



**The situation of  
LGBTIQ+ victims of  
domestic violence  
in Armenia**



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*The analyses contained in the research express the point of view of Right Side Human Rights Defender NGO and may not coincide with the views of ILGA Europe (European Regional Association of Lesbian, Gay, Bisexual, Trans, and Intersex Persons), other non-governmental organizations, and state bodies operating in the Republic of Armenia.*

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## BASIC CONCEPTS AND THEIR EXPLANATIONS<sup>1</sup>

The explanations of the concepts used below are presented according to the meaning and significance of this analytical research.

<b>Husband/Wife</b>	A person in a legal or de facto marital relationship
<b>Neglect</b>	willful failure to comply with the minimum conditions necessary for the child's existence (food, clothing, shelter, medical care, maintenance, education) by the parent or legal representative, and willful failure to comply with the minimum conditions necessary for the existence of their disabled and needy parents (food, clothing, shelter, medical care, and maintenance) by the able-bodied adult children) if the parent or legal representative or adult children possess adequate information and capabilities and if appropriate services are available to them
<b>Shelter</b>	a care center for a person subjected to domestic violence, where safe temporary accommodation is provided to victims of domestic violence and the persons under their care in the cases defined by the RA law "On the prevention of domestic violence, protection of persons subjected to domestic violence, and restoration of family solidarity" for a period of up to 12 months, and where they use the social services provided by the RA Law "On Social Assistance"
<b>Support Center</b>	a state organization providing social services provided by the RA Law "On Social Assistance"
<b>Bisexual</b>	an individual who is emotionally and/or sexually attracted to more than one sex/gender
<b>Abuser or domestic abuser</b>	a/ a natural person who used violence against any other member of their family, b/ a natural person against whom a warning, urgent intervention, or protective decision was made in accordance with the RA law "On prevention of domestic violence, protection of persons subjected to domestic violence and restoration of family solidarity"
<b>Gay (homosexual man)</b>	a gay man 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 man

<sup>1</sup> The main source of these terms is the Law of the Republic of Armenia "On Prevention of Domestic Violence, Protection of Persons Exposed to Domestic Violence and Restoration of Family Solidarity", which entered into force on 31.01.2018; "Guide to working with LGBT people for helping professionals", Pink Human Rights Defender NGO, 2021.

<b>Gender</b>	refers to people's internal perception and experience of masculinity and femininity, also the social structure in which certain behaviors are defined as roles of men and women depending on history, societies, cultures, and classes: gender is related to societal expectations and not just a biological issue
<b>Gender identity</b>	refers to each person's internal perception and individual experience of their gender, which may or may not correspond to the sex assigned at birth, including their own body perception and other gender expressions such as clothing, speech, and behavior
<b>Domestic Violence</b>	all acts of physical, sexual, psychological, or economic violence, as well as neglect, within a family or family unit or between former or current spouses or partners, regardless of whether the abuser lives or has lived in the same apartment as the victim
<b>Family</b>	the natural and basic cell of society, the basis of population maintenance and reproduction <sup>2</sup>
<b>Family member</b>	<p>a. Regardless of the circumstances of cohabitation: partner, spouse (including a person in a de facto marital relationship), ex-spouse, parent, including step-parent, adoptive parent, foster parent, child (also adopted, stepchild, foster child), adoptive parent's spouse, husband's parents, ex-husband's parents,</p> <p>b. Cohabiting grandmother, grandfather, sister and brother (also co-mother or co-father), husband's sister, husband's brother, as well as for husband's parents, sister and brother, son-in-law and daughter-in-law</p>
<b>Victim or person subjected to domestic violence</b>	<p>a/ a natural person who was subjected to violence by the husband, partner, parent, other family member</p> <p>b/ a natural person who, according to a warning, urgent intervention, protective decision or a legally binding court verdict, suffered from domestic violence</p>
<b>Partner</b>	a person with whom the victim is/was in a close (including intimate) personal relationship, for example, a spouse, a civil partner, etc.
<b>Targeted person or group</b>	used in this study to describe vulnerable groups who experience domestic violence based on their sexual orientation, gender identity, or sexual characteristics

<sup>2</sup> Constitution of RA, with amendments and additions of 2015.

<b>Intersex</b>	a person who biologically has both male and female biological characteristics, both chromosomally or hormonally, as well as in the form of genitalia, as a result of which they are unable to fully identify with either male or female
<b>LGBTQI community</b>	a community of lesbian, gay, bisexual, transgender, intersex, queer people united by common interests, issues, and goals; it in turn consists of various sub-communities, groups, and communities
<b>Lesbian (homosexual woman)</b>	a homosexual woman who has a set of deeply emotional, sensual, and sexual attractions, as well as an intimate and sexual relationship and/or desire for a relationship with a woman
<b>Authorized body</b>	the authorized state executive body in the field of social affairs is the RA Ministry of Labor and Social Affairs
<b>Vulnerable person or vulnerable group</b>	a person or group who, due to some characteristic or status of theirs, are in a vulnerable position for a long period of time
<b>Community members</b>	LGBTIQ+, people with other sexual orientation and gender identity
<b>Reconciliation</b>	reconciliation of persons subjected to domestic violence and perpetrators of domestic violence is carried out during the operation of emergency intervention and protective decisions, in accordance with the procedure established by the head of the Authorized Body. Reconciliation is carried out by applying to the support center of a person who has committed domestic violence or has been subjected to domestic violence
<b>Research</b>	the Situation of LGBTQI+ Victims of Domestic Violence in Armenia research for the period from January 2021 to September 2023
<b>Heterosexual</b>	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
<b>Psychological violence<sup>3</sup></b>	behavior by a spouse, partner or other family member: insult, humiliation, degradation in the presence of other people, intentionally doing things that will frighten or terrify
<b>Homophobia</b>	fear, unreasonable anger, intolerance and/or hatred of homosexuality
<b>Non binary</b>	any gender identity that does not conform to the bipolar system of femininity and masculinity

<sup>3</sup> Deliberately inflicting severe mental suffering, including the real threat of physical, sexual, or economic violence, intentionally regularly performing actions that cause a person to have a reasonable fear of a threat to his or a family member's personal safety, periodic humiliation of dignity, extreme social isolation, forced abortion.



<b>Rehabilitation program</b>	a program of complex measures aimed at providing psychological and social support to the person who committed violence, restoring health, and preventing them from committing violence again by getting rid of harmful habits (alcoholism, drug addiction, substance dependence, gambling)
<b>Sexual violence</b>	crimes against sexual integrity and sexual freedom provided by the Criminal Code of the Republic of Armenia
<b>Sexual orientation</b>	the totality of an individual's deep emotional, sensual, and sexual attractions, as well as intimate and sexual relationships and/or desire for relationships with another individual
<b>Sexuality</b>	the set of biological, mental, behavioral, and social characteristics of each person that define a person's identity, behavior, character, and role as an individual and as a member of society
<b>SOGI</b>	Sexual orientation and gender identity and/or gender self-expression
<b>Social support center</b>	a state organization providing social services provided by the Law of the Republic of Armenia "On Social Assistance"
<b>Economic violence</b>	depriving a person of the necessary means of existence (food, clothing, shelter, medicine) to force a person into material dependence or control, unlawfully restricting the rights to manage, possess and use property belonging to ownership or common ownership, restricting a person's right to freedom of education or choosing a job
<b>Transgender</b>	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 an umbrella term and is inclusive of people with transgender, transsexual and other non-binary gender identities
<b>Transsexual</b>	a person who fully identifies with a gender role opposite to the established gender and permanently wishes to live in the preferred gender role. It is often accompanied by a strong rejection of one's primary and secondary gender characteristics and a desire to conform to the body typical of the preferred gender. A transsexual individual desires or undergoes a social change (gender transition) from male to female or female to male, which in many but not all cases also includes a somatic change, such as hormone therapy to the opposite sex and genital surgery
<b>Transphobia</b>	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
<b>Physical violence<sup>4</sup></b>	behavior towards oneself by their husband, partner, or other family member: slapping, throwing any object likely to injure, pushing, hitting, pulling hair, hitting with the fist or any other object likely to injure, kicking, dragging or beating, intentionally choking or burning, threatening or using a gun, knife or any other weapon

<sup>4</sup> Beating provided for by the former Criminal Code of the Republic of Armenia, other violent acts provided for by the Criminal Code of the Republic of Armenia, intentional harm to health, illegal deprivation of liberty, intentional infliction of severe physical pain.

## INTRODUCTION

In the context of domestic violence around the world, violence against women, children, vulnerable groups, and gender-based discrimination and violence have been recognized as a threat to health and human rights. Every violence leaves its consequences: from the decline of self-esteem, and psychological hardships to the desire to end one's own life.

The purpose of the "**Situation of LGBTIQ+ Victims of Domestic Violence in Armenia**" research (hereinafter also referred to as the Research) is to highlight and analyze the prevalence of domestic violence cases among LGBTIQ+ people in Armenia, their forms of expression, types, which will allow assessing the prevalence of violence against LGBTIQ+ people according to types of violence, frequency, regularity, as well as to identify the motives and motivation of the abuser's use of violence, the physical, emotional and psychological consequences of violence on the victims of violence. The research also aims to obtain information on the cases of domestic violence recorded against LGBTIQ+ persons by the human rights organizations operating in RA, to collect statistical data from the competent authorities, to analyze the current legislation, to highlight the existing legislative and institutional gaps, and make recommendations to the authorities related to the sector. This Report (hereinafter referred to as the Report) summarizes the main results of the survey and analyzes the relevant indicators in detail. The results of the study provide valuable information on the prevalence and frequency of the main forms of domestic violence among LGBTIQ+ people, including violence perpetrated by a spouse, or intimate partner, forms of violence perpetrated by family members, particularly parents, sisters, brothers, and other members, etc.

In recent years, many studies have been carried out in Armenia, which have addressed various aspects of the problem of domestic violence against women, and cases of domestic violence against children. However, we must note that there have been no attempts to conduct such research within LGBTIQ+ individuals, therefore, this Report is the first of its kind.

The first part of the research presents the issues of domestic violence caused by gender, the legal regulations in the Republic of Armenia in the context of domestic violence, as well as the statistics of cases of domestic violence in the Republic of Armenia from 2021 to the first half of 2023.

In the sections of the next part of the report, the actual results of the research, the statistical data, as well as the general picture of the cases of domestic violence recorded by human rights organizations against LGBTIQ+ persons are presented.

Both qualitative and quantitative data were extracted using a standardized questionnaire and an online survey. The research also includes a legal analysis of the legislation of the Republic of Armenia (RA) regarding the regulation of domestic violence and the international obligations assumed by the RA.

The main objectives of this final research are to present the survey data and analysis results to relevant government bodies, international organizations, non-governmental organizations, the LGBTIQ+ community, organizations dealing with the protection of their rights, society, as well as the general public, to raise their awareness of domestic violence against LGBTIQ+ people. prevalence, and thereby improve the legal framework to provide guarantees for identifying cases of domestic violence among LGBTIQ+ persons, ensuring their safety, providing legal protections, and creating mechanisms to maintain statistics on domestic violence based on sexual orientation and gender identity.

## METHODOLOGY

The research was carried out by the organization from February to September 2023. In the course of the research, cases of domestic violence against LGBTIQ+ persons between 2021 and September 2023 were studied.

The research made it possible to create a general picture of the types of domestic violence against LGBTIQ+ persons, their frequency and regularity, as well as to identify the motives, motivations, and physical, emotional, and psychological consequences of the violence on the victim.

This analysis of the situation was made through the study of laws, research conducted by various institutions, reports, as well as face-to-face interviews. Interviews, document research, and analysis helped the researcher to present a comprehensive picture of the prevailing situation.

The survey was conducted among LGBTIQ+ individuals who were 16 years of age at the time of the survey. Taking into account the fact that not all people would like to talk about the incidents that happened to them or others through individual interviews, an online anonymous questionnaire was also created, and participants were allowed to participate in the interview by phone. The online questionnaire allowed us to anonymously report cases of domestic violence from anywhere and at any time, even from people living in regions, again maintaining the principle of anonymity. Considering the sensitivity of the topic and the desire not to reveal the identity of the participants, all questionnaires were destroyed after the conducted surveys and data processing.

In the framework of this research, Right Side Human Rights Defender NGO cooperated with a representative of the transgender community, who ensured community awareness and participation in the research and was a connecting link between the organization and the LGBTIQ+ community.

The organization also informed about the research to LGBTIQ+ organizations, their members, volunteers, and beneficiaries. Information about the study was also posted on various LGBTIQ+ social media platforms. The study included 61 cases reported by LGBTIQ+ individuals out of 300 interviews conducted between January 2021 and September 2023.

