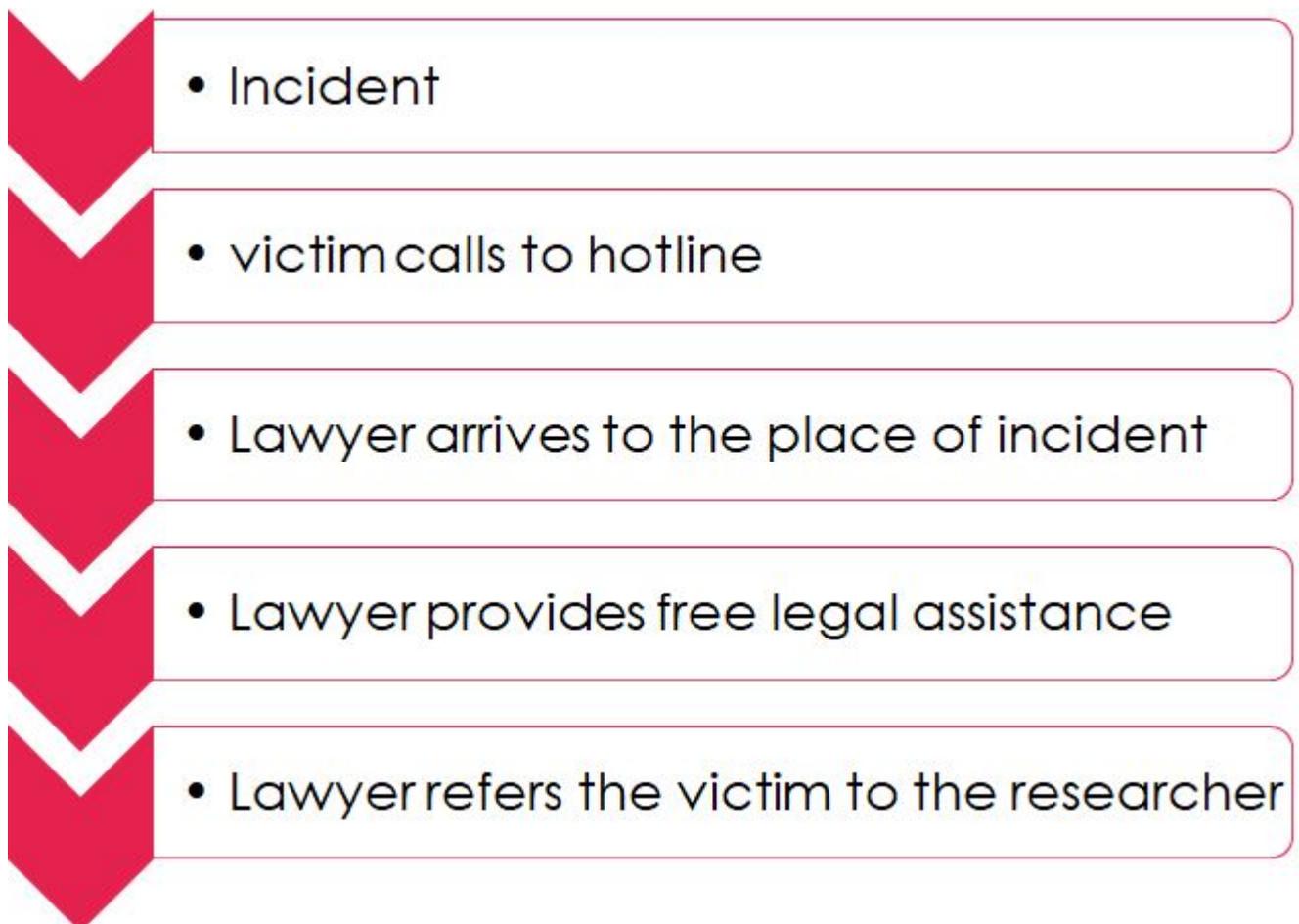
The methodology builds on international standards and on the expertise gained in different past activities conducted with a support of ILGA-Europe, such as the elaboration of European-wide submissions to the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) in view of its Annual Report on Hate Crime.

