



*2021 - 2022*

# LEGAL REPORT

"HATE CRIMES AND OTHER HUMAN RIGHTS VIOLATION CASES  
AGAINST TRANSGENDER **LG**B**I**Q PEOPLE IN ARMENIA"

## RESEARCH



**RIGHT SIDE**  
HUMAN RIGHTS DEFENDER NGO

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## BASIC CONCEPTS

**Agender** a "genderless" person who does not identify with any gender

**Bisexual** an individual who is emotionally and/or sexually attracted to more than one sex/gender

**Gay (gay man)** a homosexual male who has a deep emotional, sensual, and sexual attraction to, and desire for, an intimate and sexual relationship and/or relationship with a man

**Gender** refers to people's internal perception and experience of masculinity and femininity, as well as the societal structure that defines certain behaviors for male and female roles depending on history, societies, cultures and classes; gender is related to societal expectations and not just a biological issue

**Gender identity** refers to each person's internal perception and personal experience of their gender, which may or may not correspond to the sex assigned at birth, including body perception and other gender expressions such as clothing, speech, and behavior

**Targeted person or group** is used in this manual to describe vulnerable groups who are subject to hate crimes or other hate crimes based on their sexual orientation or gender identity

**Intersex** a person who biologically has both male and female biological characteristics, either chromosomally or hormonally, as well as in the form of genitalia, as a result of which he is unable to fully identify with either male or female

**LGBTIQ community** is a community of lesbian, gay, bisexual, transgender, intersex and queer people united by common interests, problems and goals; it in turn consists of various sub-communities, groups and communities

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<sup>1</sup>THE MAIN SOURCE OF THESE TERMS IS "GUIDELINE FOR SPECIALISTS WORKING WITH LGBT PEOPLE", "PINK" HUMAN RIGHTS DEFENDER NGO, 2021, [HTTPS://WWW.PINKARMENIA.ORG/ WP-CONTENT/UPLOADS/2021/10/SPECIALISTS-GUIDELINE-2021.PDF](https://www.pinkarmenia.org/wp-content/uploads/2021/10/SPECIALISTS-GUIDELINE-2021.PDF)

queer people united by common interests, problems and goals; it in turn consists of various sub-communities, groups and communes

**Lesbian (gay woman)** a gay woman who has a set of deep emotional, sensual, and sexual attractions, as well as an intimate and sexual relationship and/or desire for a relationship with a woman

**Vulnerable person or vulnerable group** person or group who are in a vulnerable situation for a long time due to any of their characteristics or status

**Community members** Transgender LGBTIQ, people with a different sexual orientation and gender identity

**Crime** is considered an act committed by the subject of the crime, provided by the Criminal Code of the Republic of Armenia, prohibited by the threat of punishment.

**Research** "Hate crimes or other hate crimes in Armenia" for the period from July 2021 to December 2022

**Heterosexual** an individual who has a set of deep emotional, sensual, and sexual attractions, as well as intimate and sexual relationships and/or desire for relationships, with persons of other genders

**Homophobia** fear, unreasonable anger, intolerance and/or hatred of homosexuality

**Non-binary** any gender identity that does not conform to the bipolar system of femininity and masculinity

**Pansexual** a person who has romantic, deep emotional, erotic and sexual tendencies regardless of a person's biological sex and gender identity, who may be attracted not only to cisgender or transgender women or men, but also to non-binary gender identity and intersex people

**Sexual orientation** is an individual's romantic, emotional, erotic, and sexual attraction to a person of the same or opposite sex

**Sexuality** is the set of biological, mental, behavioral, and social characteristics of each person that define a person's identity, behavior, image, and role as an individual and as a member of society

**SOGI** sexual orientation and gender identity and/or gender expression

**Transgender** a person whose gender identity and/or gender expression differs from the sex assigned at birth, and includes women and men with a transsexual past, transsexual identifying persons, transgender persons, cross-dressing persons, etc.; is a sponsor term and is inclusive of people with transgender, transsexual and other non-binary gender identities

**Transsexual** a person who has surgically changed their biological sex to the opposite biological sex

**Transphobia** negative cultural and personal beliefs, opinions, attitudes and behaviors based on prejudice, disgust, fear and/or hatred towards trans people or variations in gender identity and gender expression

**Victim** a person who is a member of a vulnerable group and has suffered psychological, bodily, physical harm as a result of hate crimes or other hate crimes due to their sexual orientation or gender identity

## **ABOUT THE ORGANIZATION**

The “Right Side” Human Rights Defender Non-Governmental Organization " (hereinafter also referred to as the Organization) was registered as a human rights non-governmental organization on January 25, 2016 by the Agency of the State Register of Legal Entities of the RA Ministry of Justice.

Lilit Martirosyan is the co-founder and president of the Organization since its foundation. The Organization is located in Yerevan, the staff consists of 9 people.

Since its establishment, the Organization has been active in promoting the protection of the rights of Trans and LGBTIQ people, providing them with health and psychological services.

Over the years, the Organization has established partnership relations with diplomatic representations operating in Armenia, UN agencies, the Council of Europe, as well as other intergovernmental and public international and local organizations and networks.

The Organization works in 3 strategic directions:

- 1.** Community health and safety maintenance.
- 2.** Human rights protection and legislative reforms.
- 3.** Change of public opinion and breaking of stereotypes.

The Organization regularly organizes courses, meetings, seminars and other events to improve the level of legal awareness of the Trans and LGBTIQ community, to inform the public about the issues of Trans and LGBTIQ people, working with international and local organizations and government bodies.

## INTRODUCTION

From July 2021 to December 2022, the Organization continued to provide legal support to Trans and LGBTIQ people, their family members, supporters, and activists.

The lawyers of the Organization acted as representatives in courts, police, investigative and other state bodies within the framework of legal assistance.

The Organization continues to conduct all legal procedures that started in previous years and are still ongoing, including those in the European Court of Human Rights.

As of December 2022, 6 court cases are being handled by the lawyers of the Organization, 4 of which are in the Criminal Court of First Instance of Yerevan City, 1 in the RA Administrative Court, 1 in the RA Court of Cassation. In 3 of the mentioned criminal cases, lawyers act as a representative of the victim, in 2 cases - as a defender of the accused, and in administrative and civil cases - as a plaintiff's representative.

During 2022, 3 court cases were completed, all with a successful outcome, two of which were civil and one was a criminal case.

Accordingly, in the period between July 2021 and December 2022, legal advice was given to 327 people, which referred to:

- passport change issues,
- issues of mandatory military service,
- problems related to hormone therapy,
- relations with state bodies,
- family and work relations,
- problems related to the service sector.

The Organization continues to be actively involved in the protection of the rights of Transgender LGBTIQ people, using for this purpose the means allowed and available by RA legislation: courts, police and other state bodies.

This report presents the activities of the Organization for the period from July 2021 to December 2022, including the report on hate crimes against transgender and LGBTIQ people and other hate crimes, the results of the Organization's human rights activities during 2022, strategic judicial proceedings and the Organization's vision and planned actions regarding future strategic directions.

**PART I**

**LEGAL REPORT**

**OF “RIGHT SIDE” HUMAN RIGHTS DEFENDER NGO**

July 2021 - December 2022



## 1.1 STRATEGIC LAWSUIT

### **K. A. against Republic of Armenia (Gender change in passport)**

On 30.10.2018, K. A. submitted an application to the Civil Acts Registration Services Kentron and Nork-Marash Department of the Ministry of Justice of the Republic of Armenia to amend the birth certificate.

With the submitted application, K. A. asked to make a correction in birth certificate No. 870, that is, to correct the female note in the gender column with a male note.

On 17.12.2018 the application was rejected by Civil Acts Registration Services Kentron and Nork-Marash department with the drawn up conclusion (hereinafter: Conclusion).

In this case, CARS Kentron and Nork-Marash department, rejecting the application of K. A., referred to the decision of the Minister of Justice of the Republic of Armenia dated 14.05.2007 to the order, which stipulates that the CARS body refuses to make changes, amendments and corrections in the registration of the act of civil residence, if the submitted documents are incomplete, do not follow the requirements of the legislation of the Republic of Armenia or the request to make changes, amendments and corrections is not justified, the documents contain information inconsistencies.

The relevant regulations, which, according to the CARS Kentron and Nork-Marash Department, were absent in the application, are defined by the RA Law "On Civil Residence Acts", according to Article 70 of which, "The conclusion of the CCA body on making corrections, amendments or changes in the record of the civil residence act is made in particular in the following cases when:

c) The medical organization issued a document of the prescribed form on gender change in accordance with the procedure established by the legislation of the Republic of Armenia.

That is, if a person wants to make a change in the record of the civil residence act (change of record about gender), he must:

1. perform a sex change,
2. submit a gender change certificate issued by a medical organization in accordance with RA legislation.

In the given case, in order for the K. A. to correct the "female" note in the gender column with the "male" note, he had to perform the listed actions, that is, perform a sex change and submit a sex change document issued by a medical organization in accordance with RA legislation.

The European Court of Human Rights, in the case of A.P., Garçon and Nicot v. France (ECHR 121 (2017) 06.04.2017) , addressed the mentioned issues, in particular, noting that the recognition of the gender identity of transgender people after undergoing medical interventions, which they did not want to have, means full denial of the right of protection or respect for a person's private life. The court considered that changing a person's appearance, through gender reassignment surgery, sterilization or other medical interventions, leads to irreversible consequences and violates a person's physical integrity.

The Court held that the respondent State had failed to fulfill its positive obligation to ensure the right to respect for private life. The court considers that there was a violation of Article 8 in this regard.

In addition, mandatory sterilization was criticized by the European Court of Human Rights in cases of Y.Y. v. Turkey and Soares de Melo v. Portugal.

In other words, it should be noted that the state cannot force a person to perform gender reassignment surgery, because it completely undermines the state's obligation to respect the privacy of everyone's personal life and freedom. Gender identity is part of a person's private life and a person should not have to choose between their physical and spiritual integrity and their gender identity. In addition, requiring proof of gender identity is humiliating and violates a person's dignity.

According to Article 26 of the RA Constitution, "No one can be subjected to torture, inhuman or degrading treatment or punishment."

Thus, the study of the above-mentioned facts and legal circumstances leads to the fact that the current regulations in the Republic of Armenia force a person to undergo gender reassignment surgery (sterilization) in order to make changes or corrections in the acts of registration of civil residence, which, as already documented and justified, is a gross violation of a person's personal life, interference, violation of the European Convention as well as of national legislation.

Thus, it should be noted that the state forces a person to apply for an irreversible surgical intervention, to make a correction in the civil residence registration act, which is inadmissible and contradicts the international obligations undertaken by RA.

At the same time, it should be noted that there are no legal regulations in Armenia, according to which the norms and regulations for providing information about sex change by a medical organization would be defined.

PS: On August 12, 2022, after exhausting all domestic courts, the Organization's lawyer filed a complaint against the Republic of Armenia at the European Court of Human Rights on behalf of KA. On January 23, 2023, the Organization received a notice from the ECHR that an application for the case of K.A.

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<sup>3</sup><https://hudoc.echr.coe.int/spa#%7B%22ITEMID%22:%5B%22001-172913%22%5D%7D>

**Lilit Martirosyan against Republic of Armenia**  
**(Hate speech, incitement to violence and publication of personal data)**

RA citizen Lilit Martirosyan is a transgender woman and the president of the Right Side Human Rights Defender NGO. On April 5, 2019 she gave a speech at the RA National Assembly in the parliamentary hearings on the "National Human Rights Agenda, Universal Periodic Review of the United Nations." After her speech, many people started public manifestations of hate speech and threats to murder Lilit Martirosyan, stating that she is a transgender person and has no right to speak in the RA National Assembly.

On 06.04.2019, Lilit Martirosyan submitted a report to the Yerevan City Center Department of RA Police that after her speech on human rights in the RA National Assembly, the courier of the "SAS" supermarket chain illegally published her personal information on the Internet through his Facebook account, that is, Lilit's residential address. In particular, the courier of the "SAS" supermarket chain, who delivered food to Lilit Martirosyan on the order of Lilit Martirosyan, seeing that it was Lilit Martirosyan who ordered the food, published the latter's address on his personal Facebook account, and also expressed his willingness to provide Lilit Martirosyan's phone number to anyone who wanted to.