Although the Research planned to carry out 300 "face-to-face" interviews, as well as 2500 online surveys, but, taking into account the fear of LGBTIQ+ people, the fact of not being perceived by society, being exposed, possible retaliation by the abuser, living in the same family with the abuser, as well as also the latency of domestic violence, responses to online surveys were never received due to the above and several other hindering factors. Among the mentioned factors were also the avoidance of answering the questions openly and freely, regardless of the circumstance of anonymity, the fact that the respondents were minors, etc.

Undoubtedly, the lack of online surveys affected the overall inclusion of respondents, however, it did not affect the overall picture of the questionnaire, as the face-to-face surveys provided an insight into the issues of LGBTIQ+ individuals experiencing domestic violence, factors contributing to violence, as well as regarding the loopholes and shortcomings of the laws. At the same time, taking into account the presence of certain LGBTIQ+ people who did not want to talk about the topic, more face-to-face interviews were conducted than originally planned to get an objective picture of the general picture.

A major issue we faced during the conduct of the survey was the fear of disclosure by LGBTIQ+ individuals, which, as already mentioned, was overcome by destroying the survey subjects' data and questionnaires immediately after completing the surveys and collecting the data.

The report is based on the discussions held with the research team, their legal analysis, and the summary results of the research work. Within the framework of the research, the cases of domestic violence were summarized and analyzed, which made it possible to create a general picture of the types, prevalence, and frequency of violence against LGBTIQ+ persons who have ever been subjected to domestic violence.

## PART I. DOMESTIC VIOLENCE LEGISLATION AND ANALYSIS IN THE REPUBLIC OF ARMENIA

### 1.1 Gender and domestic violence

Domestic violence is a threat to human rights and health. The most vulnerable groups of domestic violence are women and children, and the most frequent violence is the cases **caused by the person's sex and gender**. Violence against women is a violation of universal human rights, the causes of which are inequality between men and women, and manifestations of discrimination against women.

Violence against women and domestic violence continues to be one of the most common human rights violations worldwide. It affects women from all walks of life, regardless of cultural, religious, economic, social, or geographical background. Estimates from the World Health Organization show that every third woman in the world experiences violence in her lifetime<sup>5</sup>. Gender-based violence is directed against a person based on their gender, so both women and men are subjected to violence on this basis, but the vast majority of victims are women and girls, and the perpetrator is usually a man. "*Gender-based (sex-based) violence against women*"<sup>6</sup> means violence that is perpetrated against a woman because she is a woman or that is perpetrated disproportionately against women<sup>7</sup>.

The terms "gender-based murder of women" and "femicide" are often used simultaneously in UN documents to emphasize the nature of violence. The term "femicide" was first used in 1976 by Diana Russell, who defined it as "the killing of a female by a male because the latter belongs to that sex<sup>8</sup>." Femicide is "the murder of women and girls because of their sex, which may include, among others. . . also because of their sexual orientation and gender identity." Some researchers believe that cases where the victims are women belonging to the LGBTIQ+ community are considered femicide. In these cases, the theory is that the killings are driven by a combination of gender motivations and homophobia or transphobia, as the case may be. In particular, gay or transgender women are not excluded and are more likely to be attacked and killed because of their gender identity and gender expression. In some societies, depending on their culture, these crimes are even committed as "punishment" for the victim's violation of the social norm of heterosexuality<sup>9</sup>.

The obligation to protect any individual from gender-based violence is derived from the following human rights treaties: *European Convention on Human Rights and Fundamental Freedoms (ECHR, 1953)*<sup>10</sup>, *International Covenant on Civil and Political Rights (ICCPR, 1976)*<sup>11</sup>, *International Covenant on Economic, Social and Cultural Rights (ICESCR 1976)*<sup>12</sup>, *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1981)*<sup>13</sup>, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT, 1987)*<sup>14</sup>.

For European countries, the equality of men and women is not only a principle of human rights but also a necessary condition of democracy, an imperative of social justice. Many Council of Europe documents state that gender equality implies the equal involvement, empowerment, responsibility, and participation of women and men in all spheres of public and private life, and requires joint efforts in the fight against gender discrimination, alienation, and gender stereotypes.

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<sup>5</sup> See details on the World Health Organization website at <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

<sup>6</sup> "Women" also includes girls under 18 years of age.

<sup>7</sup> See Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, signed in Istanbul in 2011 (Istanbul Convention), Article 3.

<sup>8</sup> For details about femicide, see "Femicide in Armenia. A Silent Epidemic", Coalition Against Violence Against Women, Report, 2016, link to [Femicide\\_Report\\_ARM.pdf](#) (coalitionagainstviolence.org).

<sup>9</sup> See <https://hy.warbletoncouncil.org/femicidio-6089> for details on femicide.

<sup>10</sup> Armenia ratified it in 2002.

<sup>11</sup> Armenia ratified it in 1993.

<sup>12</sup> Armenia ratified it in 1993.

<sup>13</sup> Armenia ratified it in 1993.

<sup>14</sup> Armenia ratified it in 1993.

Many international documents and conventions establish an obligation for the state to take measures to prevent domestic violence, protect victims, provide assistance and support, ensure security, and prosecute perpetrators effectively.

One of the most important documents aimed at combating domestic violence and its prevention is the Council of Europe Convention on "Preventing and Combating Violence against Women and Domestic Violence," signed in Istanbul in 2011 (hereinafter referred to as the Istanbul Convention, which came into force in 2014—only three years after the adoption).

Armenia signed<sup>15</sup> the Istanbul Convention on January 18, 2018, but the ratification process is still delayed<sup>16</sup>. With the ratification of this Convention, LGBTIQ+ persons in Armenia will also be protected from cases of domestic violence caused by sexual orientation and gender identity, as the Istanbul Convention fights against domestic violence, regardless of the family or the family environment in which it occurs. Domestic violence can be intimate partner violence between current or former spouses and cohabiting partners, as well as inter-generational violence between two or more members of different generations of the family. Since the aim is to combat violence against women and domestic violence wherever it occurs, the application of the Istanbul Convention is not limited to legal spouses, but extends to all partners, married or unmarried, regardless of whether they belong to the same or different sexes. No group of victims is excluded from protection on the basis of marital status or any other ground of discrimination covered by the Convention.

Since the adoption of the convention in April 2011, it has had a significant positive impact across Europe. It has helped to draw public attention to the urgent need to take measures to combat violence against women and domestic violence<sup>17</sup>.

However, let's state that the Istanbul Convention recognizes that men and boys can also become victims of domestic violence. Men are subject to a number of forms of violence covered by the Convention, although this violence is less frequent and often milder. The Istanbul Convention recognizes this, encouraging States to apply its provisions to all victims of domestic violence, including men, children, and the elderly<sup>18</sup>.

Violence against women and domestic violence cannot be detected and adequately responded to without state intervention and state will. Eliminating the main causes and manifestations of gender-based and domestic violence requires concerted and complex efforts of various entities: the police, the judicial system, social services, child protection institutions, health professionals, non-governmental organizations dealing with women's issues, and other relevant partners. In particular, Article 5 of the Istanbul Convention states that "*Participating states shall take all necessary legislative and other measures to exercise due diligence in preventing, investigating, punishing, and punishing acts committed by persons not acting on behalf of the state, which falls within the scope of this Convention*".

Paragraph 3 of Article 4 of the Istanbul Convention establishes that the non-discrimination clause provides equal protection to all victims of (domestic) violence, regardless of their characteristics. It is: "*The implementation by the States Parties of the provisions of this Convention, in particular the measures aimed at protecting the rights of victims, shall be ensured without discrimination, that is, regardless of sex, race, skin color, language, religion, political or other belief, national or social origin, national minority belonging, property status, birth, **sexual orientation, gender identity (emphasis ours)**, age, health, disability, marital status, migrant or refugee or other status.*"

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<sup>15</sup> Signature collections against the ratification of the Istanbul Convention were carried out in Yerevan and regions, link: <https://armeniasputnik.am/20190814/Stambulyan-konvenciayi-dem-storagrahavaqy-Gyumri-e-hasel-el-inch-en-anelu-naxadzernoghneri-20065850.htm>.

<sup>16</sup> As we learned from the RANA Standing Committee on Human Rights Protection and Public Affairs, as of August 25, 2023, there is no clear information regarding the exact period of ratification of the Istanbul Convention.

<sup>17</sup> For details, see "Istanbul Convention: A Powerful Tool to End Gender-Based Violence, Preventing and Combating Violence Against Women and Domestic Violence" Guide for Parliamentarians on the Council of Europe Convention, Council of Europe, November 2019, reference: ARM(2021)JC\_Handbook\_ARM\_08112021\_2754-9080-4997 v.1.pdf

<sup>18</sup> See Explanatory Report of the Istanbul Convention, Articles 41, 45.

The principle of "non-discrimination" guarantees that "all people have all freedoms and rights ... without any distinction". This principle exists in all major human rights conventions, such as ICCPR<sup>19</sup> Clause 1 of Article 2 and Article 26, Clause 2 of Article 2 of the ICESCR, and Article 14 of the ECHR. The Istanbul Convention provides protection against discrimination based on an open list of criteria, including gender identity and sexual orientation.

Applying the provisions of the Istanbul Convention without any discrimination based on identity or sexual orientation, the Convention recognizes that anyone can be a victim of domestic violence. In addition, the Istanbul Convention ensures that every person, regardless of their sexual orientation or gender identity, is protected from domestic violence and has access to appropriate support and protection<sup>20</sup>.

According to the opinion of the Venice Commission, we quote: "The Istanbul Convention does not establish new standards by including the above two grounds, gender identity, and sexual orientation, in the list of prohibited distinctions. Rather, it is "based on legal obligations arising from other legal instruments" such as the ECHR and its relevant case law, the CEDAW, the ICCPR, the ICESCR, and the UNCAT<sup>21</sup>. Other human rights protection bodies have also raised the issue of discrimination related to sexual orientation and gender identity. The CEDAW Committee, for example, issued two general recommendations recognizing that discrimination against women is "inextricably linked" to other factors that affect women, such as sexual orientation and gender identity. The Human Rights Committee, for its part, has found that the reference to gender in Article 2(1) and Article 26 of the ICCPR also includes sexual orientation<sup>22</sup>. The Human Rights Committee, within the limits of its judgment, considers that the participating states are obliged to respect the rights of all persons in their territories, defined by the ICCPR, as well as the right to equal protection of the law, without distinction, including discrimination on the basis of sexual orientation (Articles 2 of the ICCPR). 1) and 26)<sup>23</sup>: The CESCR has adopted the General Opinion on Non-Discrimination in the Field of Economic, Social and Cultural Rights, in which it recognizes that a person's exercise of ICESCR rights should not be limited on the basis of his sexual orientation or gender identity. The ICRC expressly recognizes that the criterion of "other status" under Article 2, paragraph 2 of the ICESCR includes sexual orientation and gender identity. Therefore, a person's sexual orientation or gender identity is among the grounds for the prohibition of discrimination, which are defined in Article 2, paragraph 2 of the ICESCR<sup>24</sup>: Finally, in fulfilling their obligations under UNCAT, signatory states must ensure that UNCAT applies to all persons regardless of their sexual orientation or transgender identity<sup>25</sup>."<sup>26</sup>

The beginning of the history of gender politics in Armenia was laid in the 1990s. The Human Rights Conference in Vienna (1993), the Cairo Conference on Population and Development (ICPD, 1994) and the World Conference on Women (Beijing, 1995) have had a direct impact on policy development, which aimed to raise issues of gender equality worldwide, and developing appropriate policies to achieve this.

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<sup>19</sup> Armenia ratified it in 1993.

<sup>20</sup> For details, see "Opinion of the Republic of Armenia on the Constitutional Consequences of the Ratification of the Council of Europe's "On Preventing and Combating Violence Against Women and Domestic Violence" (Istanbul Convention), Venice Commission, Strasbourg, 2019. October 14, Opinion No. 961/019, CDL-AD (2019)018.

<sup>21</sup> For example, the ECHR, in its interpretations of the ECHR, allows applicants who have been discriminated against based on their sexual orientation and/or gender identity to claim that there has been a violation of Article 14 of the ECHR, along with another essential ECHR right. combined.

<sup>22</sup> See ICJ, *Thune v. Australia*, Application No. 488/1992, 1994 March 31, item 8.7.

<sup>23</sup> See ICRC, *X v. Colombia*, Application No. 1361/2005, 2001 13 January, paragraph 7.2, ICJ, *Young v. Australia*, Application No. 941/2000, 1999 June 29, item 10.2.

<sup>24</sup> See CESCR, General Opinion No. 20, Article 2 (2) (On Non-Discrimination in the Field of Economic, Social, and Cultural Rights), 2009 July 2, item 32.

<sup>25</sup> See UNCAT, General Opinion No. 2, Implementation of Article 2 by States Parties, 2008. January 24, item 21.