In the framework of this project, Right Side developed a reporting form for victims and witnesses to report the incidents based on the OSCE hate crime reporting form. Info materials about the hotline and services distributed among the community members Specific mobile phone was dedicated to hotline and for the lawyer, to document the cases via social media, skype and phone calls. A rapid responses organized and the lawyer arrived in the place of accident.

METHODOLOGY

The reports were collected via face-to-face interviews with victims. The survey conducted by using different methods:

- The cases registered via 24/7 hotline cases
- The cases registered via skype calls
- The cases were registered via Facebook messenger



KEY FINDINGS

Totally 123 cases documented. The vast majority of reported incidents took place in the capital city Yerevan against trans people who identified them trans heterosexual. Most of the victims were young aged 18-30. The youngest victim was 18 years old and only 30% of all victims were out. Half of the cases happened during the night time.

42% of all cases happened in public places, but there were cases registered happened in the state buildings and close to the sex work venue and in their own apartments.

More than half of the cases were physical violence, 2% of all cases were attempts of killing, 3% of respondents were locked up, 19% of respondents were refused services

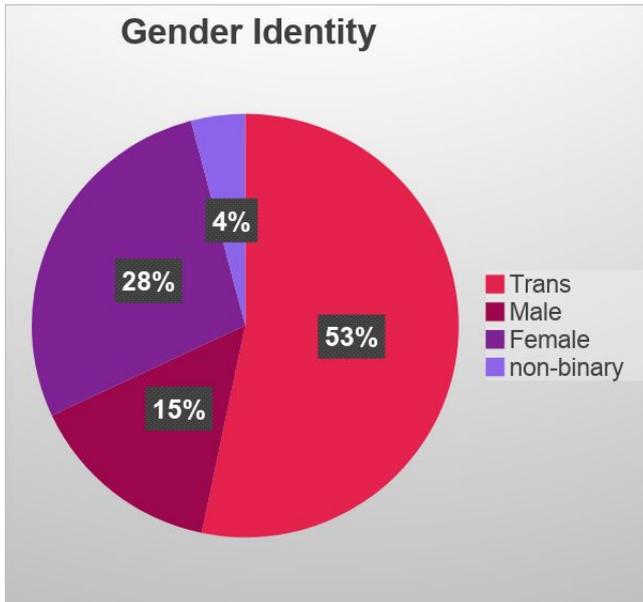
49% of all reported cases happened at nighttime and 19% happened in the evening. There were only 8 cases happened in the morning and 14 in the afternoon.

More than two third of the incidents reported, were done by one perpetrator, 13% reported that there were 2 perpetrators and 9% of cases were reported about group of perpetrators.

Only 14% of victims mentioned that they received medical and/or psychological support. When asked why, respondents mentioned they were afraid of stigma and discrimination in accessing to healthcare

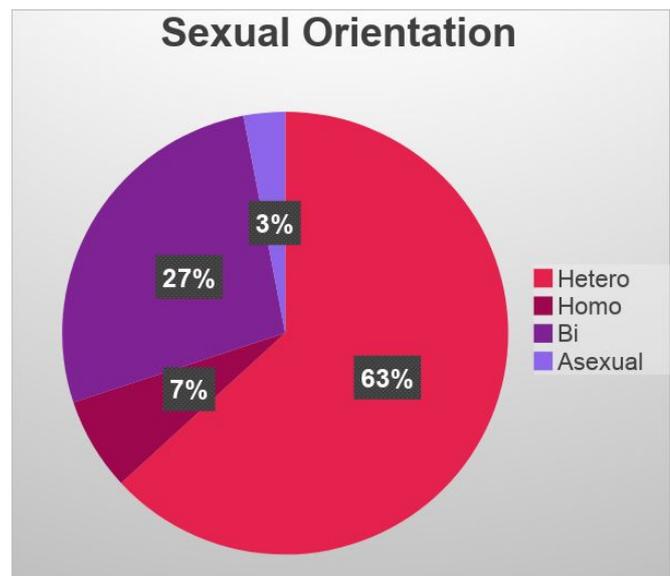
None of the cases reported to the police, did not considered by the police as a hate crime, because Armenia does not have hate crime legislation, which covers gender identity and expression. Thus, police and other law enforcement are classifying transphobic violence as ordinary crimes or administrative offenses. The majority of victims turn to “Right Side” Human Rights Defender NGO for legal assistance and advice.