On the same day, Lilit Martirosyan reported that she received threats of death and threats of violence from a staff member of the "Eagle 30 Ararat death squad" group, which was incited through a video. In particular, in his video, which is available on the YouTube website, at the 2.52 second of the video, the person making the threats threatens to "kill" her and urges the authorities not to consider him a murderer.

On 16.04.2019, A. Oskanyan, the investigator of the Central Department of the RA Police, made a decision to reject the initiation of a criminal case with the present materials.

The above-mentioned decision was appealed to the Prosecutor's Office of Kentron and Nork-Marash administrative districts of Yerevan. According to the decision of 13.05.2019 of the Prosecutor of Kentron and Nork-Marash administrative districts of Yerevan A. Afandyan, the appeal was rejected.

On 03.06.2019, a complaint was filed against the decision of the Prosecutor's Office to the Court of General Jurisdiction of the city of Yerevan. The complaint was rejected by the decision of the Yerevan Court of First Instance dated 09.09.2019. An appeal was filed against the decision of the Court of First Instance of Yerevan General Jurisdiction, which was rejected by the decision of the RA Criminal Court of Appeals dated 08.11.2019, against which a cassation appeal was filed on 16.12.2019.

On 17.01.2020, the RA Court of Cassation returned Lilit Martirosyan's cassation appeal on the grounds that Lilit Martirosyan did not send a copy of the cassation appeal to the interested parties, Karapet Karapetyan, the courier of the "SAS" supermarket chain, and the member of the "Eagle 30 Ararat Mahapart" group, member Yeprem Margaryan.

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<sup>3</sup>VIDEO LINK: [HTTPS://WWW.YOUTUBE.COM/WATCH?V=0JFm45dPuLw](https://www.youtube.com/watch?v=0JFm45dPuLw)

On 23.01.2020, Lilit Martirosyan again submitted the cassation appeal, at the same time, noting that, according to Article 6, Clause 31 of the RA Criminal Code, Yeprem Margaryan and Karapet Karapetyan are not participants in the trial and Lilit Martirosyan has no obligation to send the copy to them, and the other people who participated in the trial, were sent the copy of the cassation complaint according to the RA Criminal Procedure Code. On 28.02.2020, the RA Court of Cassation made a decision to leave the cassation appeal unexamined, noting that Lilit Martirosyan did not correct the deficiencies in the cassation appeal.

By not examining and not making a decision on Lilit Martirosyan's cassation appeal, the RA Court of Cassation violated a number of rights of Lilit Martirosyan, so an appeal was submitted to the European Court.


In particular, the complaint argued that Articles 3, 6, 8 and 13 of the European Convention on Human Rights were violated.

The violation of Article 3 of the Convention is manifested in the threats of murder and violence against Lilit Martirosyan and in the fact that no investigation was carried out by the competent authorities in this regard. In particular, Lilit Martirosyan stated in her complaints to the investigation bodies and to the courts that the death threats directed at her should also be considered in the context of torture, however, no investigation was conducted in that regard. Moreover, both the court of first instance and the Criminal Court of Appeal of the Republic of Armenia did not refer to that circumstance in any way in their decisions. In particular, we have noted that "the threat of torture to any person may amount to at least inhuman treatment" (see *Campbell and Cosans v. the United Kingdom*, § 26) and "in particular, the fear of physical torture may itself amount to mental torture." The qualification of whether a given threat of physical torture constitutes mental torture or inhuman or degrading treatment depends on the circumstances of the case, including, in particular, the severity of the pressure applied and the intensity of the mental suffering caused" (*Gäfgen v. Germany* ([MC], No. 22978/05, ECHR 2010). In this regard, Lilit Martirosyan's right to be free from torture was also violated, which was also demonstrated by the absolute refusal of state bodies and judicial bodies to examine this issue, in any way, no competent body addressed this issue and did not give any legal assessment.

The violation of Article 8 is manifested in the fact that Lilit Martirosyan, being deprived of effective means of legal protection, was unable to protect the right to respect her private and family life. Domestic authorities did not take into account that the disclosure of Lilit Martirosyan's place of residence by the courier of "SAS" supermarket chain violated Lilit Martirosyan's right to private life.

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<sup>2</sup><https://hudoc.echr.coe.int/SPA#%7B%22ITEMID%22:%7B%22001-172913%22%7D%7D>



The investigation bodies and the criminal courts of first instance and appeals of RA stated that Lilit Martirosyan's registered address is publicly available information and its publication did not violate Lilit Martirosyan's rights, however, Lilit Martirosyan complained that her actual residential address was published, which was not publicly available, no third party was aware of it, and Lilit Martirosyan did not give permission for its publication, but no attention was paid to that circumstance. Moreover, even if Lilit Martirosyan's actual residence address was publicly available to the public, even then, taking into account the circumstances of the case, the presence of hatred and death threats by certain members of society against Lilit Martirosyan, Lilit Martirosyan could expect protection of her private life and data, which was also mentioned by the European Court: "In the area of personal data protection, the fact that the information in question is already in the public domain does not necessarily deprive it of the protection provided for in Article 8 ("Satakunan Markinaporsi Oy and Satamedia Oy against Finland" [GC], § 134). Therefore, even if Lilit Martirosyan's actual residential address was not made public in any way, no person had the right to publish it without Lilit Martirosyan's consent. Therefore, in conjunction with Articles 6 and 13 of the Convention, Article 8 of the Convention was also violated.

The violation of Article 13 was manifested as follows. By leaving Lilit Martirosyan's cassation appeal unexamined, the RA Court of Cassation violated Lilit Martirosyan's right to an effective legal means of protection. In particular, as a reason, the cassation court stated that Lilit Martirosyan did not send the copy of the cassation complaint to the interested persons, such as Yeprem Margaryan and Karapet Karapetyan, whom the court observed, and as it was documented, they were not participants in the trial, because of Article 6 of the RA Criminal Code. According to Clause 31 of the Article, the participants in the proceedings are the prosecutor (accuser), the investigator, the investigative body, as well as the victim, the civil plaintiff, their legal representatives and representatives, the suspect, the accused, their legal representatives, the defense attorney, the civil defendant and his representative. Therefore, Lilit Martirosyan had no obligation to send the copy of the cassation complaint to any other person. The RA Court of Cassation, imposing an illegal obligation on Lilit Martirosyan, violated her right to an effective legal means of protection and a fair trial by refusing to examine the grounds for accepting the cassation appeal.

The European Court has addressed the issue of judicial accessibility in a number of decisions, specifically stating: "The state may establish certain conditions for exercising the right to appeal to the court, "...just the restrictions applied by the state should not limit the person's right of access to the court in such a way or to such an extent that the very essence of that right is harmed. In addition, a restriction will not comply with Article 6, paragraph 1, if it does not pursue a legitimate aim and if there is no reasonable ratio of proportionality between the means used and the aim pursued" (Case of Khalfaoui v. France, application no. 34791/97, 14/03/2000), or "Restrictions cannot meet the requirements of Article 6, Part 1 of the European Convention on Human Rights, if they do not pursue a legitimate goal or there is no causal connection between the chosen means and the pursued legal goal (Case of Marini against Albania (application no. 3738/02), Judgment of 18 December 2007, para. 113)".

Therefore, the norm applied by the RA Court of Cassation not only did not comply with the law, the RA criminal procedure, but also such application disproportionately limited Lilit Martirosyan's right to judicial access and therefore to a fair trial. The latter was subjected to a requirement that does not derive from the RA Criminal Code, the fulfillment of which did not derive from her duties.

Simultaneously with the violation of Article 6 of the Convention, Article 13 of the Convention was also violated, because the illegal obligation imposed on Lilit Martirosyan by the RA Court of Cassation deprived her of an effective means of legal protection. The purpose of the rule of exhaustion of domestic remedies is to enable domestic authorities, particularly courts, to prevent or remedy alleged violations of the Convention. This is based on the presumption reflected in Article 13 that the domestic legal system must provide for effective means of protection for violations of Convention rights (Selmouni against France (MC), § 74, Kudła v. Poland (MC), § 152).

Therefore, with the complaint submitted to the European Court, Lilit Martirosyan expects recognition of the violation of her rights by the European Court.

PS: The complaint was submitted to the European Court on September 9, 2020. Thus, two appeals submitted by the Organization are currently in the European Court of Human Rights, which are of strategic importance for the Organization.

## 1.2 COMPLETED CIVIL AND CRIMINAL CASES

### A. Q. against. A. K.

A. Q., a transgender person, has applied to the Organization, stating that one of her acquaintances, having borrowed money from her in the amount of 6 million AMD, refuses to return it for a long time.

The Organization filed lawsuits demanding the confiscation of money. Satisfying our claim, the verdict was sent to the enforcement service of the Ministry of Internal Affairs of Armenia to enforce it.

During the enforcement actions, it was found out that the respondent A. K. has jointly owned property, after which the lawyer of the Organization applied to the court to separate the share of the respondent A. K. from the common property, and if this is impossible, to sell it at a public auction.

As a result, the court fully satisfied the presented claims and decided to sell A. K.'s property through public auctions.

### **The sentence imposed on G.T. was not applied conditionally**

In 2021, Transgender G. T. addressed the Organization and reported that he was charged for driving a car on September 17, 2021, not having the right to drive vehicles and not being sober. A criminal case was initiated in the Regional Investigative Department of Kotayk under Part 2 of Article 243.1 of the RA Criminal Code. G. T. asked "Right Side" HRD NGO to undertake the protection of its interests. The Organization immediately began to protect the rights of G. T. and the lawyer of the Organization was involved in the case as a defender.

Thanks to the Organization's consistent and defender's work, the court of general jurisdiction of Kotayk region on 10.03.2022 imposed a mild punishment in the form of imprisonment for a period of 6 (six) months without holding certain positions or performing certain activities to deprive him of the right to practice, and in accordance with Article 70 of the RA Criminal Code, the Court decided not to conditionally apply the sentence imposed on G. T., setting a probationary period of 1 (one) year.

The prosecutor, not agreeing with the verdict, submitted an appeal to the RA Criminal Court of Appeals, demanding the annulment of the verdict in terms of not applying the sentence conditionally.

The Criminal Court of Appeal of the Republic of Armenia by its decision of 23.09.2022 completely rejected the appeal of the prosecutor, leaving the verdict of the Court of First Instance of Kotayk Region of the Republic of Armenia of March 10, 2022 unchanged.

As a result, the sentence imposed on G. T. will not be applied conditionally, the latter will remain free.

## 1.3 CURRENT CASES

### Criminal Cases

**Case 1.** A. S., a sex worker, applied to the Organization and reported that she was subjected to sexual exploitation by G. V., a criminal case was initiated, she was recognized as a victim, who was sent to court, and she needs to protect her rights.

As a result of studying the materials of this case, it was found that G. V., with the intention of putting A.S. into sexual exploitation, gave the latter gold on the condition of returning 70 USD for each gram. Later, G. V. again gave gold jewelry and forced her to repay the sum of money every day. As a result, A. S. became financially dependent on G. V. and was forced to engage in sex work on a daily basis in a place called "Tetsi Krug", and she transferred the money she received to G. V. In addition, in 2021, G. V. used non-life or health-threatening violence against A. S. at her house, forced her to continue transferring money to him on a daily basis and left, thus putting her in a state of exploitation. and exploited her. During the preliminary investigation of the criminal case, sufficient evidence was obtained, according to which, as a result of the actions of G. V., the victim A. S. was caused a large amount of damage, which in total amounts to AMD 6,144,530.

For the criminal acts listed above, G. V. was prosecuted under Article 188, Part 1 of the RA Criminal Code, Article 132, Part 1 of the former RA Criminal Code (Part 4). During this criminal proceeding, A. S. was recognized as a victim.

During the preparatory stage of the trial of the case, on behalf of the victim A. S., the lawyers filed a property claim against the accused G. V. in the amount of AMD 6,144,530 as compensation for the damage caused to the criminal sex worker A. S.

Currently, the case is at the trial stage, another court session has been scheduled for March 2023.