<sup>26</sup> A detailed analysis of this is cited in: "Opinion of the Republic of Armenia on the Constitutional Consequences of the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Venice Commission, Strasbourg, 2019. October 14, Opinion No. 961/019, CDL-AD (2019)018.

Gender relations are regulated by the Constitution of the Republic of Armenia, international treaties of the Republic of Armenia, the Law of the Republic of Armenia "On Ensuring Equal Rights and Equal Opportunities for Women and Men"<sup>27</sup>, by other normative legal acts of the Republic of Armenia. The principle of gender equality is enshrined in Article 29 of the RA Constitution<sup>28</sup>, equality of women and men in Article 30<sup>29</sup>, and for gender-based discrimination, Article 203 of the RA Criminal Code<sup>30</sup> provides for criminal liability.

Armenia has ratified a number of international treaties aimed at protecting women's rights: the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1993, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Optional Protocol), 2006, "Convention on the Political Rights of Women" 2007, "Protocol on the Prevention, Prohibition and Punishment of Trafficking in Persons, Especially Women and Children" supplementing the "Convention against Transnational Organized Crime", 2002, and a number of other international treaties.

Despite the existing legal mechanisms, in recent years, we continue to regularly hear about the increasing numbers of domestic violence in Armenia. Also, alarming are the reports that a number of cases of domestic violence among LGBTIQ+ people have led to suicide and death. Such incidents are accompanied by calls for hate, justification of violence, mockery and calls to kill LGBTIQ+ people on social media.

Traditional social mores, intolerance of different people and groups, insufficient educational attainment and other factors continue to dominate our society, which also encourages domestic violence or other types of harassment against LGBTIQ+ people. It is indeed a challenge, the elimination of which requires universal efforts, effective legislative mechanisms, continuous improvement of the educational level, which will form an accepting society, which will lead to the condemnation of violence.



<sup>27</sup> This law was adopted on May 20, 2013, and entered into force on June 29, 2013.

<sup>28</sup> Article 29 of the RA Constitution defines: "Discrimination based on sex, race, skin color, ethnic or social origin, genetic characteristics, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age or other circumstances of a personal or social nature, prohibited".

<sup>29</sup> Article 30 of the RA constitution defines: "Women and men have equal rights."

<sup>30</sup> According to Article 203 of the RA Criminal Code: "1. Discrimination - the manifestation of differential treatment that violates the rights or freedoms of a person, or by which a person is given advantages without an objective basis or a legitimate purpose: sex, race, skin color, ethnic or social origin, genetic characteristics, language, religion, worldview, political or other views, belonging to a national minority, property status, birth, state of health, disability, age or other circumstances of a personal or social nature, shall be punished by a fine of up to ten times the amount, or public works for a maximum of one hundred hours, or restriction of freedom up to a maximum for a period of one year, or short-term imprisonment for a maximum period of one month".

## 1.2 Legal regulations of domestic violence in RA

The concept and types of domestic violence are given in the RA Law "On prevention of violence in the family, protection of persons subjected to violence in the family and restoration of solidarity in the family" (hereinafter referred to as the Law)<sup>31</sup>.

The law is of great importance for the prevention of cases of domestic violence and taking practical realistic steps from the point of view of regulating the legal framework, identifying and removing cases of domestic violence, as well as introducing mechanisms to fight against them.

In particular, the Law regulates the organizational and legal bases for the prevention of domestic violence and the protection of persons subjected to domestic violence, defines the concept of domestic violence, the powers of competent bodies in the field of prevention of domestic violence, and the protection of persons subjected to domestic violence, types of protection measures, the grounds for their application, domestic violence and domestic violence features of reconciliation of perpetrators of violence, legal protection of information on persons subjected to violence in the family. After the adoption of the law, a number of sub-legislative<sup>32</sup> acts were also adopted, which regulate the registration of cases of domestic violence in the authorized bodies, the protection, and rehabilitation of persons subjected to domestic violence, their financial support, etc.

However, we should also note that although the Law on domestic violence has been adopted in RA, it does not fully protect vulnerable groups from domestic violence, there are a number of loopholes and incomplete regulations in the legislative field, in which case we do not have effective and appropriate punishment mechanisms for abusers.

The law recognizes physical, sexual, economic, psychological violence and neglect<sup>34</sup>, but according to the current RA criminal code, only physical and sexual violence are criminally punishable.

According to Article 5 of the Law, "*Means of protection for persons subjected to violence in the family are:*

- 1) *the warning.*
- 2) *decision on urgent intervention.*
- 3) *the protective decision."*

**The warning** is applied in cases where the case of domestic violence is discovered by the police for the first time, the committed act does not appear to contain criminal features, and there are no grounds for urgent intervention.

If, in the case of domestic violence, there is a reasonable assumption of an imminent threat of repetition or continuation of the violence, the competent police officer immediately makes a **decision on urgent intervention** in order to ensure the life and health of the other family member. A decision on urgent intervention can also be made if, within one year after receiving a warning, a person has committed a violent act that does not contain the characteristics of a crime. Moreover, the validity period of the urgent intervention decision cannot exceed twenty days<sup>34</sup>.

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<sup>31</sup> This law was adopted on December 13, 2017 and entered into force on January 31, 2018.

<sup>32</sup> Resolution No. 1381 of the Government of the Republic of Armenia dated 10.10.2019: "On establishing the procedure for centralized registration of cases of violence in the family".

<sup>33</sup> Interpretations of types of domestic violence are given in the "BASIC CONCEPTS AND THEIR EXPLANATIONS" section of this Report.

<sup>34</sup> See Article 7 of the Law for details.



The protective decision is made in order to protect the victim of domestic violence and the persons under their care and to prevent new manifestations of domestic violence. A person subjected to or allegedly subjected to violence in the family or, with their consent, the support center, close relatives of a minor, or a person recognized as incompetent or limited in capacity by court order, the legal representative, and the body of guardianship and trusteeship may apply for a protective decision. The protective decision is made for a period of up to 6 months and can be extended twice by a reasoned decision of the court on the basis of a relevant application justifying its necessity, each time for a maximum period of up to 3 months. The validity of an urgent intervention order does not exclude the possibility of applying for a protective order.

By providing such protective measures, the law aims to apply certain deterrent mechanisms to the person who committed violence, in case the act turns out to be a criminal offense, which will prevent repeated cases of violence by the person in the future. The persons (persons who have committed violence) against whom protective decisions have been made are taken into preventive registration by the police and are removed from the registration if, within one year after the last act of violence in the family, no new urgent intervention or protective order or conviction for the relevant offense has been made against that person.

We should also note that protective measures do not in all cases prevent future cases of domestic violence, often they are ineffective, and they can make the abusers more aggressive.

In particular, it should be noted that Article 508 of the Criminal Code of the Republic of Armenia establishes liability for failure to comply with the requirements of an urgent intervention or a protective order, the sanction of which is the maximum penalty of imprisonment for a maximum period of one year. In the conditions of such a punishment, in case of initiating a criminal prosecution against the person who committed violence, an arrest is not used as a preventive measure, therefore, the abusers can continue to commit violence against the victim.

Therefore, we believe that it is necessary to tighten the sanction defined by the mentioned article in order to prevent further violence and avoid irreversible incidents.

It should also be noted that the application of criminal procedure tools can also be ineffective due to the gaps in the relevant mechanisms as well as the law. In particular, in the case of initiated criminal proceedings, the investigator has the right to apply special protective measures to protect the victim of violence from the abuser. Among others, such measures include "restriction of approaching or communicating with the protected person" (Articles 74 and 75 of the Criminal Procedure Code of the Republic of Armenia), in the case of which, in the presence of evidence of a threat to the life or health of the protected person, when they are not enough to initiate criminal prosecution against the person, the body conducting the proceedings officially warns him of the inadmissibility of approaching or communicating with the protected person, as well as of the possible liability provided by law for violating this requirement. On the other hand, the abuser, violating the ban on communicating with the protected person, is not subject to responsibility, due to the fact that such an act is not provided for in the RA Criminal Code, because as we can see, Article 75 of the RA Criminal Procedure Code contains a blanket norm, that is, reaching responsibility binds about the responsibility provided by another law, such a law is absent.

The next problematic part concerns the warning applied by the police officer, the appeal of the decision of urgent intervention by the abuser in the administrative court of RA. Often, the police officer applies the mentioned measures, listening only to the victim, because the person who committed violence may not come to the police and explain the incident and then appeal the decision made by the police officer. The administrative court of RA, in such a case, very often satisfies the request of the abuser and invalidates the warning issued by the police or the decision of immediate intervention on the grounds that the right of the abuser to be heard was not preserved, as well as the decision was made only with the explanations of the victim of violence, which in turn leads to the abuser sense of impunity and further violence<sup>35</sup>.

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<sup>35</sup> For details, see the administrative file of the Court of Cassation No. /1236/05/21.

The law also provides for a reconciliation mechanism for victims of family violence and those who have committed domestic violence, which is implemented during the period of emergency intervention and protective decisions, in accordance with the law. There are cases where the abuser will put pressure on the victim to reconcile with the latter.

In order to rule out such cases, law enforcement agencies must deeply investigate the motives and motivations of each case, the severity of the incident, and the continuity, because domestic violence generally occurs for many years, and the victim lives in a violent environment for a long time before turning to the law enforcement agencies. It is clear that the process of domestic violence is different from other types of violence because the abuser is mostly loved or trusted by the victim, the abuser is the victim's parent or relative. Such circumstances cause dependence in the victim, which makes it difficult for the abused person to leave, or due to the financial situation, they do not have the opportunity to leave the family and run an independent economy. Domestic violence does not start with violence immediately, domestic violence increases in severity over time. This is also an important issue in the case of children, as the police cannot take sufficient measures to protect a child living in a violent environment or at risk.

In the case of domestic violence, when the features of the crime provided for by the criminal law are present, criminal proceedings are initiated. In the case of initiation of criminal proceedings, immediate intervention and protective decisions cannot be applied to the person who committed violence, except in the case that the detention of the person who committed violence in the family was not chosen as a preventive measure, a decision was not made to keep him in a medical institution, and the body conducting the proceedings did not apply the protective measures.

Thus, we can state that the Law provides for a number of instruments by which the state protects persons subjected to domestic violence, however, such measures not always are sufficient. In particular, in cases where the perpetrator of violence does not cross the threshold of any crime characteristic provided by the criminal law, in this case, the measures provided by the Law may be insufficient, and the measures of responsibility under the criminal law may not be reached. In particular, in one case, **the father of the family, who lived separately from the family, harassed family members and children for a long time, harassed them at school, and in public places, however, no criminal proceedings were initiated, because no direct violence was applied to the family members, at the same time, the measures provided by the Law were not enough to prevent the continuous harassment of the father of the family.** In such a case, in terms of protecting the persons subjected to violence in the family and controlling the abuser, amendments were made to the Law<sup>36</sup>, which envisage giving the police the authority to follow the behavior of the person who committed the violence through electronic surveillance, to follow their movement.

One of the key gaps in the law is the failure to consider stalking and "partner" violence as a form of violence. In particular, Article 4 of the Law, defining the concept of "family members" includes:

- regardless of the circumstances of cohabitation: spouse (including a person in a de facto marital relation ship), ex-spouse, parent, including step-parent, adoptive parent, foster parent, child (also adopted, stepchild, foster child), adoptive parent's spouse, spouse parents, ex-spouse's parents,
- cohabiting grandmother, grandfather, sister and brother (also co-mother or co-father), husband's sister, husband's brother, as well as for husband's parents, sister and brother, son-in-law and daughter-in-law.

Therefore, an LGBTIQ+ person who lives with a partner and is subjected to violence by the latter cannot be considered a victim of domestic violence within the meaning of the Law.

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<sup>36</sup> The amendment to the law was adopted on March 22, 2023, but it has not yet entered into force. It will enter into force after the government adopts the relevant decision, which will regulate the procedure for the use and financing of electronic control measures, as well as the management of the database of the electronic control system, and the use of data.

In such conditions, LGBTIQ+ persons who have been abused by a partner cannot expect the protection of the state within the framework of the Law, which is clearly open to the Law. The state has a positive duty to protect the rights of all citizens, and such segregation does not ensure that every citizen, including LGBTIQ+ persons, is free from violence and relies on the protection of state authority.

In this context, we would like to emphasize that in 2023 the incident that took place on August 20<sup>37</sup>, and led to tragic consequences, when a trans woman was violently murdered by her partner in her apartment. The murder, which was widely covered in the Armenian media, once again showed the intolerant atmosphere that exists in Armenia against LGBTIQ+ people and the reactions to the violence against them allow us to conclude and assert that there is an urgent need to criminalize hate speech.