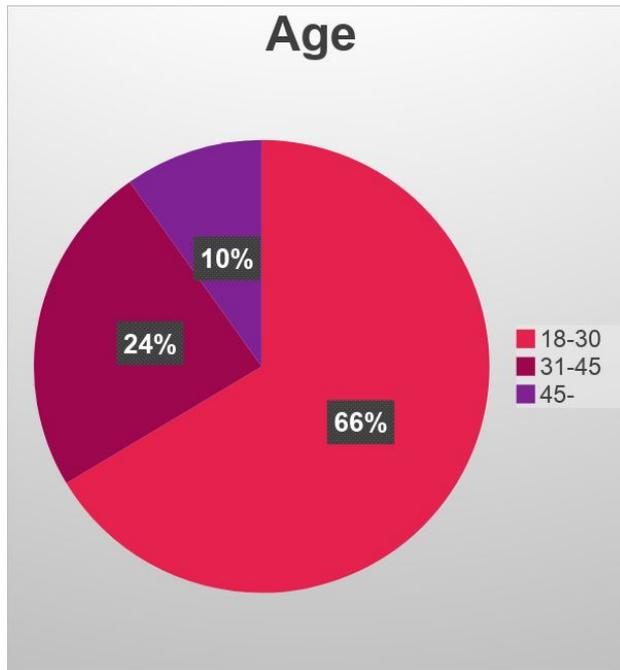
HATE RIMES AND INCIDENTS



Most of the respondents identified themselves as trans 53%, however, 15% of all respondents identified themselves as men, 28% female and 4% non-binary.

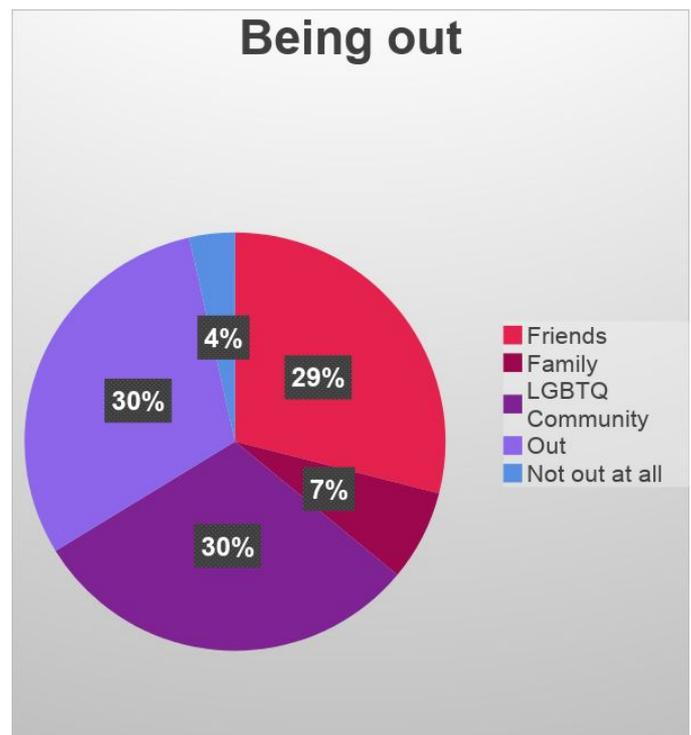
63% of respondents identified themselves heterosexual, but 7% were homosexuals, 27% bisexual, 7% of all respondents said that they are asexual.