**Case 2.** A. A., a trans person, turned to the Organization and stated that as a defendant, she needs judicial protection of her rights. A. A. told that on the night of September 11, 2017, she was near Beirut Street with T. K., S. P., and A. S. At around 00:06, a black car passed by the street of Beirut and stopped near them, and the girl sitting in the back of the car started taking pictures with her mobile phone and making fun of them. They asked not to film them, but the car driver cursed them and, getting out of the car, attacked S. P. and A. S., hit them with his hands, as a result of which S. P. fell to the ground. The car driver took a stone, hit A. S. on the head with a stone, then started to strangle him with his hands, took off A.S.'s wig and ran to the park. The police officers arrived, the car driver pointed at A. S. and S. P., with whom he argued. A. A. and T. K. volunteered to go to the police in order not to leave their friends alone.



A criminal case was initiated and A. A. was charged with allegedly for pulling the hair of the girl sitting in the back of the car with both hands, causing severe physical pain to her health, swearing at the people in the car, and hitting them with her hands and feet, threw stones to the car and beer bottles at the driver who got out of the car. The damage to the car was estimated at AMD 405,000.

A criminal case was initiated under the 4th part of Article 258 of the former Criminal Code of the Republic of Armenia.

Currently, the case is being examined at the trial stage, the next court session is scheduled for May 2023.

**Case 3.** Trans person G. T. appealed to the Organization and reported that an unknown person, later the defendant A. Shaghoyan, beat her, caused physical pain, after which they burned the 95 cm-long natural hair wig on her head with a lighter, causing large-scale property damage worth AMD 1,970,000. A criminal case had been initiated under Article 118 and Article 185, Part 2, Clauses 1 and 2 of the former Criminal Code of the Republic of Armenia. G. T. was recognized as a victim.

A. was justified with the combination of the evidence obtained during the preliminary investigation. Shaghoyan's beating of trans person G. T., burning her wig and causing property damage, and the criminal case were sent to the court for examination.

During the court case, the investigation carried out with the participation of the lawyer once again confirmed the accusation, however, as a result of the change of the judge, the case was transferred to another judge, as a result of which the trial was prolonged.

Currently, the case is being examined at the trial stage, another court session has not been scheduled yet.

**Case 4.** Trans person H. T.-T. addressed the Organization and reported that several people who were engaged in gold trade were in commercial relations with him. At a certain time, H. T.-T. took gold jewelry from the mentioned persons, pawned it in the bank, then removed it from the bank and returned it to the mentioned persons.

But, once again, when she pledged the gold jewelry taken from those persons, the latter unjustly accused her that she did not want to return their gold jewelry, a total of 123 grams. Realizing that these persons wanted to deceive her, H. T.-T. called the police from the bank and reported the incident. The mentioned persons also called the police and reported that H. T.-T. wanted to steal the gold jewelry and leave.

As a result, a criminal case was initiated and H. T.-T. was charged under Article 178, Part 2, Clause 2 of the former Criminal Code of the Republic of Armenia.

During the preliminary investigation, the interests of H. T.-T. were protected by the lawyer of the Organization, the investigator submitted a petition to the court regarding the arrest of H. T.-T., however, as a result of the work of the lawyer, the court refused to detain trans person H. T.-T., a preventive measure related to non-deprivation of liberty was applied to the latter.

During the preliminary investigation, the lawyer also submitted a mediety to stop the criminal prosecution against H. T.-T., but this was rejected by the investigator and the case was sent to the court to examine the merits.

Currently, the case is at the trial stage, the next court session is scheduled for April 2023.

### **Civil Case**

**Case 5:** A. A. applied to the Organization and reported that during the 2020 coronavirus epidemic, he started working in one of the companies engaged in cafe business in Yerevan, but did not sign an employment contract, due to which the employer refused to pay him a month's salary. After studying the facts presented by A.A., including the conversations between him and the employer on social networks, the lawyer of the Organization submitted a claim to recognize the existence of labor relations and confiscate the amount of unpaid wages.

After the claim and appeal presented by A. A. in the first two court instances were rejected, a cassation appeal was filed in December 2022, on which no decision has yet been made.

### **Administrative case**

**Case 6:** LGBTIQ supporter A. M., who reported that he was unjustifiably deprived of the right to drive a car by the police for a period of one year, applied to the Organization. Based on the submitted documents, an administrative appeal was filed, but it was rejected, after which the lawyers of the Organization began to submit the case to the court. A lawsuit was filed against the RA Police Patrol Service in the Administrative Court on behalf of A. M., disputing the decision of the RA Police Patrol Service, by which A. M. was deprived of the right to drive a car for a period of one year.

By the decision of 23.11.2022, the claim was admitted to proceedings. The lawyers also submitted a petition to the court to suspend the decision of the patrol service, which was approved by the court on 12.12.2022. As a result, A. M.'s driver's license was returned to him.

The case was set for trial, the first session was set for June 1, 2023.

### **Criminal cases under investigation**

As of February 13, 2023, 10 criminal cases are being handled by the lawyers of the Organization, which are at the stage of preliminary investigation in various divisions of the RA Investigative Committee.

In the mentioned number of 10 criminal cases, 10 LGBTIQ persons have the status of victims, "Right Side" NGO also has the status of a victim, and one person has the status of an accused. The function of the lawyers of the Organization is to protect the rights of the beneficiaries of the Organization in investigative bodies, and then, if necessary, in RA courts.

The criminal cases investigated by the investigative bodies will be presented in detail below.

## **1. A transgender woman was beaten**

A.N., a trans woman, applied to the organization and reported that she was beaten. In particular, on June 19, 2022, at around 02:00 in the morning, at the beginning of Surb Grigor Lusavorich Street in Yerevan, a group of unknown men, showing open disrespect towards members of the public without any reason, shouted sexual insults at her and her friend and for a long time in the presence of members of the public, they hit her many times, inflicted physical pain and thus violated the public order.

On August 20, 2022, a criminal case was initiated in the Central Department of the RA Police in accordance with Article 258, Part 3, Clause 1 of the RA Criminal Code.

## **2. Beaten during military service**

A homosexual person who applied to the Organization reported that he was tortured and beaten during military service, during the state of war.

It turned out that at the beginning of November 2020, for being gay and also for arguing with the commander of the 5th battalion of the PB 59703 military unit, Major T. T., at the same time G. L., the head of the Hadrut RO Mekhakavan department of the RA Defense Ministry on the road section adjacent to the city of Chartar, gave sexual insults to the commander of the 1st squad of the 2nd Army of the above-mentioned battalion, a mandatory conscript soldier, private H. A., loaded the pistol near him and shot twice on the ground under the latter's legs, then holding the loaded pistol in the direction of the latter's forehead, threatened to kill him, and also hit H. A. even punched him in the face and caused physical injuries.

After that, H. A. was transferred to the reception-distribution department of RO of Stepanakert of the RA Ministry of Defense, where G. L. and the employees of the given department abused him due to the same circumstances.

Based on the application of the lawyer of the Organization, the latter was involved as the authorized representative of the victim H. A., and participated in investigative actions, presented arguments of essential importance to the case to the body implementing the proceedings. Currently, the investigation is ongoing.

### **3. Death threats against a trans woman**

Trans person M. contacted the Organization and reported that a man, who is her client, returned after leaving the house, started threatening her, said that he had a grenade in his hand, with which he threatened to blow up. The latter immediately called the police, as a result of which M. was recognized as a victim in the criminal case initiated under Article 194 of the RA Criminal Code. After the initiation of criminal proceedings, a search was announced for the man, he was found and confessed his deed.

Currently, the investigation is in progress.

### **4. Trademark and pictures belonging to “Right Side” HRD NGO were used illegally**

In July 2022, the President of the Organization L. Martirosyan accidentally found out that an unknown person downloaded pictures and the Organization’s logo belonging to the Organization from the Organization's website and published them on another website without the Organization's permission.

The president of the organization presented a report on the crime on the mentioned case.

On July 14, 2022, criminal proceedings were initiated in accordance with Article 362, Part 1 of the RA Criminal Code, in the investigative department of the Kentron and Nork-Marash administrative districts of the city of Yerevan of the RA Investigative Committee.

On August 18, 2022, the criminal proceedings were transferred to the cybercrime and high-tech crime investigation department of the RA Investigative Committee's General Directorate of Criminal Investigation, and on the 22nd of the same month, a decision was made to recognize the Organization as a victim.

On 16.12.2022, the lawyer of the Organization was involved as an authorized representative of the Organization and participated in the investigative activities carried out by the investigator.

Currently, the investigation is ongoing.

## **5. A trans person was beaten and threats were shouted to the address of LGBTIQ community members**

A. N., a trans woman who applied to the Organization, reported that on the evening of July 31, 2022, an unknown young man approached her near the "Tabule" hotel on G. Lusavorich Street, asked her if she was Armenian or not, and after that he immediately hit her on the lip, causing physical injury, then threw her to the ground and continued to hit her on the head and different parts of her body. Moreover, the molester filmed the whole process and showed it on his social network pages.

After that, the same person publicly called for violence and death threats against trans people on YouTube, after which it was revealed that the above-mentioned young man is V. E., who is known to be a member of some nationalist group and regularly makes threats of violence against LGBTIQ people.

Both A. N. and the President of the Organization, Lilit Martirosyan, immediately reported the crime to the police.

Based on the submitted reports, in the investigative department of the Yerevan City Department of the RA Investigative Committee in the Kentron and Nork-Marash administrative districts, in accordance with Article 194, Part 2, Clause 8 of the RA Criminal Code (threats of murder, harm to health, torture, crime against sexual freedom or integrity, kidnapping, illegal deprivation of liberty or destruction of large or particularly large property on the basis of racial, national, ethnic or social origin, religion, political or other views both personal or social motivated by hatred, intolerance or enmity caused by other circumstances of nature) and Article 330, Part 2, Clause 3 of the RA Criminal Code (public incitement to commit violence against a person or group of persons based on racial, national, ethnic or social origin, religion, political or other views or other circumstances of a personal or social nature through publicly displayed works, mass media or information or communication technologies), as well as on the grounds of Article 195, Part 1 of the RA Criminal Code, criminal proceedings were initiated.

## **6. Mobile phone of a trans person was stolen**

A. E., a trans person who applied to the Organization, reported that her client, being at her home, on January 28, 2023, taking advantage of the fact that she was in the bathroom, secretly stole her iPhone 13 Pro Max mobile phone from the living room table of her house, causing 800,000 AMD property damage. On the basis of A. E.'s report, criminal proceedings were initiated under Article 254, Part 4 of the RA Criminal Code, the lawyer of the Organization was involved in the criminal proceedings as the authorized representative of the victim A. E.

## **7. Sex worker has been trafficked**

Sex worker J. N., applying to the Organization, reported that she was tried to be subject to trafficking, in particular, between November and December 2022, she borrowed money and gold jewelry from one of her acquaintances, which she was unable to pay back immediately. The acquaintance suggested that J. N. engage in sex work in his rented apartment and give him the money earned from it.

J. N. had to agree and for some time she was engaged in sex work and transferred the received money to her acquaintance. However, seeing that the amount of her debt did not decrease, J. N. had to contact the Organization as well as the police. As a result, criminal proceedings were initiated in the investigative department of the Arabkir and Kanaker-Zeytun administrative districts of the Yerevan City Department of the RA Municipal Committee, a preliminary investigation is underway.

## **8. A trans person is accused of aiding and abetting prostitution**

A trans person applied to the Organization and reported that in the criminal case being investigated in the investigation department of Kentron and Nork-Marash administrative districts of the RA Investigative Committee of the city of Yerevan, she was charged with the fact that she rented an apartment and allegedly provided that apartment to sex workers in exchange for money and received 5,000 AMD each from each of them for their services.

The lawyer of the Organization, getting involved in this proceeding, and getting to know the materials of the criminal proceedings, found out that the accusation is completely groundless and began to defend trans person M.

During the preliminary investigation, the lawyer participated in all the organized investigative and judicial actions, presented petitions to stop the criminal prosecution against M.

As a result, due to the submitted motions, the prosecutor overseeing the case refused to send the case to the court with an indictment, the preliminary investigation continues.