In Armenia, LGBTIQ+ persons continue to face persecution, and 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 caused by the lack of knowledge and the limitation of society's information about sexual orientation, gender identity, and sexuality. The part of the society that witnesses the violations of the rights of LGBTIQ+ persons, pressures, mockery, shows indifference<sup>38</sup>.

During the investigation, it became clear that almost every LGBTIQ+ child<sup>39</sup> is subjected to domestic violence due to their sexual orientation and gender identity, and it is unfortunate that the violence against the abused persons is of a periodic nature, and the victim avoids contacting the law enforcement agencies on the basis of not identifying their sexual orientation and gender identity.

Although the Armenian government has signed the Istanbul Convention, it has not yet ratified it due to the controversial and negative perception of the convention. The convention is not an end in itself, but all member states that have adopted it apply it in order to eliminate gaps in their existing legislation. Therefore, if the Convention is not ratified, there are many gaps in the legal mechanisms of domestic violence regulation in Armenia.

As summary, it should also be noted that the law "On ensuring equal rights and equal opportunities for women and men" is also in force in RA, the purpose of which is to ensure gender equality in all spheres of public life, legal protection of women and men from gender discrimination, formation of civil society supporting and establishing democratic relations in society.

The said law is meant to prohibit gender discrimination in all spheres of public life. However, as a result of this analysis, it became clear that the existence of laws or conventions is still not enough to establish the rights stipulated in the laws, an adequate state policy is also needed, and an increase in the educational level of all layers of society.

# Stop Violence



<sup>37</sup> See <https://www.youtube.com/watch?v=i2Y6fqWClwY>.

<sup>38</sup> The legal regulations of hate crimes and other hate-motivated offenses have been discussed in detail by Right Side Human Rights Defender NGO in the legal report of the 2021-2022 study "Hate crimes and other hate-motivated offenses against transgender LGBTIQ individuals in Armenia", pages 32-36, Annual Legal Research arm (rightsidengo.com).

<sup>39</sup> This will be discussed in the 2nd chapter of the research.

### **1.3 Statistics of domestic violence cases in the Republic of Armenia from 2021 to the first half of 2023**

The annex to the RA Government's decision No. 1381 of October 10, 2019 "On establishing the procedure for the centralized registration of cases of violence in the family" defines the procedure for the centralized registration of cases of violence in the family (hereinafter referred to as the Order). Relations related to centralized registration of cases of domestic violence by the authorized state executive body in the field of social affairs, that is, the Ministry of Labor and Social Affairs of the Republic of Armenia (hereinafter referred to as the Authorized Body) are regulated in the specified order.

According to Clause 4 of the Order, centralized accounting of cases of domestic violence is carried out by the Authorized Body: the Police of the Republic of Armenia, the Investigative Committee of the Republic of Armenia, the Prosecutor's Office of the Republic of Armenia, the Judicial Department of the Republic of Armenia, as well as support centers, guardianship and trusteeship bodies not registered by the latter, based on the data provided by the Ministry of Health of the Republic of Armenia, the Ministry of Education, Science, Culture and Sports of the Republic of Armenia.

The RA Police provides the authorized body with data on cases of domestic violence in connection with which protection measures have been applied, the prosecutor's office provides data on public prosecution of crimes involving domestic violence by the prosecutor, and the investigative committee provides the date on the process of cases of domestic violence and their criminal proceedings, the judicial department provides the information on the protective decisions made by the courts in cases of domestic violence (proceedings) which came into legal force and the judicial acts in criminal proceedings, the support center provides the information on the cases of domestic violence addressed to these institutions, the guardianship and trusteeship bodies, the Ministry of Health, the Ministry of Education, Science, Culture and Sports provides the information they have about cases of domestic violence. Based on the collected information, the Authorized Body carries out centralized registration of cases of domestic violence and statistics on their progress, and after receiving and summarizing the information every semester, publishes the statistical report on cases of domestic violence for the reporting period on its official website.

Within the framework of this research, it was tried to collect information from the competent authorities regarding the cases of domestic violence against LGBTIQ+ persons during the last 3 years, as a result of which it could have been possible to have a real picture and statistics.

Based on the mentioned decision of the Government and the priorities of the research, Right Side Human Rights Defender NGO sent letters to the above structures in order to obtain information, in particular, to find out **how many LGBTIQ+ persons applied to the police units for domestic violence from 2021 to the first quarter of 2023, and we have also requested to provide the information on the domestic violence case registration sheet filled out by the police in accordance with the Regulation, without identifying data of the person (whether a criminal case was filed or not, referral to a shelter, the protection measure/s applied to the person who committed domestic violence, etc.).**

We regret to note that the mentioned **state bodies have clearly stated in their answers that they cannot provide such information, because the said Order does not provide for a provision on the gender self-determination and sexual orientation of a person, so such information is not formed in the relevant bodies<sup>40</sup>**. Therefore, as a result of the actions taken by the Organization, it was not possible to have official statistics on cases of domestic violence against LGBTIQ+ persons.

The lack of such statistics should perhaps be attributed to the lack of resources as well as the relevant knowledge. However, there are no statistics on LGBTIQ+ people in Armenia in any field, which is directly related to the lack of political will, lack of perception of LGBTIQ+ people as a full member of society, cultural and religious characteristics, social exclusion, and other national characteristics.

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<sup>40</sup> The responses to the letters sent by the organization to the state authorities are presented in the appendice section of this report.

In Armenian society, homosexuality is perceived as a "disease", "infectious disease", and a significant part of society believes that LGBTIQ+ people should be treated or isolated from society. It is often impossible to educate a man or other member of a traditional Armenian family that his homosexual child is not "sick", and you cannot change the child's sexual orientation or gender identity by beating, threatening, keeping him locked up and depriving him of education.

Homophobia and transphobia are widespread and deeply rooted in Armenian society. Society's attitude towards LGBTIQ+ persons is intolerant and such persons are "unacceptable" for society, they are described as "against our national traditions". Therefore, these persons continue to face discrimination, intolerance, hatred, violence and threats based on their real or perceived sexual orientation and gender identity in almost all spheres of society.

It is obvious that in the absence of political will, the laws in the legal field are not developed in a way to directly protect the rights of LGBTIQ+ persons. Almost all laws are drafted in such a way that they do not directly mention LGBTIQ+ people, as such laws will be the subject of intense debate and major protests by a number of groups.

Moreover, it should be noted that transsexualism (this word is written in the Classifier and is a direct quote) is still considered a disease in the Republic of Armenia. RA Minister of Economy dated 19.09.2013 By Order No. 871-N, the "Statistical Classifier of Diseases and Health-related Problems" of the Technical, Economic and Social Information of the Republic of Armenia (hereinafter - Classifier) was approved.

The classification is a universal document, it is used for the classification of various health-related problems recorded in various documents related to diseases and population health and natural movement.

According to the classifier, transsexualism is considered a disease included in class F64.0 and is characterized as a desire to live in the image of the opposite sex and to be accepted by the environment, which is usually accompanied by a feeling of dissatisfaction with one's own anatomical structure and gender. The patient wants to undergo surgery or receive hormone treatment to match the preferred gender as much as possible.

We should also note that there is an unequal approach by the state to the correct classification of cases of crimes caused by sexual orientation and gender identity. Thus, it is no secret that the police, Prosecutor General's Office, investigative bodies, and the Human Rights Defender regularly publish reports on crimes and human rights violations during the year. However, none of them collect and process disaggregated crime data on specific gender identity and sexual orientation crimes. This is confirmed by the answers to the letters addressed to the above-listed law enforcement agencies.

The fact is that all the above-mentioned bodies 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, and discrimination based on sexual orientation and gender identity, etc.

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. 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 align them with European standards. Despite past steps to reform laws, the state has yet to adopt a separate anti-discrimination law, but instead regularly revises laws, adding specific anti-discrimination articles that prohibit discrimination in a broad sense.

This is also evidenced by the case of domestic violence recorded by the Pink Human Rights Defender NGO which took place on June 9, 2022, in the English Park of Yerevan. The father abused his daughter by striking her face and neck numerous times, causing her physical injuries and pain, and at the same time uttered sexual abuse. In connection with the incident, on June 10, 2022, the victim, S.M., submitted a report to the Central Police Department. She also stated that for years she was subjected to domestic violence by her father and mother because of her sexual orientation. A criminal case has been initiated in the Central Police Department under Articles 118 and 137.1 of the RA Criminal Code. The criminal case proceeded with a number of criminal procedural violations committed by the law enforcement agencies. In the decision to initiate a criminal case, there was no indication that the victim was subjected to domestic violence by her father and mother. The criminal case was initiated not on the fact of being subjected to domestic violence, but on the articles of beating and causing serious injury<sup>41</sup>. However, since there was a need to study the statistics of domestic violence cases in Armenia, Right Side Human Rights Defender NGO sent requests to the competent authorities to obtain general information on domestic violence cases recorded in Armenia during 2021-23.

It is a fact that the state does not keep statistics on domestic violence among LGBTIQ+ people<sup>42</sup>, so its absence was also an obstacle to getting a real statistical picture of domestic violence among LGBTIQ+ people.

The official data received are as follows:

According to the information provided by the Main Department of Public Security of the RA MIA Police on 17.07.2023:

**“During 2021**, according to operational summaries, **1644 cases of domestic violence** were registered in the police of the RA Ministry of Internal Affairs. In 528 cases, the officers of the specialized police unit issued a warning to the person who committed the violence, and in 544 cases, an urgent intervention decision was made. In 2021, 101 cases of domestic violence were investigated (of which 21 were sent to court, 80 were dismissed), and 371 cases were rejected.

**During 2022**, according to operational summaries, **1,547 cases of domestic violence** were registered in the RA Ministry of Internal Affairs police. In 556 cases, the officers of the specialized police unit issued a warning to the person who committed the violence, and in 619 cases, an urgent intervention decision was made. In 2022, 138 cases of domestic violence were investigated and criminal cases were initiated (of which 54 were sent to court, 82 were terminated), and 195 cases were rejected.

**During the first half of 2023**, according to operational summaries, **817 cases of domestic violence** were registered in the RA Ministry of Internal Affairs police. In 279 cases of registered cases of domestic violence, the officers of the specialized police department issued a warning to the person who committed violence, and in 351 cases, an urgent intervention decision. During the first half of 2023, 116 cases of domestic violence were investigated, criminal cases were initiated, of which 92 were sent to court, 21 were terminated.”

According to the information provided by the RA General Prosecutor's Office on 28.07.2023:

“Criminal prosecution of crimes involving violence in the family was carried out by prosecutors in public order in **73 criminal cases** (proceedings), **51 of which in 2021, 22 in 2022.**”

At the same time, it was reported that in 2023, statistics on the cases of public prosecution by prosecutors for crimes involving violence in the family have not yet been summarized, and no statistics are being kept on the defense measures used in criminal proceedings.

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<sup>41</sup> The details of this case are presented on the website of Pink Human Rights Defender NGO, Case of Domestic Violence in Yerevan, <https://www.pinkarmenia.org/news/dvcase-yerevan/>.

<sup>42</sup> We will present the current situation, received answers and statistical data in detail in the next section.

According to the information provided by **the Supreme Judicial Council staff: Judicial Department** on July 17, 2023:

"From 2021 to 01.07.2023, 37 official decisions were made, and in 73 criminal cases there are judicial acts that have come into force".

Data published by the **RA Investigative Committee**:

**During the year 2021**, 556 criminal cases related to domestic violence were examined in the proceedings of the Investigative Committee of the Republic of Armenia (hereinafter referred to as the Committee) under the relevant articles of the Criminal Code of the Republic of Armenia<sup>43</sup>.

Out of 556 criminal cases, 129 ended with an indictment, 135 persons were sent to court, 3 were sent to court to apply coercive medical measures, and 252 criminal case proceedings were terminated, of which 112 were acquitted and 140 were acquitted. 31 criminal case proceedings were suspended on non-exculpatory grounds, 17 of which were for the purpose of searching for the person who committed the crime, and 14 for the reason that the person who committed the crime was not known. 8 criminal cases were sent by subordination, 53 were merged, and 80 criminal cases were transferred to 2022.

In the above-mentioned criminal cases, 272 persons were involved as defendants, of which 8 were 14-18 years old, 113 were 18-35 years old, and 151 were over 35 years old. 8 defendants were previously convicted.

19 of the crimes committed in the family were committed by the mother, of which 12 were against the minor child, 27 were committed by the father, of which 16 were against the minor child, 1 was committed by the stepmother against the minor stepchild, 2 - by stepfather, 14 - by brother/sister, 20 - by child (including adopted), 7 - by female spouse, 169 - by female spouse, 1 - by grandson by, 6 by husband's parents, 6 by bride/groom.

In the mentioned 556 criminal cases, 485 persons were identified as victims, of which 54 were under 12 years old, 12 were 12-14 years old, 11 were 14-16 years old, 8 were 16-18 years old, 181 - 18-35 years old, 219 - over 35.