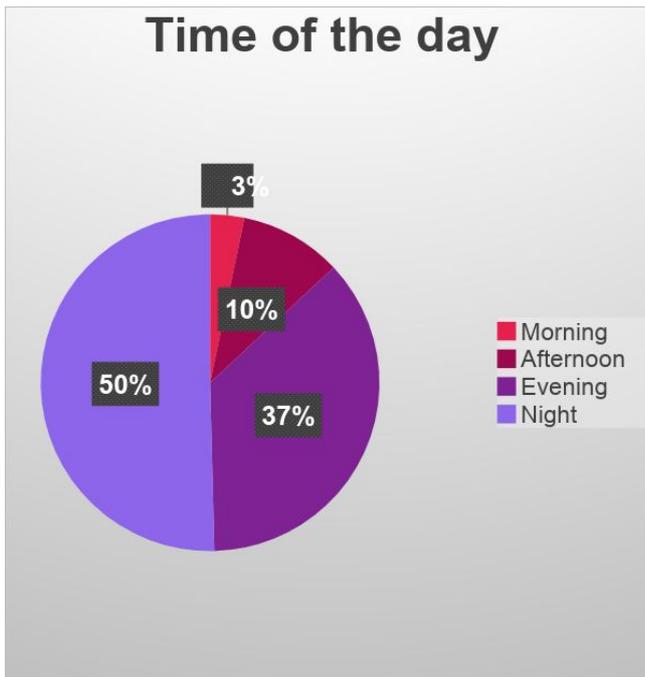


Most of the respondents 66% were young aged 18-30. The youngest respondent was 18 y.o, the oldest respondent was 53 y.o.

One third of all respondents were out, another one third were out only to LGBTQ community. 29% mentioned that they are out only to friends. 4% mentioned that they are not out at all.



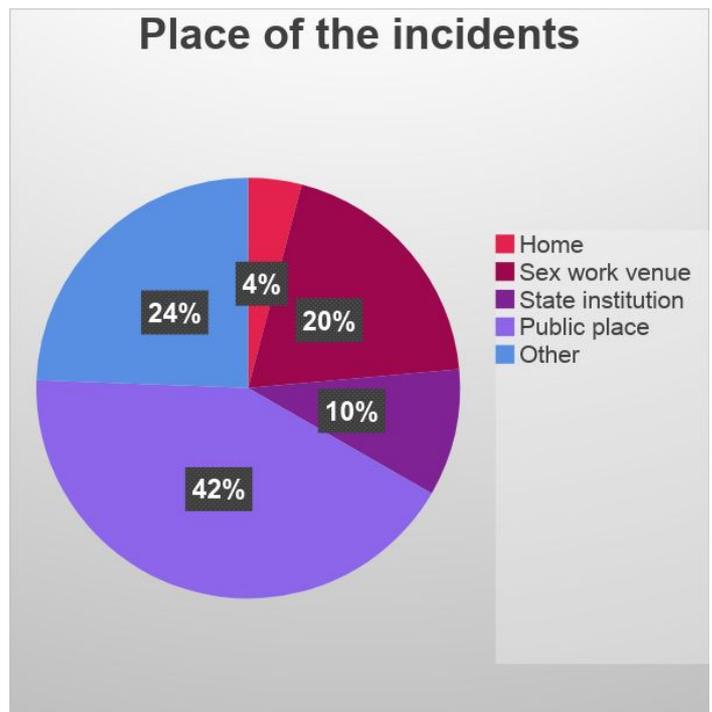
Time of the day



Half of the cases documented happened at night time (from midnight to 5 a.m.), 37% of all cases happened in the evening (5p.m. till midnight), 10% at the afternoon (from noon to 5 p.m.). 3% of all cases happened in the morning (5 a.m. till noon).

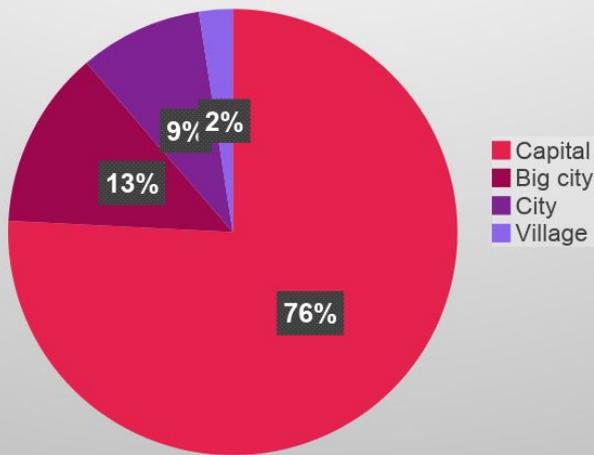
Most of the incidents happened in public places – 42%, 20% of all incidents happened in sex work venues, 10% happened in state institutions and 4% of cases happened in their homes. 24% of incidents happened in other places.