The organization is sure that the accusation against M. is groundless and will eventually be dropped.

### **9. Violence against a trans person**

On June 12, 2021, D., who is a trans person, was abused by her ex-boyfriend. Under the pretext of seeing D., the latter called her and visited D.'s apartment. Arriving at the apartment, D.'s ex-boyfriend and the person who came with him provoked an argument, made threats and then beat D., the latter received many physical injuries, including a broken nose.

D. managed to call an ambulance and the arriving emergency doctors took her to the hospital, from where they called the police.

D. was given a forensic referral; the presence of injuries was confirmed and a criminal case was initiated.

This case testifies to today's intolerant attitude towards trans and LGBTIQ people. Moreover, such attitude has turned into beatings and violence, and the Organization will pursue so that the guilty are punished in accordance with the RA legislation.

### **10. Sex workers have been trafficked**

Sex workers who applied to the organization in 2021 reported that they were regularly beaten, abused, and trafficked by some A. K. In particular, A. K., taking advantage of their vulnerable situation, sold them gold jewelry and clothes at higher than market prices, after which, not being



able to pay A. K.'s money, the latter forced them to engage in sex work and A. K. took their money, thus putting them in a state of exploitation.

On the basis of the report submitted by the efforts of the organization's lawyer, a criminal case was initiated on the basis of trafficking in the investigative department of the Yerevan City Department of the RA Investigative Committee, Shengavit Administrative District. Seeing that the preliminary investigation in the mentioned department is incomplete, after the lawyer's petition to the Prosecutor General of RA, the mentioned criminal case was transferred to the Investigation Department of Human Trafficking, Sexual Immunity of Minors, and Drug Trafficking Crimes of the RA Investigative Committee.

As a result of large-scale investigative operations, A.K. was charged and detained for two months by the General Jurisdiction Court of Yerevan.

Currently, the investigation is ongoing. In this case, 3 sex workers are recognized as victims, and the Organization represents their interests.

### **A strategy for further programmatic steps of the organization**

#### **1. Gender change registration in legal documents**

One of the upcoming directions of the organization will be the implementation of legislative regulations regarding the change of gender in the passport.

In that regard, the case of the strategic trial already described in detail in this research, K. A. Against the Republic of Armenia, which is in the European Court of Human Rights, is of key importance. If the mentioned application is granted, it will enable to define and clarify the registration of gender change in the passport in the Republic of Armenia through legislative regulations.

On 16.05.2021, the Law on the Registration of Civil Residence Acts was repealed and on 16.05.2021, the new law entered into force, where the provisions of the previous law on gender reassignment were removed, in particular, in the previous law 70 Article 11 stated that the conclusion of the CARS body on making corrections, additions or changes to the entry of the Civil Residence Act is made in particular in the following cases, when:

According to the procedure established by the legislation of the Republic of Armenia, the medical organization issued a document of the prescribed form on gender change.

That is, if a person wants to make a change in the record of the civil residence act (change of record about gender), he must:

1. Make a gender change.
2. Submit a gender change document issued by a medical organization in accordance with RA legislation.

Currently, only the order of the Minister of Justice dated 13.05.2020 is valid. Order No. 170 N, where it is stated that the conclusion on making changes in the records of civil residence acts, defined by Article 70 of the Law, is made by the CARS body, if:

the person for whom the act of civil residence was drawn up has made a gender change. In other words, this norm refers to the previous law.

Thus, the regulations of the current law do not contain any provision for the conditions for making changes in the Acts of the Civil Code in case of gender change.

To a certain extent, in our opinion, according to the current law, the regulation is provided for by part 3 of Article 66, according to which the grounds for making a change in the act registration of civil residence are those that are necessary as a result of the act registration of civil residence or a document accepted (provided) by another competent body to make changes in the act registration of civil residence.

Thus, with the adoption of the new law "On Registration of Civil Residence" in case of gender change, the requirements for making changes in the civil residence act are not clear, the regulations for submitting the necessary documents are not defined.

Taking into account the complaint submitted by the Organization to the ECHR and taking into account the legislative gaps, the Organization is planning to actively work in the near future to correct the legislative gaps mentioned in the law and will submit relevant recommendations.

## **2. Issues in the lack of legislation prohibiting discrimination against LGBTIQ persons**

Two main "signs" of discrimination against LGBTIQ persons are recognized in Armenia and in the world:

- Discrimination on the basis of "gender identity".
- Discrimination on the basis of "sexual orientation".

Armenian legislation does not specifically prohibit discrimination against LGBTIQ persons, but extends it to various social groups, which can be applied in this case. In particular, Article 29 of the RA Constitution states that discrimination based on gender, race, skin color, ethnic or social origin, genetic characteristics, language, religion, worldview, political or other views, belonging to a national minority, property status, birth, disability, age or other circumstances of a personal or social nature, is prohibited.

However, although Armenia accepts the UN Declaration on Sexual Orientation and Gender Identity of December 2008, there is no legislation protecting LGBTIQ persons from discrimination.

There are a number of international treaties that ensure the protection of people's rights, including LGBTIQ persons, they are:

- International Covenant on Civil and Political Rights,
- International Covenant on Economic, Social and Cultural Rights,
- International Convention on the Elimination of All Forms of Racial Discrimination,
- Convention on the Elimination of All Forms of Discrimination against Women.

Armenia has joined all these international treaties and according to the RA constitution, they are an integral part of the RA legal system.

The Republic of Armenia, being a UN member state and signing the mentioned conventions, is obliged to follow their implementation and ensure the exclusion of discrimination against any social group. And Article 5 of the Constitution of the Republic of Armenia stipulates that in case of conflict between the international treaties ratified by the Republic of Armenia and the norms of the laws, the norms of the international treaties shall be applied.

However, taking into account the existing intolerant attitude towards LGBTIQ persons in the society, it is necessary to ensure the realization of the rights of LGBTIQ persons through a number of legislative initiatives at the national level.

In particular, in this context, the victory of the Organization in 2021 is extremely memorable. In particular, transgender N. A. and M. S., as well as homosexual M. E. in 2018, during the months of June-August, attended "Mali" sports club, located at 21 Koryun Street in Yerevan and operated by IE Liana Safaryan.

2018 in August, Liana Safaryan said that they can no longer visit her sports club for training, because they are transgender people and their entry to that club is prohibited.

In the months of September-October 2018, the "Right Side" Human Rights Defender NGO sent letters to Liana Safaryan asking her to state the grounds for banning these people from training in the sports club, but she refused to state the legal grounds for the ban for various reasons.

After that, the lawyer of "Right Side" HRD NGO applied to the court, asking to recognize the violation of the rights of transgender and homosexual persons on the basis of discrimination.

After a court process that lasted for about two and a half years, on 18.03.2021, the court implemented a fair judicial act, recognizing the violation of the rights of NA, MS and ME on the basis of discrimination.

In the decision, the court specifically noted that: According to the specific facts of the case, it was substantiated that the Plaintiffs were discriminated, because within the framework of the same legal status as other customers, a differentiated approach was shown to them, in particular, they were deprived of the rights arising from the service contract concluded with the Defendant to visit the sports club. Therefore, the Court came to the conclusion that the facts of the violation of the Plaintiffs' rights by the Defendant based solely on sexual orientation and/or gender identity, and the fact of prohibiting the Plaintiffs from using the services of the "Mali Sports Club" solely on the basis of discrimination were also proven.


The peculiarity of this judicial victory lies in the fact that the Constitution of Armenia or other legislative acts do not contain a specific reference to the prohibition of discrimination due to gender identity or sexual orientation.

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<sup>4</sup>SEE:

[HTTP://RIGHTSIDEN-](http://RIGHTSIDEN-)

[GO.COM/HY/NEWS/%D5%AD%D5%F%D6%80%D5%A1%D5%AF%D5%A1%D5%B6%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%B0%D5%AB%D5%B4%D6%84%D5%B8%D5%BE-%D5%AB%D6%80%D5%A1%D5%BE%D5%B8%D6%82%D5%B6%D6%84%D5%B6%D5%A5%D6%80%D5%AB-%D5%AD/](http://RIGHTSIDEN-)



Therefore, it is doubly gratifying that with the efforts of the Organization, it was possible to reach a precedent ruling in the court of Armenia in the recognition of the violation of the rights of LGBTIQ persons on the basis of discrimination.

The decision that has entered into force will allow to refer to the judicial act and the reasoning of the court in similar cases in the future, as well as to use it to promote legislative reforms.

Thus, in the near future, the Organization, using the mentioned judicial act that has entered into force, plans to promote the prohibition of discrimination against LGBTIQ persons on the basis of their gender identity or sexual orientation at the legislative level.

**PART II**

**RESEARCH**

**"HATE CRIMES AND OTHER HUMAN RIGHTS VIOLATION  
CASES AGAINST TRANSGENDER  
LGBIQ PEOPLE IN ARMENIA"**

**2021 July – 2022 December**

## 2.1 ACHIEVING LEGAL REMEDIES FOR HATE CRIMES AND OTHER HATE OFFENSES IN ARMENIA

Sexual orientation and gender identity remain extremely controversial issues in Armenia as well . Homophobia and transphobia are widespread and deeply rooted in Armenian society. Society's attitude towards transgender, lesbian, gay, bisexual, intersex people and people with other sexual orientation is intolerant, and such people are "unacceptable" for society, they are described as "contrary to our national traditions". Therefore, these persons continue to face discriminatory, intolerant treatment and hatred based on their real or assumed sexual orientation and gender identity in almost all spheres of society.

Transgender LGBTIQ persons, as well as human rights defenders engaged in the protection of their rights and the promotion of gender equality, as a result of their activities, often become targets of hate speech, violence and attacks by public figures, officials, and nationalists. The response of competent authorities to similar attacks against Transgender LGBTIQ persons and human rights defenders is not always adequate and objective.

International organizations are continuously working to prevent and condemn all forms of discrimination against Transgender LGBTIQ people, while promoting access to equal opportunities for them in all spheres of life. Therefore, today, the fight against discriminatory laws, policies and practices, including the criminalization of consensual same-sex relationships, is vital all over the world.

Regional, national, international convention and human rights protection bodies have always emphasized the fight against hate crimes, because hate crime is not an offense directed against the person of the victim, but also against the community, and in addition to violations of fundamental human rights, it also involves a serious security challenge for the state.

As a member state of the Council of Europe, Armenia has an international obligation to create an effective legal framework and legal protection mechanisms for combating discriminatory practices.

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<sup>5</sup>"Sexual orientation refers to each person's capacity for deep sensual, emotional and sexual attraction to and intimate and sexual relationships with individuals of different or the same or more than one gender", Yogyakarta Principles for the Application of International Human Rights Legal Norms on Sexual Orientation and Gender Identity.

That obligation includes, in particular, the obligation to have effective hate crime data collection and processing mechanisms capable of identifying not only the number of such crimes, but also trends in discriminatory practices involving hate crime.

Armenia has not implemented effective measures to reform its anti-discrimination laws and practices and has not aligned them with European standards. Despite past steps to reform laws, the country has yet to adopt a separate anti-discrimination law, but instead it regularly revises laws, adding specific anti-discrimination articles that prohibit discrimination in a broad sense. Initial attempts to bring Armenia's legislation into line with international and European standards of human rights preventing discrimination on the basis of sexual orientation and gender identity are met with noisy resistance by the religious and conservative groups of the society.


The law on the equal rights of men and women (the "gender law") has not been effectively implemented because deep-rooted stereotypes regarding various forms of equality and the principle of non-discrimination still persist in society. It also includes the lack of experience and knowledge among law enforcers to deal with cases of discriminatory motives and to document the existence of discriminatory motives in order to ensure effective redress. The Criminal Code does not contain the most important materials and legal bases necessary for combating crimes committed with motives of discrimination. The Criminal Code provides extremely narrow grounds for discrimination as an element of hate motives. Criminal investigators, prosecutors and judges often do not have a minimum knowledge of the most important principles of non-discrimination.