**During 2022**, the Committee examined 960 criminal proceedings related to domestic violence, of which 122 ended with an indictment and 126 persons were sent to court, 301 criminal proceedings were terminated, of which 150 were rehabilitative and 151 were not rehabilitative, 8 criminal proceedings were suspended on the grounds of Article 31 of the former Criminal Procedure Code of the Republic of Armenia. 16 criminal proceedings were sent according to subordination, 130 were merged, 383 criminal proceedings were transferred to January 2023<sup>44</sup>.

Out of 125 defendants sent to court, 108 were spouses, 4 were grandparents, 5 were siblings, and 8 were children or grandchildren.

125 persons were not prosecuted on non-rehabilitation grounds<sup>45</sup> or criminal prosecution was stopped.

As for the semi-annual data for 2023, they are still under development and have not been published on the official website of the Investigative Committee.

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<sup>43</sup> See [https://www.investigative.am/news/view/yntanakan-brnutyunner-vichakagrutyun\\_2021.html](https://www.investigative.am/news/view/yntanakan-brnutyunner-vichakagrutyun_2021.html) for details.

<sup>44</sup> See <https://www.investigative.am/news/view/2022-yntanakan-brnutyunner-veraberyal-ampopum.html> for details.

<sup>45</sup> "Non-exculpatory" ("non-rehabilitative") grounds for terminating the proceedings in a criminal case and terminating the criminal prosecution, which is provided for by Article 35, Part 1, Clauses 4-13 of the former Code of Criminal Procedure of the Republic of Armenia.

According to Article 13 of the RA Law "On Prevention of Family Violence, Protection of Persons Exposed to Family Violence and Restoration of Family Solidarity", within the framework of their functions, the prevention of family violence and the protection of persons subjected to family violence are also carried out by the special structures providing support to the victims of family violence, the support centers, and shelters.

We tried to verify the information about the support centers and shelters operating in the Republic of Armenia from **the Ministry of Labor and Social Affairs of the Republic of Armenia**. It was also interesting to receive quantitative information on how many people used the mentioned structures from 2021 to the first semester of 2023.

As we learned from the response to the letter addressed to **the Ministry of Labor and Social Affairs of the Republic of Armenia**, the Ministry of Labor and Social Affairs of the Republic of Armenia co-finances the activities of 2 shelters to provide shelter services for persons subjected to domestic violence. The services of the shelter are provided to the victims of family violence by the Women's Support Center NGO, which was recognized as the winner in the grant competition procedure. In 2023, on the basis of the contract signed between the Ministry of Labor and Social Affairs of the Republic of Armenia and the Women's Support Center NGO, it is planned to provide services to 30 women subjected to domestic violence (2 shelters together - 60). The shelter can accommodate women who have been subjected to violence in the family, and if necessary, also persons under their care. Women subjected to violence are accommodated in separate rooms in the shelter.

The Ministry of Labor and Social Affairs of the Republic of Armenia implements the following measures in order to provide the necessary support to persons subjected to domestic violence:

- *"Services of support centers for persons subjected to domestic violence"*
- *"Temporary support for victims of domestic violence"*
- *"Shelter services for persons subjected to domestic violence"*.

Services provided by the shelter may include: 1. provision of free, safe living space to the beneficiaries, 2. social support, 3. psychological support, 4. legal assistance, 5. medical assistance, 6. providing food and clothing (furnishings and equipment necessary for school preparation for children).

The financial cost required for the services of the shelter is covered by the Women's Support Center NGO with the co-financing of the state.

In 2021, 160 women and children used the services of the shelter, in 2022 - 201 women and children, in the first half of 2023 - 124 women and children.

**It is noteworthy that according to the available statistics of the RA Ministry of Labor and Social Affairs, no LGBTIQ+ persons were accommodated in the shelter during the reporting period.**

Summarizing the above, we should note that these numbers speak, first of all, about the prevalence of domestic violence cases in the Republic of Armenia, as well as the lack of clear and unified statistics about them. It is not excluded that some of the recorded cases of domestic violence were committed due to the person's sexual orientation or gender identity, but in the absence of such statistics, it is impossible to have clear figures regarding LGBTIQ+ victims of domestic violence.

Therefore, we should record that in terms of legislation, there is a clear gap, as a result of which it is not possible to conduct statistics and find out how many LGBTIQ+ persons are subjected to domestic violence every year. As we found out from the participants of our research, the victims of domestic violence often do not turn to law enforcement agencies due to a lack of trust, which will be discussed in the next section of the research.



**PART II: GENERAL DESCRIPTION, METHODOLOGY AND RESEARCH RESULTS OF THE "LGBTIQ+ VICTIMS OF DOMESTIC VIOLENCE IN ARMENIA"**

**2.1 Research organization and social characteristics**

As we already mentioned, LGBTIQ+ persons aged 16 and older participated in the research. The research includes 61 cases reported by LGBTIQ+ individuals out of 300 interviews conducted between January 2021 and September 2023.

A brief description and structure of the study is shown in **Table 1**.

**Table 1: Brief description of the survey "Situation of LGBTQI+ Victims of Domestic Violence in Armenia".**

Name of the research	"Situation of LGBTQI+ Victims of Domestic Violence in Armenia"
Research period	The research was conducted over an eight -month period
Geographic coverage of the research	Yerevan and RA regions
The target population of the research	LGBTIQ+ people over the age of 16
Sample size	300 completed interviews
Stages of research implementation	<ul style="list-style-type: none"> <li>▪ Research methodology development</li> <li>▪ Definition of basic concepts</li> <li>▪ Maintaining in-depth interview questionnaires</li> <li>▪ Designing the legal part of the research</li> <li>▪ Questionnaire data entry</li> <li>▪ Implementation of quantitative analysis</li> <li>▪ Qualitative analysis of interviews</li> <li>▪ Inquiries to government agencies and NGOs</li> <li>▪ Updating the legal part</li> <li>▪ Development of sections on introduction, and research conduct</li> <li>▪ Development of conclusion and recommendations</li> <li>▪ Editing, proofreading of the final version of the research</li> </ul>

**61 (100%) cases** of domestic violence presented by the persons participating in the research and studied have the following social characteristics (see **Table 2**).

**Table 2. Social characteristics of the research participants**

Social characteristics	Total number, person	Total (%)
<b>Age at the time of the incident</b>		
▶ 16-19	25	41
▶ 20-25	22	36
▶ 26-30	5	8,2
▶ 31-35	4	6,6
▶ 36-40	4	6,6
▶ 41-60	0	0
▶ 61 and more	1	1,6
Total	61	100
<b>Gender and gender identity</b>		
▶ Man	19	31,2
▶ Woman	30	49,1
▶ Trans man	4	6,6
▶ Trans woman	5	8,2
▶ Agender	1	1,6
▶ Cisgender	2	3,3
Total	61	100
<b>Sexual orientation</b>		
▶ Gay	24	39,4
▶ Lesbian	13	21,3
▶ Bisexual	12	19,7
▶ Heterosexual	11	18
▶ I don't want to answer	1	1,6
Total	61	100
<b>Education</b>		
▶ Higher Education / Post-Graduate	22	36
▶ Pre -Vocational/Secondary Vocational	9	14,8
▶ Secondary Education /High School (Grades 10 -12)	29	47,6
▶ Primary and lower (up to 9th grade)	1	1,6
▶ I have no education	0	0
Total	61	100

When asked how aware people are of their sexual orientation, gender identity, or sexual characteristics, survey participants responded as follows (see **Table 3.**), with the option to select more than one answer.

**Table 3: To what extent people are aware of research participants' sexual orientation, gender identity or sexual characteristics**

Answers	Total, person
▶ My whole family knows	15
▶ Only my parent/s know	10
▶ Only my brothers/sisters know	6
▶ My friends know	29
▶ The LGBT community is aware	22
▶ They are aware at work	9
▶ They are aware at the university	1
▶ Everybody knows	5
▶ No one knows	4
▶ I don't want to answer	10
▶ I don't discuss that topic with anyone	1

The incidents of violence occurred both in Yerevan and in the regions (see Table 4.), at different times of the day (see Table 5.). The cases were committed both in the abuser's house and in the victim's house (see Table 6.). Very often, the abuser and the victim live together under the same roof, so the research participants indicated both answers at the same time.

**Table 4: In which region/community did the incident occur?**

Distribution of cases in urban and rural communities	Number of cases	Total (%)
Yerevan	34	55,8
Aragatsotn	0	0
Ararat	9	14,8
Armavir	3	4,9
Gegharkunik	1	1,6
Lori	2	3,3
Kotayk	8	13,1
Shirak	1	1,6
Syunik	0	0
Vayots Dzor	0	0
Tavush	3	4,9
Total	61	100

**Table 5: What time did the incident(s) occur?**

Time	Number of cases	Total (%)
In the morning: 07:00 -11:00	14	16
During the day: 12:00 -18:00	29	38
Evening: 18:00 -23:00	12	32
Night: 00:00 -06:00	6	14
<b>Total</b>	<b>61</b>	<b>100</b>

**Table 6: Where did the incident(s) occur?**

The place of the incident	Number of cases	Total (%)
In the victim's house	14	23
In the abuser's house	8	13,1
The victim and the abuser live together in the same house	23	37,7
At the home of another family member (grandparent, aunt, uncle, etc.)	5	8,2
At work, in a public building	3	4,9
At an LGBT event or meeting	0	0
In the countryside, in the forest, in the park, in the camp	3	4,9
On the street, in the alley, in the parking lot, in the car	4	6,6
Other	1	1,6

Of the 61 cases of violence observed during the investigation, 21 (34.4%) occurred in 2021, 24 (39.4%) in 2022, and 11 (18%) until August 2023. period, and 5 (8.2%) of the research participants answered that the cases were permanent.

“

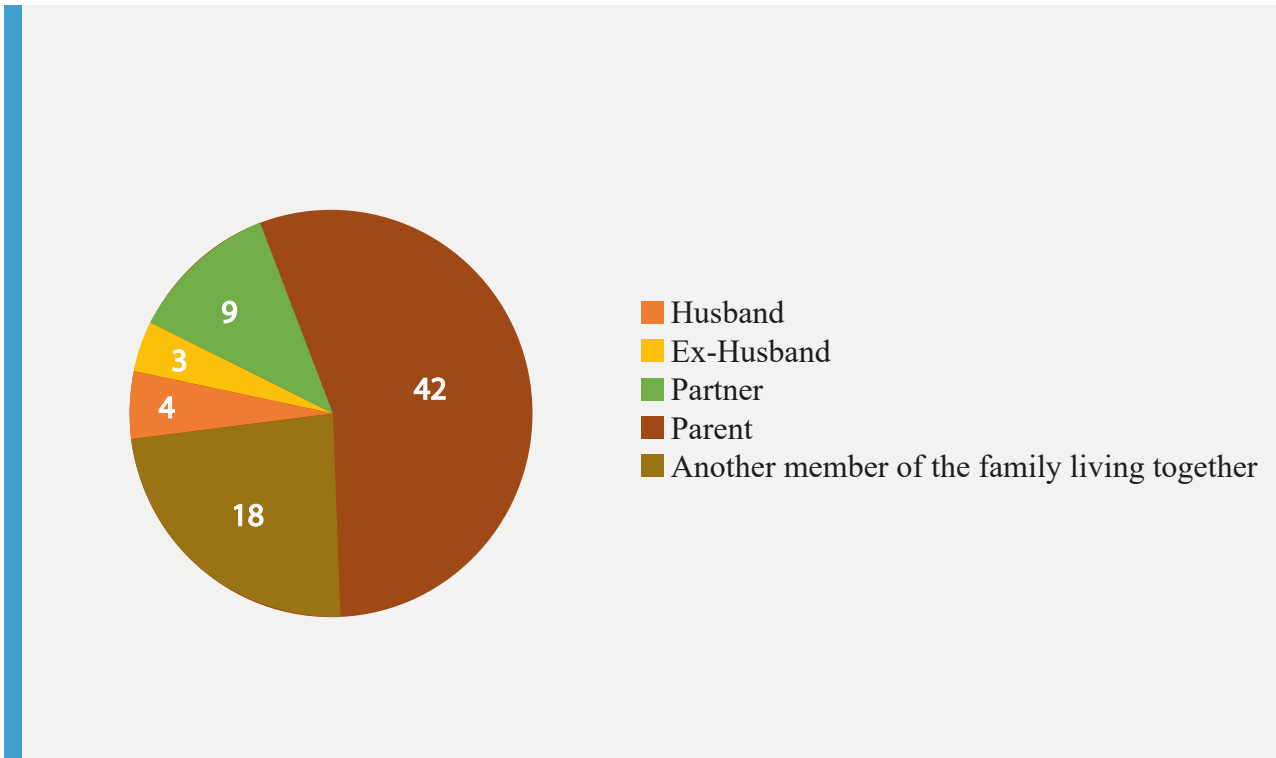
*"It's sad, but I am regularly beaten by my parents, they address me with insults and insulting words at home (fagot and other similar expressions). It's the same in college, they make fun of me all the time. Once, my parents beat me and kept me at home, under a lock, they didn't let me communicate with anyone" -*  
 excerpt from the research questionnaire,  
**gay man.**

Analyzing the cases, we come to the conclusion that the victims are subjected to domestic violence mainly by their parents, most often by their mothers, and most aggressively by their fathers (see **Chart 1**).