Place of the incidents



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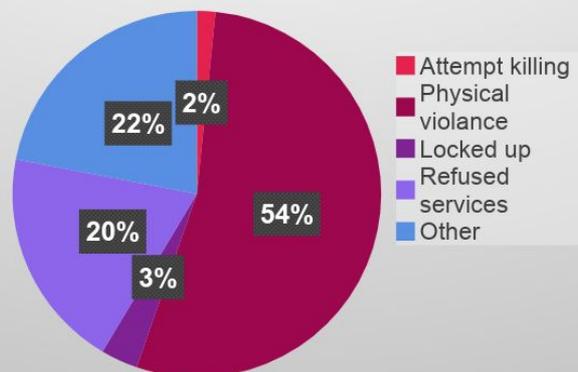
Geographic location



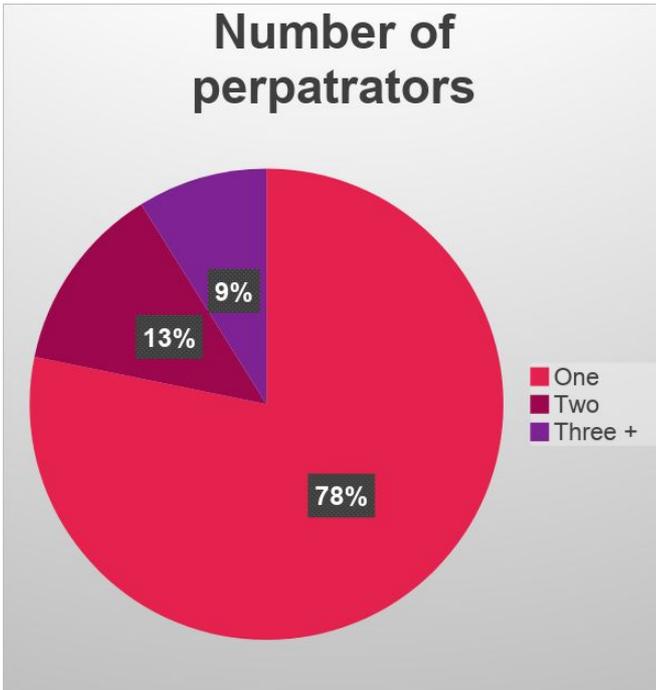
76% incidents happened in Yerevan, 13% in big cities (Gyumri and Vanadzor), 9% in cities and 2% in villages.

More than half of the cases were physical violence, 2% of all cases were attempts of killing, 3% of respondents were locked up, 19% of respondents were refused services