International and European human rights law prohibits discrimination, which is differential treatment of a person in law or in practice that impedes or excludes the implementation of their rights on the basis of characteristics such as ethnic origin, religion, sexual orientation and gender identity. Armenia, as a state party to the International Covenant on Civil and Political Rights.

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<sup>6</sup>For details, see "Discrimination, hate crimes and hate speech in Armenia. data collection", Situation analysis report, Ara Ghazaryan, 2019.





and the International Covenant on Economic, Social and Cultural Rights (ICESCR), among other international and European treaties, is obliged to guarantee equal treatment and non-discrimination for all persons. In particular, according to the mentioned covenants, "All persons are equal before the law and, without any discrimination, have the right to equal protection of the law, in this regard, discrimination of any kind must be prohibited by law, and the law must guarantee equal and effective protection against discrimination for all persons, according to any characteristic, that is, according to race, color, sex, language, religion, political or other beliefs, national or social origin, property status, birth or other circumstance".

Article 29 of the RA Constitution, which refers to the prohibition of discrimination, defines "Discrimination, depending on gender, race, skin color, ethnic or social origin, genetic characteristics, language, religion, world view, political or other views, belonging to a national minority, property condition, birth, disability, age or other circumstances of a personal or social nature, is prohibited". Neither the RA constitution nor other national legislations have specific provisions prohibiting discrimination on the basis of sexual orientation and gender identity, so such a comprehensive constitutional formulation can include these grounds, particularly from the point of view of enabling their reflection in laws. It should be noted that Armenia ratified Protocol No. 12 of the European Convention on Human Rights, which supplements the aforementioned constitutional principle of the general prohibition of discrimination.

Article 77 of the Constitution provides for the prohibition of the abuse of basic rights and freedoms, which is actually equal to the principle laid down in Article 17 of the European

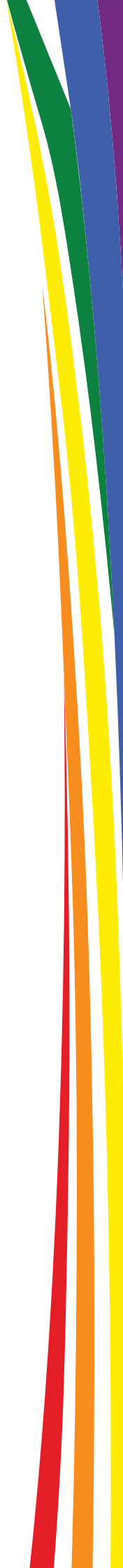
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<sup>7</sup>UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> [accessed 31 October 2016].

<sup>8</sup>Constitution of RA, with amendments of 2015.

<sup>9</sup>See: Article 77 of the RA Constitution. The use of fundamental rights and freedoms for the purpose of violently overthrowing the constitutional order, inciting national, racial, religious hatred, advocating violence or war is prohibited.

<sup>10</sup>Article 17: Nothing in this Convention shall be interpreted to mean that any State, group of persons or any person shall have the right to engage in any activity or to take any action which tends to abrogate any of the rights and freedoms set forth in this Convention or to limit them to a greater extent than provided for in this Convention.



Convention on Human Rights, which prohibits the use of basic rights and freedoms to subvert the constitutional order by force, incite national, ethnic, racial, hatred, to promote violence or war. The constitutional provision banning hate crimes and hate speech is effectively this. Nevertheless, Transgender LGBTIQ persons in Armenia continue to be harassed, subjected to physical and psychological violence in the family, workplace, educational institutions, law enforcement agencies, armed forces, healthcare sector, public and other places. This intolerant attitude is also due to the lack of information and knowledge of the society regarding sexual orientation, gender identity, and sexuality issues. The part of the society that witnesses the violations of the rights, pressures and mockery of Transgender LGBTIQ people shows indifference. The police, the general prosecutor's office, investigative bodies and the human rights defender publish regular reports on crimes and human rights violations. However, none of them collect and process disaggregated crime data specifically on hate crimes and crimes based on hatred. All the listed departments process the data according to the developed general practice, in which case the type of crime is defined according to the general article of the Criminal Code, without specifying the parts or clauses of the articles, which often define such aggravating manifestations of the crime, such as hate motives. A consequence of that approach is that crime statistics do not contain detailed data on hate crimes. It usually mentions the crime itself (for example, murder), but does not specify aggravating circumstances, which are usually provided for in separate clauses in separate parts of the article (for example, the motive of national hatred). We must state that the intolerance of the society is most often expressed by mockery, insulting expressions, cursing, contempt, etc. The research found that gay men are more likely to be discriminated than gay women, and are more criticized, ridiculed and targeted by men than by women. Intolerance towards male homosexuals is not limited to unpleasant expressions, mockery, curses, but physical violence is also applied to them. Transgender LGBTIQ persons almost do not turn to law enforcement agencies for the reason that they do not trust them, these agencies do not work effectively, they have assumptions that police officers do not investigate their cases objectively, they receive bad treatment, ridicule, contempt, they fear that the data may be published by the latter, the criminal may take revenge, etc. Therefore, being a victim of a crime, Transgender LGBTIQ people prefer to turn to public organizations dealing with their problems and rights protection, or tell and share with friends.

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<sup>11</sup>"Discrimination, hate crimes and hate speech in Armenia. data collection", Situation analysis report, Ara Ghazaryan, 2019.

<sup>12</sup>This is also evidenced by the answers of the interviewees within the framework of this report, which were related to the witnesses and their reaction to the incident, the participants of the research mainly answered that the witnesses tried not to get involved, because they had fear and indifference. The witnesses, who were representatives of the community, were either afraid to interfere, lest they themselves be targeted, or they intervened and ended up in the status of victims.



## 2.2 GENERAL DESCRIPTION AND METHODOLOGY OF THE RESEARCH

In the period from July to December 2021 and during 2022, "Right side" Human Rights Defender NGO conducted the research "Hate Crimes and Other Human Rights Violation Cases Against Transgender LGBTIQ People in Armenia" research, the purpose of which is to study hate crimes against Transgender LGBTIQ persons and the current state of the legal system and mechanisms for collecting and processing hate speech data in Armenia.

The research provided an opportunity to create a general picture of the types of hate crimes committed against Transgender LGBTIQ persons, their frequency and regularity, as well as to identify the motives, motivations, and physical, emotional and psychological consequences of the victim of hate crimes and other offenses by the criminal.

This analysis of the situation was done through research and analysis of laws, reports, and face-to-face interviews. Interviews, document research and analysis helped the researcher to present a comprehensive analysis of the prevailing situation.

Transgender, LGBTIQ, and other gender-identified individuals aged 16 and older who were victims or witnesses of hate crimes participated in the study.

Respondents mentioned incidents that happened to them directly or that they witnessed. The study included 56 cases reported by LGBTIQ individuals that occurred between July 2021 and December 2022.

In the course of the research, the surveys were conducted anonymously, which was aimed at ensuring the privacy of the respondents' identity data by the "Right Side" HRD NGO.

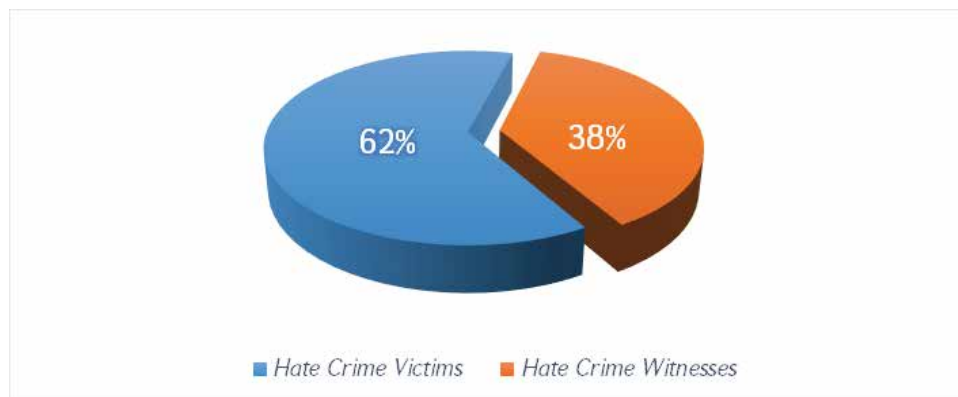
The report on the results of this research is based on the discussions held with the working team conducting the research and the summary results of the research work (see table 1.). Within the framework of the research, the cases of hate crimes were summarized and analyzed, which made it possible to specify, classify, and group the motives for the commission of crimes against transgender LGBTIQ persons, the period of the commission of the crime, the place of the incident and other indicators.

**Table 1. Short description of the research**

|                                     |   |
|-------------------------------------|---|
| Name of the research                | Hate Crimes and Other Human Rights Violation Cases Against Transgender LGBTIQ People in Armenia |
| Time period of the research         | The research was conducted in the period from July 2021 to December 2022.                       |
| Geographic coverage of the research | Capital Yerevan and RA Regions<br>Transgender LGBTIQ persons                                    |
| Target group of the research        | The surveys were conducted among the beneficiaries  |
| Choice                              | of the RS HRD NGO and community members, through direct surveys                                 |

**The 56 (100%)** cases submitted and studied by the participants in the "Hate Crimes and Other Human Rights Violation Cases Against Transgender LGBTIQ People in Armenia" study have the following distribution of hate crime victims and witnesses (see table 2.) and social characteristics (see table 3.).

**Table 2. Distribution of crime victims and witnesses**



**Table 3. Social characteristics of research participants**

| Social characteristics            | Total, persons (N) | Total (%)  |
|-----------------------------------|--------------------|------------|
| <b>Age</b>                        |                    |            |
| ▶ 16-22                           | 37                 |            |
| ▶ 23-26                           | 3                  |            |
| ▶ 27-30                           | 5                  |            |
| ▶ 31-34                           | 8                  |            |
| ▶ 35-44                           | 3                  |            |
| <b>Total</b>                      | <b>56</b>          | <b>100</b> |
| <b>Gender and gender identity</b> |                    |            |
| ▶ Man                             | 12                 |            |
| ▶ Woman                           | 16                 |            |
| ▶ Transgender man                 | 3                  |            |
| ▶ Transgender woman               | 10                 |            |
| ▶ Transgender                     | 2                  |            |
| ▶ Intersex                        | 8                  |            |
| ▶ Agender                         | 1                  |            |
| ▶ Non-binary                      | 1                  |            |
| ▶ Bisexual                        | 1                  |            |
| ▶ Doesn't know                    | 2                  |            |
| <b>Total</b>                      | <b>56</b>          | <b>100</b> |
| <b>Sexual orientation</b>         |                    |            |
| ▶ Gay                             | 23                 |            |
| ▶ Bisexual                        | 11                 |            |
| ▶ Heterosexual                    | 4                  |            |
| ▶ Lesbian                         | 4                  |            |
| ▶ Pansexual                       | 2                  |            |
| ▶ Transgender woman               | 3                  |            |
| ▶ Transexual                      | 3                  |            |
| ▶ No answer                       | 6                  |            |
| <b>Total</b>                      | <b>56</b>          | <b>100</b> |

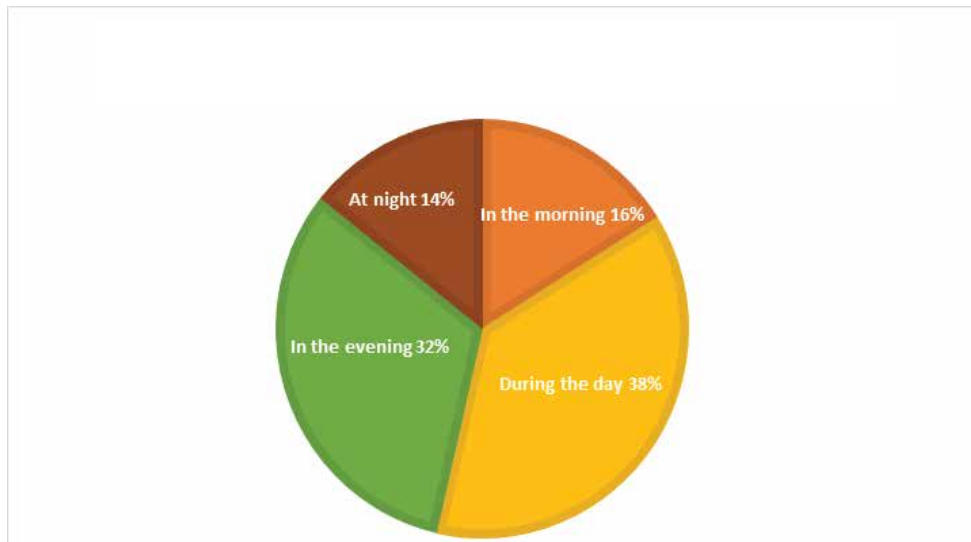
The survey participants answered the question of how aware people are of their sexual orientation or gender identity as follows (see table 4.), and had the opportunity to choose more than one answer.