“

*"Since my mother died, my father married a second time. Regarding household chores, my stepmother asked me to take care of household chores, but I replied that I can't because I'm working. My father intervened in the conversation, he insisted that I do household chores. As a result, the conversation turned into an argument. My father hit me on the head with a bottle"* - excerpt from the research questionnaire, **lesbian woman.**

**Chart 1. By whom have you experienced domestic violence?**



The reported frequency of domestic violence by fathers is directly related to traditional family and cultural concepts in Armenia, high level of gender stereotypes, patriarchal society, in particular, the fact that man should be the decision-maker in the family. Moreover, the influence of these cultural, political and other factors is directly related to the homophobic and transphobic nature of the society, and it is a fact that society does not have a positive attitude towards LGBTIQ+ people, and in traditional Armenian families, every parent is dependent on that public opinion, which is more extreme in the regions of the Republic of Armenia. **Most often parents use violence against their children together.**

“

*"I was 16 years old at the time of the incident. I entered my Instagram page with my mother's phone, then I forgot to log out and give the phone to my mother. When Mama picks up her phone, she sees that my Instagram page is active and goes to my personal page. It is natural, he reads my messages on my page and learns about my sexual orientation. There are big troubles at home. My parents forbid me to continue studying in college, I haven't attended classes for a month. I was at home under the supervision of my parents, I didn't have any means of communication, I didn't communicate with my friends, the phone and the Internet were forbidden for me"* - excerpt from the research questionnaire, **bisexual man.**

From the questionnaire and collected data, we can assume that urban, young mothers/women who also have employment are relatively tolerant towards their LGBTIQ+ children, therefore they are more neutral, and in case of family disputes, they try to support and help their children from the violence of father.

“

*"My hair is short, which made my parents suspect about my sexual orientation. My parents suspected that I am a lesbian woman. One day my father started to pick on me, he said that he does not want to have a daughter like me, he is disappointed. My mother was gentler, she supported me. My father got angry and locked me in the basement, thinking that it might affect me in some way. I don't want to tell you what a cruel moment it was, what fights happened. But at night he took me out of the basement, came and opened the door, I came out, because my mother asked my father to open the door a lot" -*

excerpt from the research questionnaire,  
**lesbian woman.**

However, let's note that in many cases, when mothers learn about their children's sexual orientation and gender identity, they inform the father themselves, avoiding to bear this "responsibility" alone, so that the woman does not become the "accomplice" of her child by the man of the family.

“

*"My mother found out about my sexual orientation, she informed my father. A big argument started. They beat me, they broke the door on me, they hurt my hands with the broken glass of the door. They kept me at home so that I wouldn't communicate with anyone. Since my hands were terribly swollen, they took me to the doctor; the doctors sewed my hands and put them in plaster so that I could not move them and the stitches would not open. I also had injuries on my upper lip..." -*

excerpt from the research questionnaire,  
**gay man.**

In Armenian society, women are mainly involved in the child's education and daily life, while Armenian men mostly work and are only involved in family matters in the evening. In case of any problem with the child, men first of all blame their wives for "improper upbringing" of the child. Therefore, mothers are always very strict about any issues related to their children, because they can be directly attributed to them as a failure in raising the child.

Surveys show that mothers are stricter, consistent and attentive to their children's behavior and appearance than men.

“

*"My mother noticed that I follow my hygiene a lot, she started asking why I do that. ... My mother started shouting, cursing, saying bad words, my grandmother intervened so that she would not shout and calm down. I decided to leave the house, my mother didn't let me go, hit me, my younger brother also started hitting me. My grandmother helped me so that nothing would happen to me. I went to my room, my father came home, my mother told my father; my father threw me on the sofa and started to strangle me. My parents shouted that I am embarrassing them, that if I accept people from the LGBT community, then I am one too, I am also "not a person..." -*

excerpt from the research questionnaire,  
**gay man.**

The research participants also referred to the sex, age, gender identity, and sexual orientation of the abusers during domestic violence. The abusers had the following social characteristics (see Table 7.).

**Table 7: Social characteristics of abusers**

Social characteristics	Total, person	Total (%)
<b>Was the abuser an adult (over 18 years of age) and able -bodied at the time of the incident?</b>		
Adult	58	95,1
Minor	1	1,6
I don't know	2	3,3
Total	61	100
<b>Gender and gender identity</b>		
Man	41	67,2
Woman	26	42,6
I don't know	4	6,6
<b>Sexual orientation</b>		
Heterosexual	39	63,9
I don't know	22	36,1
Total	61	100

The use of alcohol has a direct effect on the abuser's use of physical violence. Some of the participants also mentioned that the abusers used alcohol regularly.

“

“...I went and took the taxi to its designated place. He was alone in the room. I felt he was drunk, he offered me a drink too, and I didn't refuse. He told me to take off. He started forcing me to satisfy him according to his ideas. I refused, but he forced me, held my hands, and pulled my hair. He was very rude to me, he was always so rude when he was drunk...” – excerpt from the research questionnaire, **transgender woman.**

## **2.2 Motives and incentives of domestic violence**

Talking about violence and expecting help are important prerequisites for fighting against violence. Therefore, to eliminate or reduce any problem, first of all, it is necessary to speak about it. However, considering the latency of domestic violence, in our reality people are mostly silent about it.

Domestic violence differs from other types of violence firstly in that the violence is committed by one or several persons who are relatives, blood relatives, whom the victim of violence loves and trusts. Domestic violence increases in severity over time.

“

*"My parents decided to divorce, because my father regularly abused my mother, as well as us. ... My parents went to the National Criminal Court, got divorced, and at home, my father forced my mother to leave the house and go live somewhere else. There was an argument, and the children and I decided that we would not leave my mother alone, my father got angry, started to drag me, and cursed me, I did not react, because it was not the first time, he is ruder to us when he is drunk. He forced my mother to leave the house, and started cursing. We left the house, we went to my relative's house..."* - excerpt from survey questionnaire,  
**gay man.**

As a rule, the motives and incentives of domestic violence against LGBTIQ+ persons are different, because, first, the abuser targets the person because of certain protected characteristics of the latter: sexual orientation, gender identity, gender self-expression, and then, with the manifestation of intolerance and hatred, commits violence. Therefore, it can be concluded that manifestations of domestic violence against LGBTIQ+ persons are caused by hatred towards them, low levels of legal awareness, "being embarrassed in front of neighbors" and several other subjective circumstances.

“

*"It turned out that my family members, in particular my father, and my brother, found out that I am gay, they saw my messages with trans people, as well as pictures, as I later found out they had been sent to them. When I entered the house, my family members, my uncles, and their sons were already waiting for me. My brother immediately started beating me with an iron, and my father came from the other side and started hitting me with his fists, my uncles, and their sons. They cursed and hit me, that I brought their family's name to the ground, disrespected them with my attitude, with my surroundings"* -  
 excerpt from the research questionnaire,  
**gay man.**

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, several hate crimes, particularly those caused by a person's sexual orientation and gender identity, remain undetected and go unpunished.

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 criminal legislation. According to the recommendations of the European Commission against Racial Discrimination (ECRI)<sup>46</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 criminal responsibility and an aggravating circumstance<sup>47</sup>. The definition of "hate based on other circumstances" should include, among others, sexual minority groups, as the European Commission against Racial Discrimination recommended reforming the criminal code to include sexual orientation and gender identity in the list of prohibited grounds.

<sup>46</sup> See: Report of the European Commission against Racial Discrimination on Armenia (fifth monitoring period), report adopted on 28 June 2016.

<sup>47</sup> See: New Criminal Code of RA, Article 71.



Cases of domestic violence against the LGBTIQ+ community have increased in recent years. As a result of not being respected and accepted in the family, young people resort to extreme measures - suicide. We regret to record that these cases are not revealed and made public only because the parents hide the real motives from the law enforcement agencies, do not want society to know about their children's sexual orientation and gender identity, in order not to target their families, and even if they do know, they distort the reality in every possible way to not be discredited by society<sup>48</sup>.

A vivid example of this is the case of suicide on October 20, 2022, when two young people (same-sex couple), 16 and 21 years old, committed suicide by jumping off a bridge. Shortly before their death, they posted photos of their relationship on one of the social websites. The photos quickly spread, mostly with offensive and homophobic comments. The mother of the minor boy also left a comment, writing, "**... you, as a minor, should go and die.**"<sup>49</sup>

From all of this, it can be assumed that the minor boy was subjected to violence at home, and was treated badly by the family. Pictures of the conversation between the boy and one of his friends were also published, where it is seen that the boy was locked at home and did not have a mobile phone with him.

It is a fact that Armenia is not a safe country for LGBTIQ+ people and they are not protected either by society or the state.

LGBTIQ+ persons whose sexual orientation and gender identity are not clearly expressed, or who hide their sexual orientation or gender identity, are more protected than persons who have any feature, or element (hair-style, clothing, highlighted makeup, gestures).

“

*"My mother doubts my sexual orientation because I look delicate, I look after myself, I have a little long hair, and she regularly humiliates me because of my appearance. They can lock me up at home and not let me go to work, communicate with my friends"* - excerpt from the research questionnaire,  
**gay man.**

Therefore, appearance is the basis for the abuser 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 both LGBTIQ+ person and their partner, as well as causes psychological feelings.

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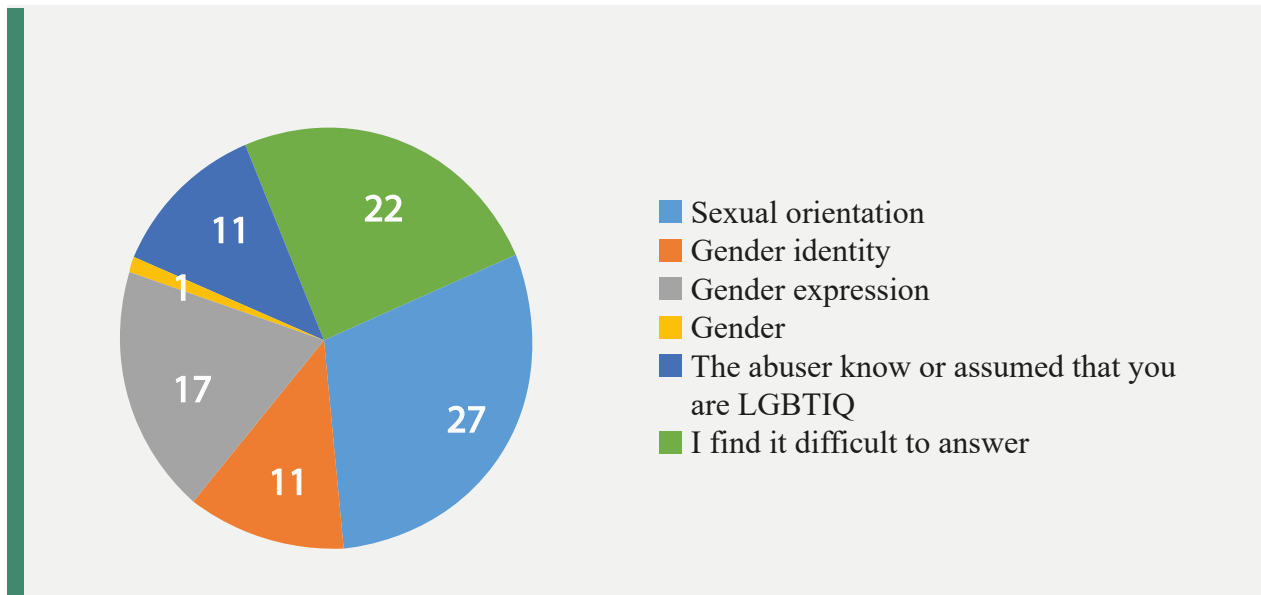
*"Since I am a lesbian, my appearance is a little different, I regularly dye my hair different colors. My family doesn't like it, and every time during such changes, my parents start insulting me, humiliating me, and addressing me with words that violate my dignity. There were cases when I answered, tried to defend myself, and was slapped. There were times when they didn't let me communicate with my friends"* - excerpt from the research questionnaire,  
**lesbian woman.**

<sup>48</sup> See: New Criminal Code of RA, Article 71.