Type of incidents



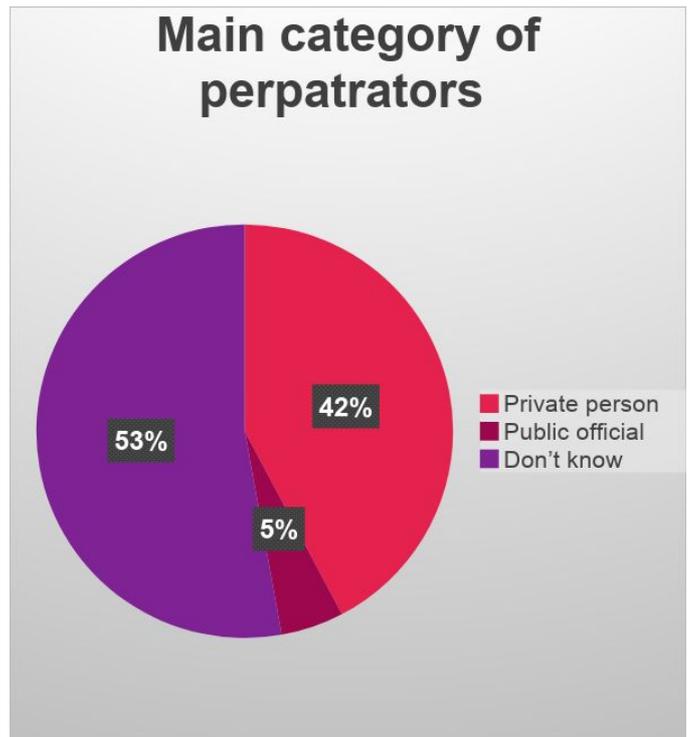
Number of perpetrators



More than two third of the incidents reported, were done by one perpetrator, 13% reported that there were 2 perpetrators and 9% of cases were reported about group of perpetrators.

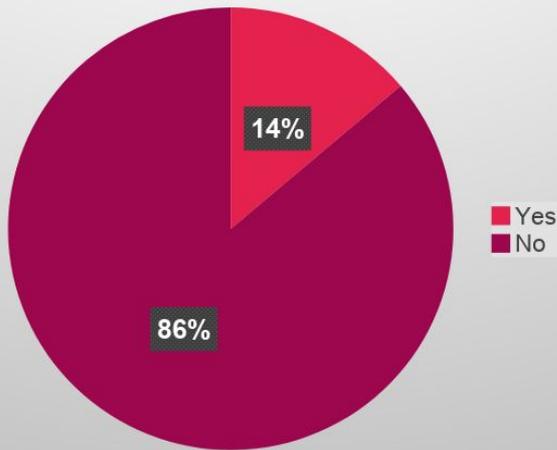
42% of the perpetrators were private persons. 53% of respondents mentioned that they don't know who the perpetrator is, 5% of perpetrators were persons holding a public position

Main category of perpetrators



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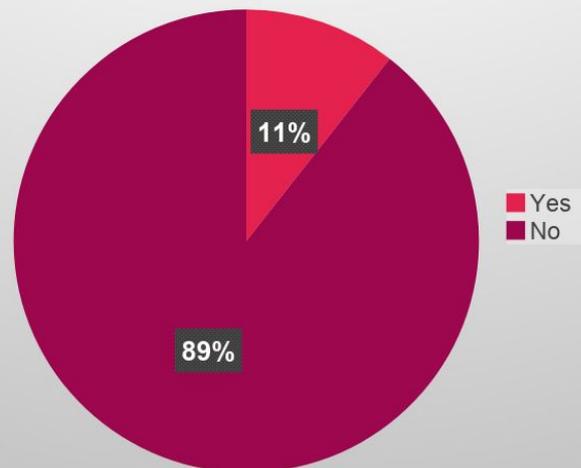
Medical/psychological
support



Only 14% of respondents mentioned that they received medical and/or psychological support. When asked why, respondents mentioned they were afraid of stigma and discrimination in accessing to healthcare.

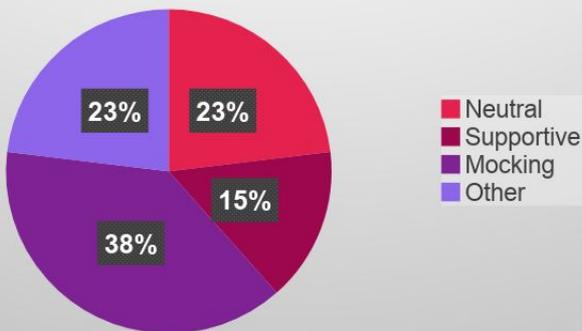
Only 11 cases reported to the police. When asked why, respondents mentioned they were afraid of police, they do not trust them, or they afraid of disclosing their identities.