**Table 4. How aware are people of research participants' sexual orientation or gender identity?**

|                              | Total, persons (N) | Total (%) |
|------------------------------|--------------------|-----------|
| ▶ All the family know        | 12                 | 21,4      |
| ▶ Only parent/parents know   | 7                  | 12,5      |
| ▶ Only brothers/sisters know | 20                 | 35,7      |
| ▶ Friends know               | 43                 | 76,8      |
| ▶ LGBTIQ community knows     | 41                 | 73,2      |
| ▶ Coworkers know             | 13                 | 33,9      |
| ▶ Nobody knows               | 1                  | 1,8       |
| ▶ Didn't want to answer      | 3                  | 5,4       |
| ▶ Everybody knows            | 3                  | 5,4       |
| ▶ All surroundings know      | 1                  | 1,8       |
| ▶ A few friends know         | 1                  | 1,8       |

Most of the cases - 22 (39.3 %) happened at the victim's house, 6 (10.7 %) at an educational institution (school, college), 6 (10.7 %) at workplace, 5 (8.9 %) in the park, on the Internet - 3 (5.4%), and the remaining 14 (25%) cases - in other public places (park, bus stop, etc.). 53 of the presented cases were committed in Yerevan, and the remaining three in the regions. Incidents occurred both during the day and at night (see Chart 5:).

**Chart 5. When did it happen?**



In 37 (66.1 %) cases, the offenders were two or more persons, and in 19 (33.9 %) cases, the offender was alone.

11 (19.6%) of the 56 offense cases observed during the study occurred between July and December 2021, and the remaining 45 cases (80.4%) occurred during 2022.

### **2.3 NATURE OF HATE ACTIONS BASED ON RESEARCH FINDINGS**


Hate crimes are acts of violence against people, property or organizations because of a social group they belong to or identify with.

There are no statistics on hate crimes in Armenia, psychological research is also quite new. However, some research can provide insights into the causes of actual or perceived crimes based on a person's race, religion, ethnic or national origin, sexual orientation, disability, or gender differences.

The cases presented in the survey of hate crimes and other crimes based on hatred against Transgender LGBTIQ persons in Armenia can be classified as both criminal acts and non-criminal acts.

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<sup>13</sup>For more details see [Hate Crimes Today \(qrd.org\)](http://HateCrimesToday.qrd.org)



Hate crimes differ from other criminal offenses for the following reasons: violation of the equality of citizens, impact on the victim, impact on the victim's community, state security issues. First, the offender targets a person or a group of persons because of certain protected characteristics of the latter, due to intolerance towards them, thereby questioning or denying the possibility of a person with a certain protected characteristic to exist on an equal footing with the rest of society. Therefore, hate crime violates equality between members of society.

In addition, we must state that hate crime is directed not only against the victim, but against the entire community. This is expressed by the fact that the mental suffering of the victim caused by the crime is greater compared to the psychological consequences caused by other crimes, because in this case the victim realizes that he cannot eliminate the cause of the harassment against him, that is, his protected characteristic, which is additional to the latter. causes excitement and suffering. Furthermore, the person who commits the crime sends a message to the victim and the group of people with the victim's protected characteristics that they are not accepted and do not have the right to be a part of the given society, which makes certain social groups more vulnerable.

Hate crimes are directed against state security and public order: crimes motivated by intolerance and discrimination contribute to the isolation of vulnerable groups with certain characteristics, the polarization of society and the growth of mass unrest, which, in extreme cases, can escalate to war situations within and outside the country's borders.

From the study of hate crimes against transgender LGBTIQ persons, it becomes clear that they are first expressed by harassment and threats, later by threats of violence, use of force, psychological pressures, causing damage to health, and other actions. These actions are performed both in family relations, between family members, and in other public relations: work environment, educational institution, public places, etc.

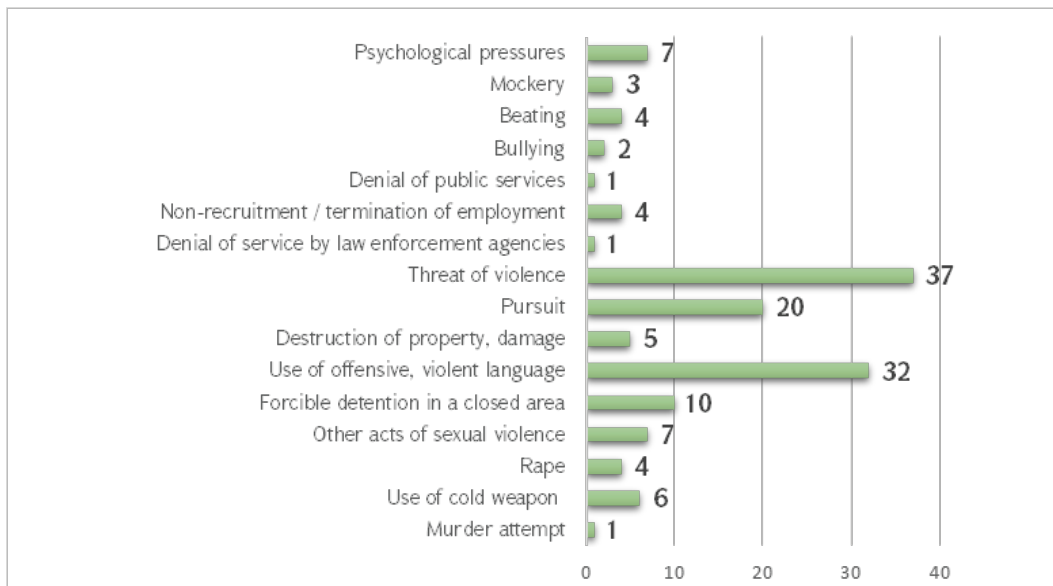
The participants of the study described the performed actions as follows (see Chart 6):

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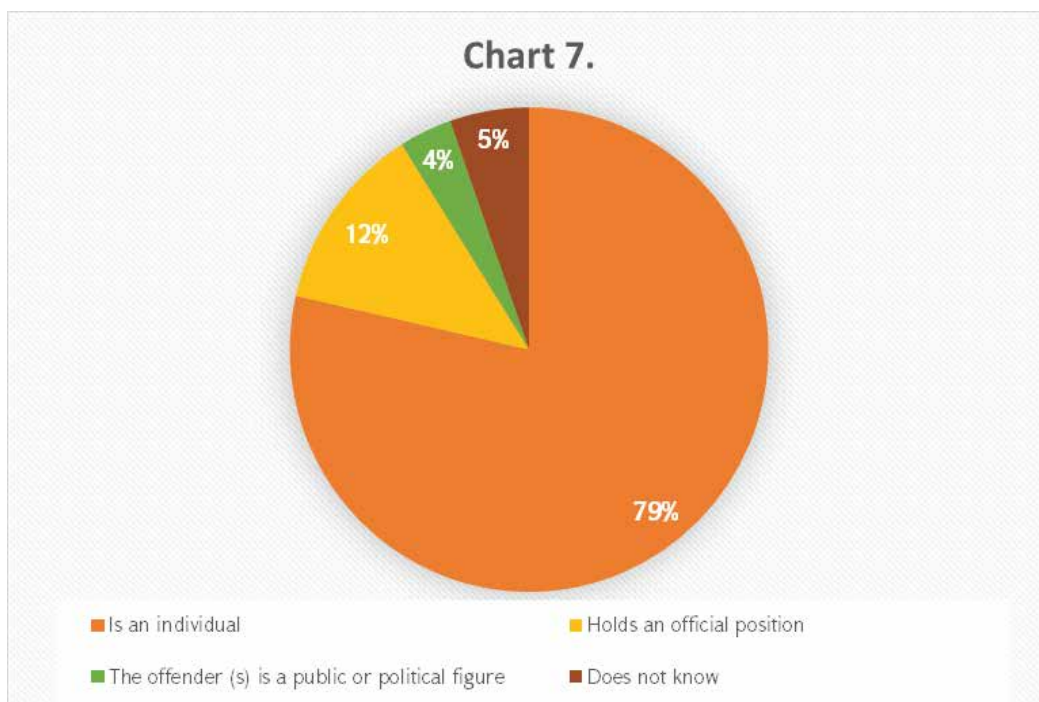
<sup>14</sup>“Hate crimes today: An age-old foe in modern dress”, American Psychological Association position paper released in 1998.

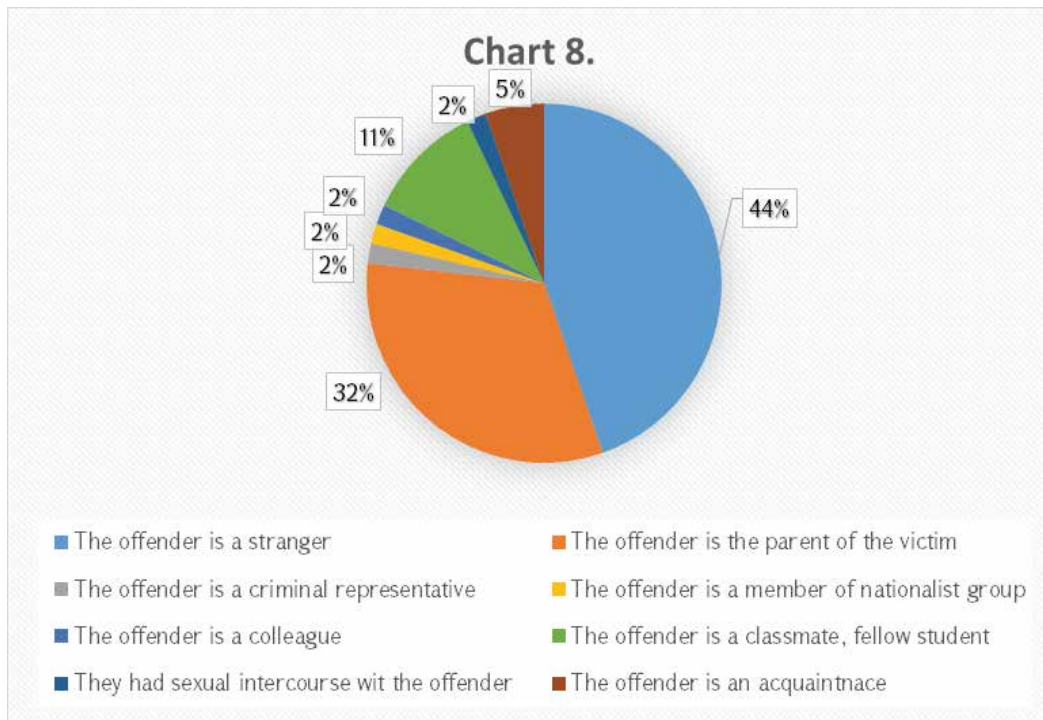


**Chart 6. Which of the following actions do you associate with the incident?**



As for the identity of the offender, it is mostly family members, in some cases only the offender has an official position (see Chart 7: and Chart 8).





### Hate speech, threat

Hate speech, threat, is characterized by curses, physical force, calls to use violence.

"I was walking on the street, they left replicas behind me. I stopped, approached and asked why they were insulting me, they started fighting with me. When they took out knives, I started to run away, I ran to the nearest kindergarten, where I asked for help, after that I went to the police" - excerpt from the research questionnaire, Transgender person.

"In the park, several boys were bullying the pansexual boy, they said that he had a sexual relationship with some boy, they made fun of it, and when they realized that it was difficult for him to answer because of fear, they started making jokes. At that time, I interrupted and said that they have no right to speak like that" - excerpt from the research questionnaire, witness, LGBTIQ person).