<sup>49</sup> This case received huge resonance on social platforms and in the media. <https://media.am/hy/critique/2022/12/27/34911/>.

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 2.), having the opportunity to give more than one answer.

**Chart 2: The motive for the violence. Do you think the incident is related to the person's (real or perceived) gender identity, gender expression or sexual orientation?**



Domestic violence is not a one-time, momentary out-of-balance situation, it is not a random slap. Domestic violence is a repeated pattern of behavior by the abuser that leads to severe consequences. Regardless of whether it is unique or repeated, the described cases of violence are considered domestic violence.

Psychological or economic violence is usually permanent, the purpose of which is to humiliate the victim, destroy their self-esteem and self-confidence, and increase control over them.

“

*"At home, my parents regularly address me with insulting words and expressions that humiliate honor and dignity, they even insult me in front of other people. They often emphasize the fact that I am fat. They say that I will "stay at home, no one will want me, I'm ugly"... – excerpt from the research questionnaire, bisexual woman.*

Let us state once again that Armenia currently does not have a centralized mechanism for collecting statistically comprehensive and classified data on cases of domestic violence against LGBTIQ+ persons. In all competent bodies dealing with cases of domestic violence, records of cases of domestic violence are made without specifying the sexual orientation and gender identity of the victim in a separate line, as a result of which the above-mentioned statistics are not formed.

### 2.3 Manifestations of domestic violence according to survey results

The 1993 UN Declaration on the Elimination of Violence against Women, as an international human rights instrument, defines violence as: "Any act of gender-based violence that results or is likely to result in physical, sexual or psychological injury or suffering to an individual. Threats, torture, or arbitrary imprisonment that occur in private or public places are also types of domestic violence."

Within the framework of this research, based on the regulations and definitions of the RA Law "On Prevention of Domestic Violence, Protection of Persons Exposed to Family Violence and Restoration of Family Solidarity", the following types of domestic violence were addressed:

- physical violence,
- sexual violence,
- economic violence,
- psychological violence,
- neglect<sup>50</sup>.

The types of violence are described in the Law. The actions or inactions considered domestic violence presented in this Research were studied in the form of more specific actions, which according to the Law coincide with any type of domestic violence. Within the scope of this study, domestic violence offenses were divided into two groups:

**Group 1:** Actions classified as "crime" by the Criminal Code of the Republic of Armenia.

**Group 2:** Offenses that are not classified as crimes, but are a type of domestic violence from the point of view of the Law.

These "**Group 1**" crimes include physical and sexual violence, and "**Group 2**" includes economic violence, psychological violence, and neglect.

In order to determine whether the given domestic violence was committed on the basis of a person's real or perceived gender identity, gender expression, or sexual orientation, the organization, based on the Law, developed questions that are included in a standardized questionnaire. These questions enabled the researcher to distinguish cases of domestic violence caused by gender identity and expression, as well as sexual orientation.

“

*"After finding out about my sexual orientation, my family members kept me behind closed doors. Of course, there was a big argument, insults, beatings, fights. They forbade me to communicate with anyone, I was cut off from the outside world. I ran away, I managed to run away from home and take refuge in a friend's house..."* – excerpt from the research questionnaire,  
**lesbian woman.**

Although the description and characterization of the incident by the victim is extremely important for research, it should be taken into account that the victim cannot always understand whether or not the incident of violence was motivated by their sexual orientation and/or gender identity.

“

*"I was regularly beaten and slapped by my father. All that was done by my father for no reason. Recently, when I started living far from him (he lives in Georgia, I live in Yerevan), our relations have cooled, we don't argue. Although my father has always hurt me, he supports me in my education and helps me financially. I did not understand the reasons for my father's rudeness"* - excerpt from the research questionnaire, **bisexual woman.**

Domestic violence against LGBTIQ+ individuals ranged from the mildest form of violence (e.g., slapping) to the threat and/or use of a knife or firearm. At the same time, we must record that the more intense **the manifestations of violence are, the less the number of people subjected to them.**

The research participants characterized the cases of domestic violence as follows (see **Table 8**), and if the case was combined with several forms of violence, they mentioned several manifestations at the same time.

**Table 8: The following types of domestic violence that or were used against the Victim**

Types of violence used	Number of cases	Total (%)
Physical	41	67,2
Sexual	3	4,9
Economic	19	31,1
Psychological	54	88,5
Neglect	4	6,6

In the research, physical violence was considered the following behavioral manifestations carried out by a partner or other family member against the victim: slapping, throwing any object likely to injure, pushing, hitting, pulling hair, hitting with a fist or other object, kicking, dragging or beating, intentionally choking or causing burns, threatening or using a gun, knife or any other weapon; etc., as well as other violent actions provided for by the RA Criminal Code, intentional harm to health, illegal deprivation of liberty, intentional severe physical pain.

41 of the research participants (67.2%) were subjected to physical violence, and it was both one-time and periodic. The most common form of physical violence is slapping, hitting, or throwing any object that could injure the Victim. Physical violence was expressed in several ways, combined with other types of violence (see **Table 9**).

**Table 9: Manifestations of physical violence**

Forms of physical violence	Number of cases	Total (%)
▪ Slapped and/or punched	27	44
▪ Pulled hair, pulled by the hair	6	9,9
▪ Kicked and/or punched	13	21,3
▪ Tried to strangle or burn any part of the body	5	8,2
▪ Throw any object at them that could cause damage	11	18
▪ Threatened or actually used a gun, knife or any other weapon/adapted object	16	26,2
▪ Illegally deprived of liberty	7	11,5
▪ Other	2	3,3

“

"My mother abused me: beating, slapping, humiliation, violation of human dignity. This was periodic in nature. Unfortunately, my father is also indifferent, he doesn't even try to help me, but he protects my mother in all similar scenarios..." - excerpt from the survey questionnaire, **bisexual woman.**

From the results of the research, it becomes clear that physical violence has various manifestations, from the lightest version - hair pulling, pushing, to the most severe manifestations - strangulation, threat or use of a knife, etc.

Minor LGBTIQ+ children are mostly subjected to physical violence by their parents. The more the victim gains independence, the more such physical manifestations decrease.

“

*"They always deprive me of the opportunities to develop, I feel neglected and despised for days, I never ask for money because it causes tension, they don't give it, they don't help me. When I try to establish myself, participate in international meetings, I am always pressured and humiliated at home"* - excerpt from the survey questionnaire, **bisexual woman.**

Sexual violence refers to the crimes against sexual integrity and sexual freedom provided by the Criminal Code of the Republic of Armenia.

During the research, the manifestations of sexual violence were observed from 3 main perspectives: 1) when sexual violence was carried out by threat or force, 2) when the victim was forced to have sexual intercourse when the latter did not want to, but consented due to fear, 3) when the victim forced to do something of a sexual nature, which was unacceptable to the victim.

Sexually abused people prefer not to talk about it. During the interviews, it was observed that although the participants were informed about the protection of their identification data, many avoided and did not want to speak about it due to fear, shame, and revenge from the abuser.

Only 3 of the research participants (4.9%) answered that they had been subjected to sexual violence (see Table 10.).

**Table 10: Manifestations of sexual violence**

Forms of sexual violence	Number of cases (3)	Total (4.9%)
Threatening or forcing one to have sex when one did not want to	0	0
Forcing to have sex when one didn't want to, but consented out of fear	1	1.6
Forcing to do something of a sexual nature that was unacceptable to them	2	3.3
Other	0	0

“

*"...During sex, he was very rude, I asked him to behave normally, to be more restrained, but he continued in the same way. I had to say that it is better for him to leave than to humiliate me like this. He said: I will not get dressed and leave until I am satisfied. I didn't want to have sex with him that way, but I agreed just to get rid of him as soon as possible, so he would leave my house. However, even after that he decided not to leave my house, he even called his friend to come as well, he said that there was something here, I didn't really understand what or who it was about, or what he wanted to say. When I realized that someone was calling my house, I shouted for my friend from the other room to come. My friend and I convinced him to get dressed and go. Somehow he agreed that he would leave my house and started a fight at the door and hit my friend. Somehow, my friend and I pushed him out and closed the door on him. From the inside of the door, we could hear how he was banging on the door. After some time, when we realized that he had already left, we opened the door and saw that the lower part of the outer door was broken" –*  
 excerpt from the survey questionnaire,  
**transgender woman.**

Depending on the type and attitude of partner violence, it can cause the victim to feel a variety of feelings, from frustration to fear for their own life. Sexual violence was combined (100%) with psychological violence.

“

*I went to a meeting, we went in his car to a dark area, there was a cemetery next to it. I didn't want to stay in the area for a long time, it would be scary. He demanded to have sex without a condom, which was unacceptable to me. I refused, and he started kicking me and pulling my hair. I had to agree. After that, he forced me to have intercourse in the same way a second time, and I didn't want it, it was unpleasant. He took my bag, saying that if I didn't do it, he wouldn't give it to me. I started behaving like I was sick, I was short of breath, and I needed my medicine from my bag, so I could take my bag and take out the tear gas. But he did not give me my bag. ... He took all my money, and my cosmetics, deleted his data from my phone, threw me out of the car, threw my phone away, and threatened that if I went to the police, he would send someone after me, they will use me and stab me..." –* excerpt from the survey questionnaire,  
**transgender woman.**

In the research, the following manifestations were considered as economic violence: depriving a person of the necessary means of existence (food, clothing, shelter, medicine) for the purpose of creating forced material dependence or ruling a person, unlawfully restricting the rights to manage, possess and use property belonging to ownership or common ownership, restricting a person's right to freedom of education or choosing a job.

“

*"I am regularly abused by my mother; no matter what I do, my mother complains and constantly reprimands me. She says that I'm not like a boy, I'm a "fagot", I walk like them, I dress badly, not appropriate for a boy. There were cases when she didn't let me talk to my friends on the phone, he forbade me to communicate with them, and she didn't even give me a phone for a while. She constantly follows me, where I go, who I am with, and what I am doing. My father is also aggressive, but I don't communicate with him much"* –

excerpt from survey questionnaire,  
**gay man.**

19 of the research participants (31.1%) were subjected to economic violence (see Table 11.).

**Table 11: Manifestations of economic violence**

Forms of economic violence	Total cases (19)	Total (%)
Created material dependence on themselves and/or for the purpose of ruling, deprived of food, clothing, shelter, medicine, etc.	6	9,9
Unlawfully restricted the management, possession and use of property belonging to the right of ownership or common ownership: apartment, car, or other property	10	16,4
Prohibits access to education/restricts the right to receive education	8	13,1
Prohibits employment and self-employment	5	8,2
Other	3	4,9

“

*"It happened that we had an argument with my childhood friend. After that, she started telling my mother, then my father, and my friends that I was a lesbian. My mother took that situation very hard, my father started threatening me, and forbade me to communicate with my friends. My parents started to limit my communication with my friends, they started to let me leave the house only in certain hours, they didn't even let me go to the events organized at school"* - excerpt from the research questionnaire,

**lesbian woman.**

Perceptions and approaches to psychological violence among victims are very different. Almost every domestic violence is accompanied by psychological violence.

“

*"I have felt like a boy since childhood, I didn't like that I was a girl. It has always caused me discomfort at school, at family, and now at university. Because of that, I was regularly insulted, beaten, and humiliated by my parents. They also beat me for cutting my hair short"* – excerpt from the survey questionnaire, **transgender man.**

Psychological violence is considered to be the intentional infliction of severe mental suffering, including the real threat of physical, sexual or economic violence, the intentional regular performance of actions that cause a person to have a reasonable fear of a threat to his or a family member's personal safety, periodic humiliation of dignity, extreme social isolation, forced abortion.

“

*"I am transgender, I visited my parents before the New Year. It turned out that I couldn't hide it at that moment and my parents found out about my sexual orientation. An argument started, they forbade me to come back to Yerevan, they locked me at home, they took my phone. One day later, I somehow took my phone and called my friends to come after me. I didn't go to the police because I didn't want to have a conflict with my parents, but my friends came after me, I somehow managed to get out of the house"* – excerpt from the survey questionnaire, **transgender woman.**

54 (88.5%) of the research participants were subjected to psychological violence (see Table 12.).