Reported to Police



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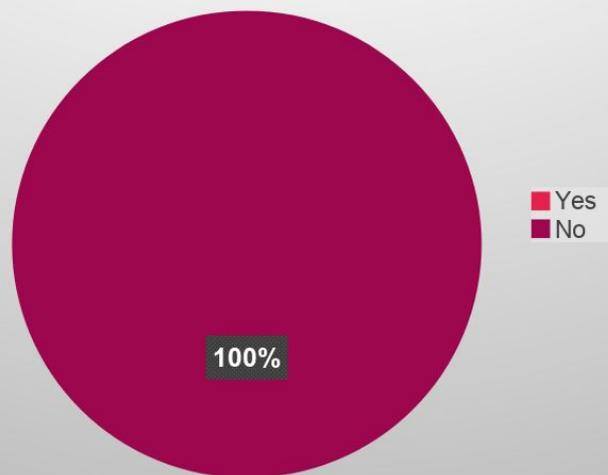
Police reaction



23% of respondents who reported to the police, mentioned that police was neutral, 39% mentioned that police was mocking, 15% mentioned that police was supportive.

None of the cases reported to the police, did not considered by the police as a hate crime, because Armenia does not have hate crime legislation, which covers gender identity and expression.

Cases considered as hate crime



Case #1

In April 2018 a non binary person “ABC” was isolated in a separate room in the commissariat building, their mobile phone was taken away, they took personal belongings, and the passport of ABC. ABC was insulted throughout the isolation course. The employees of the military commissariat uttered hate speech against ABC in that room, and in particular they stated that “people like you should be burned, torn into pieces as you serve to cause damage to and against the interests of the nation.” ABC was called terrorist by the staff of commissariat; they were mockingly asked to hand their bags as they suspected that ABC a had explosives in their bags. The behavior conveyed by the officials and employees of a state institution is a gross violation of numerous legislative acts. It also derogated the dignity of the citizens of RA and incites hatred. “Right Side” NGO Sent written statement to the Defense Ministry of RA, to the military commissariat of Arabkir district, to the Office of the Human Rights Defender (Ombudsman) of RA and to the police.

Case #2

A trans woman XYZ was left hospitalized after being brutally beaten up in her Yerevan. The barbaric attack on a 32 year-old transgender woman in her own apartment. In February 2018, XYZ was physically assaulted by man whose identity was verified by the Police of the Republic of Armenia.

After brutally beating up his victim, the assaulter burnt down her apartment, locking her up and dismissing her entreaties to be released. The survivor escaped the burning apartment by miracle and was taken to hospital with heavy injuries. Thus hideous attack, coupled with bleeding and a heavy psychological shock, left XYZ unconscious. XYZ was in intensive therapy department for more than one week. The Investigative Department of Yerevan's Center and Nork-Marash Administrative Districts of the Investigation Department – Investigative Committee of the RA initiated a criminal case on Article 112 due to the Criminal Code of the Republic of Armenia. Necessary investigative actions are on process to find out the circumstances of the case.

Case #3

A teenage trans women LMN was kidnapped by a group of youngsters in January. The kidnapping was organized by her mother. Right Side received a call via hotline from her friends that they can not find her. On the next day early in the morning she was able to escape from the group, called from another city to our lawyer. Lawyer travelled to that city and they reported the case to the police. During the investigation it was found out that the organizer was her mother, who wanted to “treat her illness, (edit: being a trans) and bring her to the normal life”. The criminal case is initiated by the police against the group of young man and her mother.

RECOMMENDATIONS

- *ensure effective, prompt and impartial investigations of cases of crimes and other incidents, where the gender identity and expression a motive for the perpetrator;*
- *ensure that particular attention is paid to the investigation of such crimes and incidents when allegedly committed by persons acting in an official capacity, and that those responsible for such acts are effectively brought to justice and punished in order to avoid impunity;*
- *ensure that when determining sanctions, a bias motive related gender identity and expression are taken into account as an aggravating circumstance;*
- *Ensure that victims of “hate crimes” and other hate-motivated incidents are encouraged to report these crimes and incidents;*
- *ensure that law enforcement structures, including the judiciary, have the necessary knowledge and skills to identify such crimes and incidents and provide adequate assistance and support to victims.*
- *ensure that relevant data are gathered and analyzed on the prevalence and nature of discrimination on grounds of gender identity and expression, and in particular on “hate crimes” and hate-motivated incidents related to sexual orientation or gender identity;*
- *ensure that trans people are not subject to discrimination – in law and in practice;*
- *ensure that any discriminatory statements made by public officials are reviewed and the officials held to account in appropriate disciplinary or other proceedings.*

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