"...When I go to college, they call me by girl's names, they shout after me..." - excerpt from

The research questionnaire, Transgender person.

"I was walking with my friends in the English park, a group of young people approached me, started making insulting remarks, chased me, even tried to hit me..." - excerpt from the research questionnaire, LGBTIQ person.

Hate speech is also accompanied by threats to use physical force to harm, beat or kill the victim.

"I do sex work. One of my clients came to my place of residence, he was screaming from behind the door, he threatened to kill himself, he had some object in his hand, I assumed it was a grenade. He was in inadequate condition. For several minutes he was shouting death threats..." - excerpt from the survey questionnaire, Transgender person.

"...He insulted me, cursed me, I will "kill" you, "slaughter" you, if you don't do it, I will stab you..." - excerpt from the research questionnaire, Transgender person.

"...My father said you are gay and you are embarrassing me..." - excerpt from the research questionnaire, LGBTIQ person.

### **Physical violence, use of physical force**

Physical violence is accompanied by beatings and can cause damage to health. Cases of physical violence most often occur in the family, by the victim's relatives, in particular, by the parents. Cases of physical violence also occur in educational institutions, by friends, in other public places.

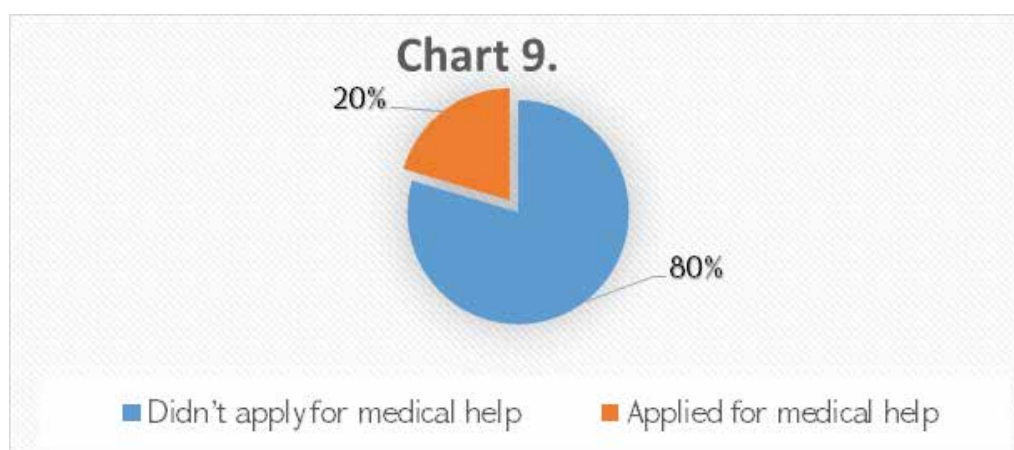
"While waiting in line in the school cafeteria, they pulled my clothes from behind, threw me on the ground and started kicking me in the face, back, stomach..." - excerpt from the research questionnaire, LGBTIQ person.

"...After learning about my sexual orientation, they regularly beat me and inflicted sexual insults on me. They forcibly kept me at home and did not even provide medical care. I wanted to kill myself..." - excerpt from the research questionnaire, LGBTIQ person.

"...I was in my pajamas at home, my mother saw that my body was hairless, she started arguing with me that only girls do such things, it's not allowed, it's a shame. She started addressing me with insults... - excerpt from the survey questionnaire, Transgender person.

"...I went to my room. My father came home, my mother told my father about the incident between me and her, my father threw me on the couch and started to strangle me. My grandmother came to help, she started getting angry with my father... - excerpt from the research questionnaire, Transgender person.

Victims of violence usually have visible physical injuries. Most often they do not seek medical help because they do not want other people to know about it, they hide it from family and friends, they assume that they will not get enough help if they find out about their sexual orientation in a medical institution (see Chart 9.).



### **Restriction of freedom**

Restriction of freedom is also a type of action based on hatred. It is expressed by restriction or prohibition of free movement, prohibition of free choice. Restriction of freedom hinders the full integration of Transgender LGBTIQ people into society. Cases of restriction of freedom are mainly committed by family members, relatives, by locking them at home, limiting the possibility of contact with friends, taking the phone or other means of communication, controlling social networks, etc.

"...The mother threw her friend out of the house. She began to exert psychological pressure on the girl, took the phone, forbade her to communicate with her friend, forcibly took her to a psychologist..." - excerpt from the research questionnaire, witness.

"... My family members accessed my Instagram page because I accessed my page from my mother's phone and it was saved in the phone, so they found out about my sexual orientation. After that I was kicked out of college, I didn't study for a month, I was at home under my parents' control, I didn't have any means of communication, I didn't communicate with my friends..." - excerpt from the research questionnaire, LGBTIQ person.


### **Psychological violence**

The most common type of hate-motivated crime in almost all crimes is psychological violence. It is mainly used to pressure Transgender LGBTIQ people, publicize their sexual orientation, tell about them in family, friends and other similar threats. Almost all participants of the research answered that they were subjected to ironic pressures, violence, and the incidents that happened to them had very serious psychological consequences for them.

Cases of psychological violence occur at home, at work, during service in the army, at educational institutions, by friends, etc.

"... Yes, almost every day there were taunts, curses, psychological pressures..." - excerpt from the research questionnaire, LGBTIQ person.

"...The psychological pressures were so great that I had to, regardless of the financial difficulties, voluntarily quit my job..." - excerpt from the research questionnaire, LGBTIQ person.



It should be noted that the criminal legislation of the Republic of Armenia does not address psychological violence and in practice such crimes remain unpunished, whereas psychological violence as an independent crime must be included in the Criminal Code of the Republic of Armenia, this also follows from the judgments of the European Court of Human Rights in this regard. In this regard, it should be noted that the threat of physical torture can also lead to psychological violence and mental torture, which was referred to by the ECHR.

"The threat of torture against any person may amount to at least inhuman treatment (see Campbell and Cozans against the United Kingdom, § 26) and "in particular, the fear of physical torture may itself amount to mental torture. The qualification of whether a given threat of physical torture constitutes mental torture or inhuman or degrading treatment depends on the circumstances of the case, including, in particular, the severity of the pressure applied and the intensity of the mental suffering caused" (Gefgen against Germany ([MC], No. 22978/05, ECHR 2010).

### **Cases of rape, attempted rape**

Although cases of rape or attempted rape are not common among Transgender LGBTIQ people, young sex workers are victims.

"I was wearing a dress at school. The boys at school said that I was wearing a short skirt, am I not afraid that I will be raped or that they themselves will rape me? They said I have beautiful thighs, they started making fun of me with vulgar words. I called my mother, she brought pants, I changed my clothes... - excerpt from the research questionnaire, LGBTIQ person.

"I entered one of the yards to drink water from the spring. In the yard, two men, approximately up to 50 years old, approached, began to ask questions, dragged me to one of the porches and raped me..." - excerpt from the research questionnaire, Transgender person.

### **Pursuit**

Transgender LGBTIQ people are persecuted most often on social platforms, in the family - by relatives.

## **Intolerance at workplace**

People's sexual orientation, gender identity, and external characteristics are the main reason for employers not to hire them, and for those who are already employed, to fire them.

"...The manager forced the victim to voluntarily leave the job citing his appearance, saying that customers did not want him to serve them because of his clean-shaven, delicate features and long hair. In order to avoid loss of customers and legal problems, the management of the institution forced the victim to leave work... - excerpt from the research questionnaire, Transgender person.

"At workplace, they were informed about the person's sexual orientation, then they started to exert pressure, used violence, created unfavorable working conditions so that the victim voluntarily left the job..." - excerpt from the research questionnaire, LGBTIQ person.

"At workplace, where some of the employees did not know about my sexual orientation, it turned out that they were informed by one of the employees with whom I was close, with whom I shared this information. My friend had naively, without second thoughts, told other employees about my sexual orientation. The employees started to show a passive aggressive attitude towards me, they wanted to beat me, but the management intervened, who reprimanded everyone, as a result of which I stayed at the workplace..." - excerpt from the research questionnaire, LGBTIQ person.

From the responses of the research participants, we should note that only in 13 of the investigated cases did the victims turn to the police, in 3 cases the response of the police was supportive, in 2 cases it was mocking and insulting, in 2 cases it was negative, and in the remaining 6 cases it was neutral. Differentiated, derisive police treatment was associated with the victim being a sex worker. 4 of the investigated cases are under investigation.

## 2.4 MOTIVATIONS AND MOTIVES OF HATE ACTIONS

As we have already mentioned, hate crimes differ from other criminal offenses with a number of motivations. First, the offender targets a person or a group of persons because of certain protected characteristics of the latter: sexual orientation, gender identity, and then, by showing intolerance and hatred towards them, commits an act that can be equated with any act implying responsibility under the criminal code.

According to the former Criminal Code of the Republic of Armenia<sup>15</sup>, generally two types of approaches were used to define hate crimes and hate speech: individual crimes and aggravating circumstances.

Article 143 of the former Criminal Code of the Republic of Armenia provided for the general regulation that criminalizes directly or indirectly violating human rights and freedoms depending on race, skin color, ethnic origin, age, gender, political or other views, etc. In practice, however, that article has rarely been used.

One of the shortcomings of the previous Criminal Code was that the Code only provided for three grounds of hate motivation: national, ethnic and religious, while the range of prohibited grounds of discrimination and possible motives for hate crimes is much wider and includes the concept of a universal prohibition of discrimination. Due to this legislative gap, a number of hate crimes, particularly those caused by a person's sexual orientation and gender identity, remain undetected and go unpunished. For example, if a member of the Transgender LGBTIQ community is taken to the police station and mistreated because of his sexual orientation, even if the police are charged with the mistreatment, they are not held liable for a hate crime because the aforementioned Article 63 as general legislation, or Article 112 of the Criminal Code as a special norm, do not provide for sexual orientation or gender identity as separate elements of hatred that aggravate criminal liability or punishment.

The new Criminal Code of the Republic of Armenia has established broader grounds on which a claim of violation of the prohibition of discrimination can be submitted under the criminal legislation. According to the recommendations of the European Commission against Racism and Intolerance (ECRI)<sup>16</sup>, in the criminal code, committing the crime with the motive of hatred, intolerance or enmity caused by racial, national, ethnic or social origin, religion, political or other views or other circumstances of a personal or social nature is considered a circumstance that aggravates criminal responsibility and punishment. The definition of "hate based on other circumstances" should include, among others, sexual minority groups, as the European Commission against Racism and Intolerance recommended reforming the criminal code to include sexual orientation and gender identity in the list of prohibited grounds.

Transgender LGBTIQ persons, whose sexual orientation and gender identity cannot be distin-

<sup>15</sup>The former Criminal Code entered into force on August 1, 2003 and was valid until June 30, 2022. The new RA Criminal Code entered into force on July 1, 2022.

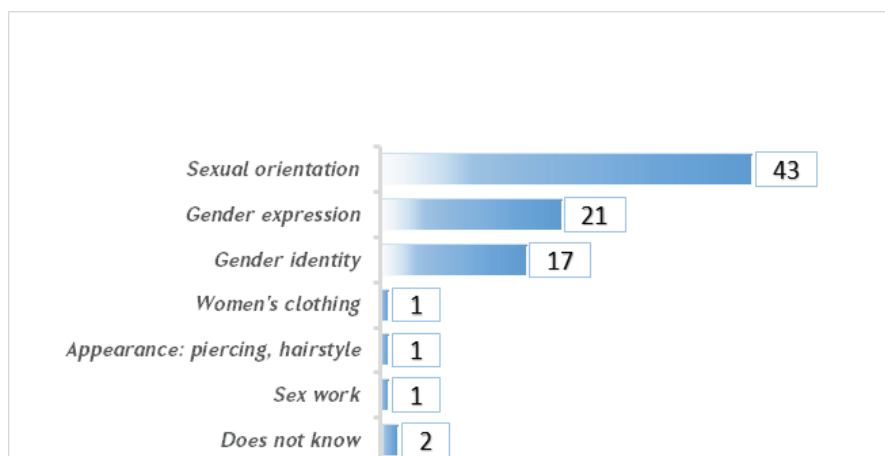
<sup>16</sup>European Commission against Racism and Intolerance (ECRI) report on Armenia (fifth monitoring period), report adopted on 28 June 2016.

<sup>17</sup>RA new Criminal Code, Article 71.

<sup>18</sup>European Commission against Racism and Intolerance ("ECRI") report on Armenia (fifth monitoring period), report adopted on 28 June 2016.



guished externally, are more protected than those persons who have any feature, element (hair-style, clothing, pronounced make-up, movements) that emphasize their SOGI. Therefore, the appearance is the basis for other people to make assumptions about the sexual orientation and gender identity of the given person. Very often, not hiding the external signs endangers the health and life of the given person as well as his partner, and also causes psychological feelings. When asked what motivated the incident/assault, and whether they believed the attack or incident was related to their (real or perceived) gender identity, expression, or sexual orientation, survey participants responded as follows (see Chart 10.), and had the opportunity to give more than one answer.



**Chart 10. The motive of the incident/attack. Do you believe the attack or incident is related to your (real or perceived) gender identity, expression or sexual orientation?**

When asked whether the offender knew or assumed that the victim was a Transgender LGBTIQ person, survey participants' responses varied widely. First, they mostly mentioned that the criminal learned about their sexual orientation, gender identity, in several cases only the criminal did not know about the victim's sexual orientation and gender identity. In some of the cases presented, the criminal learned about their gender identity during the crime, but the questionnaires were difficult to answer from where. In other cases, they answered as follows:

|   |
|---|
| ➤ <b>the offender saw that the victim was wearing women's clothes, and initially followed the latter;</b>   |
| ➤ <b>the offender learned about the sexual orientation of the victim from social platforms;</b>   |
| ➤ <b>the victim was a sex worker;</b>   |
| ➤ <b>one of the victim's friends made the information public;</b>   |
| ➤ <b>they had suspicions and forced to confess;</b>   |
| ➤ <b>they found out when they entered the victim's Instagram page;</b>  |
| ➤ <b>appearance: long hair, clothes;</b>  |
| ➤ <b>they said that they were told that the victim was from the community;</b>  |
| ➤ <b>the appearance of the victim suggested that he is gay;</b>   |
| ➤ <b>are located in a place where trans people usually gather;</b>  |
| ➤ <b>the victim was his client and knew about his sexual orientation;</b>   |
| ➤ <b>from clothes, movements;</b>   |
| ➤ <b>she was holding her girlfriend's hand, they assumed from that;</b>   |
| ➤ <b>they suspected from the appearance, then the victim himself confessed about his sexual orientation;</b>  |
| ➤ <b>since there are mainly young people from the LGBT community gathering in the park, it is assumed that this is what prompted the offenders;</b>   |
| ➤ <b>they were informed about the sexual orientation, one of the colleagues started to create a warm and friendly relationship with the victim, then told the news about the sexual orientation to the other colleagues and the management;</b> |
| ➤ <b>from body hair removal;</b>  |
| ➤ <b>a colleague had revealed naively.</b>  |

Let's state once again that there is currently no centralized body or mechanism for collecting classified data on hate crimes, hate speech and discrimination in Armenia. Therefore, it is not possible to obtain comprehensive data to form a general understanding of the practice of discrimination in Armenia.


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<sup>19</sup>There is no comprehensive and disaggregated statistical data on hate crimes due to outdated data collection and processing methodologies and mechanisms. There are several government agencies that collect and process crime data in Armenia. Among them are the Office of the Human Rights Defender, as well as several NGOs specializing in combating discrimination. The central body that collects and processes data on crimes is the Information Center of the RA Police.

## SUMMARY

Summarizing the research results, we conclude:

- > Trans LGBTIQ people are most often subjected to violence and threats, beatings, insults, ridicule, persecution and restriction of freedom, and psychological pressures.
- > The appearance is the basis for making assumptions for other people about the sexual orientation and gender identity of the given person.
- > Not hiding the external features endangers the health and life of the given person as well as their partner, as well as causes psychological feelings for both of them.
- > The majority of cases - 22 (39.3 %) cases occurred at the victim's home, 6 (10.7 %) cases at an educational institution (school, college), 6 (10.7 %) cases at the workplace, 5 (8.9 %) cases in the park, 3 (5.4 %) cases on the Internet, and the remaining 14 (25 %) cases in other public places (park, bus stop, etc.).
- > Trans LGBTIQ people are criticized, ridiculed and targeted more by men than by women.
- > Intolerance towards male homosexuals is expressed by insulting expressions, mockery, cursing, physical violence.
- > Trans LGBTIQ people are most often targeted by two or more people (66.1%).
- > Cases of physical violence are most often found in the family, by the victim's relatives, in particular, parents, and in educational institutions, by friends.
- > During violence, victims usually have visible physical injuries: bruises, scratches, and cuts.
- > Cases of freedom restriction are mainly committed by family members, relatives by locking them at home, limiting the possibility to contact with friends, depriving them of telephone or other means of communication, controlling social networks, etc.
- > The incidents that happened to Trans LGBTIQ people mostly had a very severe psychological impact on them.
- > Cases of psychological violence occur at home, at work, during service, in educational institutions, by friends, etc.
- > Cases of rape or attempted rape are common among Trans sex workers.
- > Trans LGBTIQ people are persecuted most often on social platforms, in the family by relatives.
- > People's sexual orientation, gender identity, and external characteristics are basically a basis for employers not to hire them, and to fire existing employees.
- > Trans LGBTIQ persons, whose sexual orientation and gender identity cannot be distinguished from the outside, are more protected than those persons who have any feature, element (hairstyle, clothing, pronounced make-up, movements) that emphasize their LGBTIQ identity.
- > Trans LGBTIQ people often do not turn to law enforcement because of a lack of trust.

- 
- > Trans LGBTIQ people prefer to address their problems to non-governmental organizations engaged in the protection of rights, or to tell and share with friends.
  - > Most often they don't seek medical help because they don't want other people to know about them.
  - > Trans LGBTIQ people fear that they will not receive sufficient help if they find out about their sexual orientation or gender identity in a medical facility.

### **CONCLUSIONS AND SUGGESTIONS**

As a conclusion, we would like to record that it is very necessary to make certain legislative reforms in Armenia in order to prevent violence against trans LGBTIQ people, as well as to make a number of vital services available to trans and LGBTIQ people in a number of social and legal fields.

As we have already mentioned, the new Criminal Code of the Republic of Armenia has established broader grounds on which a claim of violation of the prohibition of discrimination can be submitted under the criminal legislation. that is, in the criminal code, committing the crime with the motive of hatred, intolerance or enmity caused by racial, national, ethnic or social origin, religion, political or other views or other circumstances of a personal or social nature is considered a circumstance that aggravates criminal responsibility and punishment.

After such changes, there will be a need to keep statistics of cases, which will also cause difficulties.

Thus, the types of crimes are classified according to the articles of the criminal code, without specifying the parts of the articles that provide for aggravating circumstances, such as national, ethnic or racial hatred. Therefore, it is not clear how the authorities fight against hate crimes when the crime is defined in the aggravating circumstances of the crime. Therefore, the data is processed in a general way that does not reflect detailed statistical data, and most hate crimes are left out of the statistical reports.

### **Educational reforms in the Police**

At the same time, the attitude of the police and investigative bodies towards trans LGBTIQ people remains a problem until now, therefore, it is necessary to implement certain educational and training programs with them. This is explained by the fact that the mentioned persons often show improper attitude towards the representatives of the community in the police stations, make fun of them and do not allow them to use their rights. From this point of view, it should be noted that the Organization has addressed applications to the RA human rights defender in several cases, which refer to the violation of the rights of trans LGBTIQ persons in the police stations.

In particular, in one case, the investigator of the Center and Nork-Marash Department of Yerevan City Department of the RA Investigative Committee refused to return the personal phone taken from a trans person during a search, and only after the Organization's complaints to the RA Human Rights Defender, the investigator was forced to return the phone.

Such cases show that there is still a lot of work to be done to achieve the neutralization of similar cases and the protection of the rights of trans LGBTIQ people.

### **State bodies and service sector**

Trans LGBTIQ persons are also subjected to discrimination in relations with other state bodies and receive unequal conditions compared to other persons. It may refer to the receipt of services, rights-reserving documents, and other cases when the service provider unnecessarily delays the realization of the rights of trans LGBTIQ persons, which is guaranteed by law.

It is necessary to pay attention to making available the services provided to trans LGBTIQ people in the service sector. In this case, the discriminatory approach of the "Mali" sports club towards three trans LGBTIQ persons, when the members of the community were not allowed to train in the sports club, is a milestone. As a result, the Organization was able to achieve justice in court. However, we believe that any kind of discrimination against trans LGBTIQ people due to their gender identity or sexual orientation should be clearly defined in the legislation. Only such regulation will make it possible to exclude cases of discrimination as much as possible.

### **To the Ministry of health of the RA**

In the Republic of Armenia, gender reassignment is not regulated in any way, which leads to medical and legal problems arising from it. The issues of gender reassignment and hormone therapy are faced by trans people, who are discriminated because of absence of both medical practice and lack of legal regulations.

There is no clinical guideline on gender reassignment surgery and hormone therapy in RA, therefore, there are no indications and regulations for surgical intervention and hormonal treatment.

Most Armenian doctors are not educated to work with trans people. In addition, there are no legal regulations related to gender change and hormone therapy; doctors just don't know how to help trans people.

In this field, the Organization cooperates with international organizations, and in particular with the Dutch Embassy in Armenia, to solve the problems of trans people in the field of medical services, which refer to the access to these services, the availability of medicines and other problems.

The state has a positive duty to ensure the life and health of the population of its country, and the lack of such regulations is a serious problem both in terms of the state's responsibility, and even more so for citizens who are transsexual persons and need the care of the state.

According to Article 85 of the Constitution of the Republic of Armenia, "everyone, in accordance with the law, has the right to health care".

Article 86 of the Constitution, among the responsibilities of the state, defines the implementation of programs for the protection and improvement of the health of the population, the creation of effective and affordable medical service conditions.

The RA government in 2008 Resolution No. 276 dated March 27 defined the list of types of medical care and service in RA, in the appendix of which, in point 28, the type of plastic reconstructive and aesthetic surgical medical service it is indicated that among the means subject to medical care, sex change surgery may also be included. However, today in Armenia it is practically impossible to carry out such a surgical intervention, because medical organizations avoid and do not perform such surgeries. In private conversations, the doctors state that such operations are prohibited in Armenia, and doctors who perform such operations are threatened with criminal liability.

### **To the Ministry of health of the RA**

At the same time, people who undergo gender change need medical supervision and treatment, which includes hormone therapy.

The list of hormonal drugs currently available in Armenia is limited, and modern drugs used in European countries are not registered and sold in Armenia. And the RA Law "On Medicines" restricts the import of unregistered medicines to Armenia for personal purposes, as a result, the lack of regulation of the mentioned sector hinders the health care and treatment of transsexuals. And the registration of drugs, in accordance with part 9 of Article 16 of the Law "On Drugs", can be implemented based on the application of the manufacturer or other individual entrepreneur or legal entity responsible for the product, which also in this case limits the use of hormonal drugs by transsexual persons due to limited (unregistered) drugs.

Therefore, to sum up, it should be noted that there are no clinical guidelines for the treatment of transsexual persons in Armenia, the number of doctors with appropriate qualifications is limited, modern hormonal drugs are not registered in Armenia, and their import for personal purposes is limited according to the law.

Therefore, our proposal to the RA Ministry of Health is to:

- Develop clinical guidelines for gender reassignment surgery and hormone therapy for transsexual persons.
- Develop legislative regulations to facilitate the import and consumption of RA hormonal drugs for transsexual persons.
- Concluding the above, it should be noted that the Organization will continue to work with state bodies, international organizations, and the media to advance the issues of protecting the rights of trans and LGBTIQ people, to achieve the accessibility of the services provided to them, to develop and implement legislative reforms in favor of trans and LGBTIQ people.

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