**Table 12: Manifestations of psychological violence**

Forms of psychological violence	Total, cases (54)	Total (%)
Intentionally inflicted severe mental suffering (including the actual threat of physical, sexual, or economic violence)	29	47,6
Recurrent humiliation or humiliation in the presence of other people	24	39,4
Forced abortion	0	
Banned meeting friends/girlfriends and/or loved one	27	44
Regularly monitors one's movement and communication, makes one inform them about anything, monitors one's phone calls and private messages	17	27,9
Other	5	8,2



“

*In December 2022, my mother opened my phone at night with my fingerprint, she saw my pictures, where it can be seen that I am hugging my friend. At night she woke me up at 3 o'clock and started arguing with me about who that was. Then she took my phone, took the list of calls, with whom I communicated. She informed my school that I will not go to class for several months. From December to March, I was kept under lock so that I could not communicate with anyone. During all that time, she poured blood into my food, did strange things (she is a Jehovah's Witness), and I did not eat. My three sisters and brother stopped communicating with me, even though they don't live in Armenia, they didn't accept that I was gay. My mother forced me to attend meetings of Jehovah's Witnesses, she brought fortune tellers to the house to change me. ... There were fights, my things were set on fire, when going to class, my mother shouts things from the window so that no one can communicate with me. She still talks to me humiliatingly; she wants to do everything to make me dependent on her. She tried to keep my bank cards, take my passports and set them on fire so that I wouldn't go anywhere. When I go somewhere, I always call and inform her about where I am going, I send a picture of where I am at that moment” - excerpt from survey questionnaire,*  
**gay man.**

The willful failure of the minimum conditions necessary for the child's existence (food, clothing, shelter, medical care and service, education) by the parent or legal representative, and the minimum conditions necessary for the existence of their disabled and needy parents (food, clothing, shelter, medical care) by the able-bodied adult children is considered neglect if the parent or legal representative or adult children possess adequate information and facilities and if appropriate services are available to them.

4 of the research participants (6.6%) were neglected (see Table 13.).

**Table 13. Neglect**

Manifestations of neglect	Total cases (4)	Total (%)
Deliberate non-fulfillment of the minimum conditions necessary for the child's existence (food, clothing, shelter, medical care and maintenance, education) by the parent or legal representative	4	6,6
Deliberate failure of adult working children to meet the minimum conditions (food, clothing, shelter, medical care and maintenance) necessary for the existence of their incapacitated and needy parents	0	0
Other	0	0

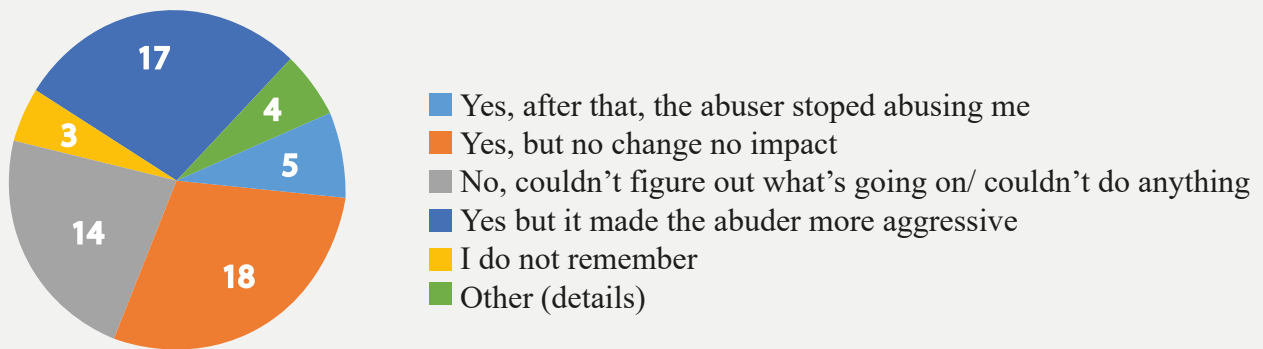
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*When my father found out that I was working, he started asking for money all the time, and I started giving money regularly so that there would be no arguments. Once I had no money, I couldn't go to work, I asked my father for money, only 5000 AMD, my father refused, did not give. I started calling my paternal relatives to give them money, but they all refused. At that time, my father called one of his relatives and asked for 5000 drams, naturally, he was not refused. Then he told me that everyone rejected me because I am the bad one and no one likes me” - excerpt from the research questionnaire,*  
**lesbian woman.**

In 37 (63.9%) cases, the research participants indicated that the perpetrator was alone during the violence, and in the remaining 24 cases, the perpetrators were 2 or more persons (33.1%).

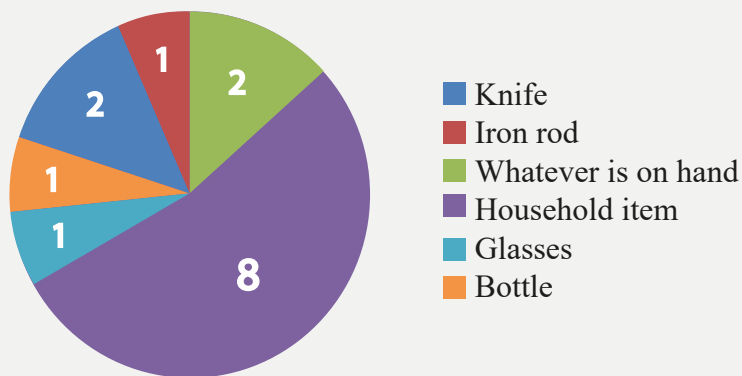
Out of 61 cases of violence, there were witnesses in 31 cases, of which there was one bystander in 10 cases, and in 21 cases there were 2 or more people. The attitude of the witnesses was very different, from sympathetic to indifferent. In 14 of the 31 cases, the witnesses were indifferent, in 6 cases they did not intervene, in the remaining 11 cases they helped the victim. There were victims who resorted to self-defense (see Chart 3).

**Chart 3: Did you try to protect yourself / defend yourself?**



During the violence, in 15 cases, the abuser used and/or threatened to use/used a weapon, firearm, tool, or object against the victim (see Chart 4).

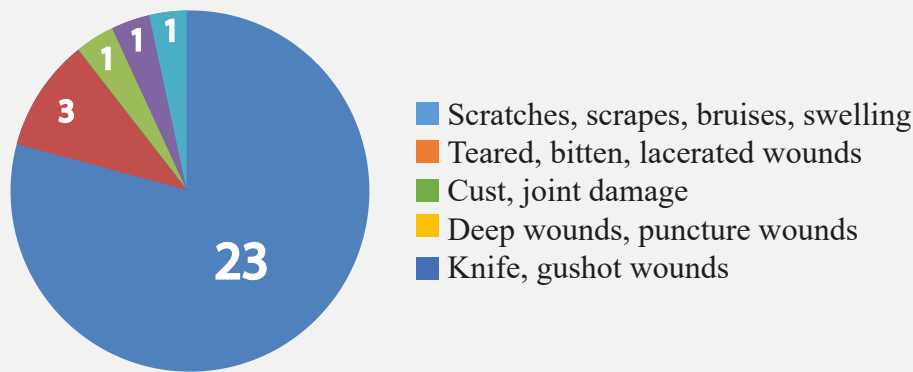
**Chart 4. During the violence, did the abuser use and/or threaten to use/use a weapon, firearm, tool, or object against you?**



Victims of violence generally have visible physical injuries (see Chart 5.). Most often they do not seek medical help because they do not want other people to know about it, they hide it from their friends, they assume that they will not get enough help if they find out about their sexual orientation in a medical facility, and they also avoid contact with law enforcement agencies.

Only 3 people from the respondents sought medical help and received proper medical care.

**Chart 5. During the violence, what kind of physical injuries did the victim have?**

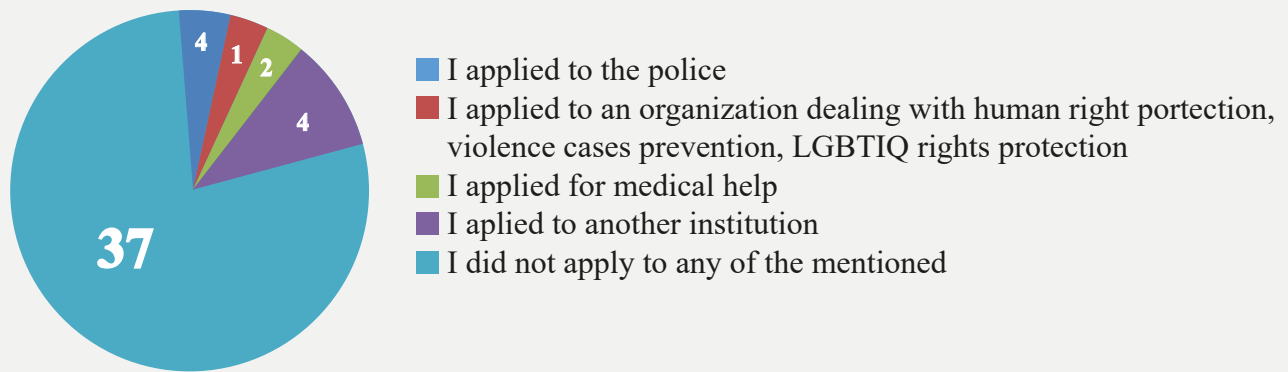


35 (57.4%) of the abused live together with the abuser, and 26 (42.6%) live separately. After the violence, 13 (21.3%) people left the house to their friend's or other person's house, or moved to a rented residence. 34 of the respondents (55.8%) answered that if they had the opportunity, they would definitely leave home and live separately.

From the point of view of protection of the victim's rights, domestic violence against minors is more problematic when the abuser is the victim's parent, legal representative, and the victim is forced to continue living with the abuser.

From the responses of the research participants, we should note that only in 4 of the investigated cases did the victims turn to the police, in 2 of which a warning, urgent intervention decision and protective decision were applied to the abuser, and in 1 case a criminal case was initiated, but not on the basis of domestic violence. In 1 case, the police reported the incident to the court, in whose proceedings the case was examined, after which the court replaced the house arrest applied to the abuser with arrest (see Chart 6.).

**Chart 6: What steps have you taken after experiencing domestic violence?**



LGBTIQ+ persons subjected to domestic violence almost do not turn to law enforcement agencies due to the fact that they are treated inappropriately in the police stations, ridiculed and discriminated against by the police and are not allowed to exercise their rights. From this point of view, it should be noted that in the past, the Organization addressed applications to the RA human rights defender in several cases, which refer to the violation of the rights of LGBTIQ+ persons in the police.

LGBTIQ+ persons subjected to domestic violence do not turn to law enforcement agencies for the reason that they do not trust them, these agencies do not work efficiently, they have assumptions that the police officers will investigate their cases not objectively, they are afraid that the data about them may be published by the latter. their identity will be revealed, the criminal may take revenge, etc. Therefore, when LGBTIQ+ people are victims of crime, they prefer to turn to public organizations dealing with their problems and rights protection, or to tell and share with friends.

Within the framework of the research, quite sensitive topics were touched upon, such as, in particular, sexual violence and severe physical violence, which LGBTIQ+ persons were subjected to by relatives. Surviving all that and talking about those topics is difficult. It was difficult for the 16-18-year-olds who were speaking for the first time about what happened to them. Taking into account the sensitivity and complexity of the subject under investigation, at the end of the interview, the interviewers tried to understand the feelings of the victims when talking about the violence, and we can state that the interview did not psychologically harm the research participants.

## **2.4 Statistics of domestic violence cases against LGBTIQ+ persons recorded by human rights organizations operating in RA**

Right Side Human Rights Defender NGO has sent requests to a number of human rights NGOs and centers operating in Armenia, which are working towards the protection of the rights of women, children, and sexual minorities, in order to find out how many LGBTIQ+ people applied to them because of domestic violence from 2021 to August 2023.

Taking into account the fact that the addresses of such structures were not disclosed, the Organization sent the requests mainly by email, some letters by postal delivery and by hand. Email addresses were collected from organizations' social media platforms and official websites.

A total of 43 mail inquiries were sent<sup>51</sup>, of which we received a response from only 11 organizations.

The following statistics were presented by the organizations:

We received answers from the **Helsinki Citizens' Assembly-Vanadzor** and from the **"Talin Hope"** NGO, according to which LGBTIQ+ persons did not apply to their institutions for legal assistance in matters of domestic violence.

**"Human Rights House Yerevan"** NGO, **"Green Armenia"** NGO, **"OxYGen"** Foundation, and **"Queer Sista"** NGO stated that they do not possess and do not collect such information.

Women's Resource Center reported that their organization does not provide domestic violence counseling and services, so they cannot provide numbers, and in case of domestic violence problems, they are referred to organizations that deal with domestic violence prevention issues.

**Sose Women's Issues** NGO responded that none of the victims of domestic violence who applied to the organization from 2021 to date presented themselves as LGBTIQ+ person.

**Pink Human Rights Defender** NGO sent us their annual reports, which also include cases of domestic violence. According to these reports, the organization recorded 17 cases of family violence in 2021<sup>52</sup>, 6 cases in 2022<sup>53</sup>, and 5 cases in the first half of 2023<sup>54</sup>.

According to data provided by the **Sexual Assault Crisis Center**, LGBTIQ+ individuals with several cases of sexual violence have sought support, and 6 of them have been sexually assaulted primarily on the basis of their sexual orientation or gender identity. 2 of the described cases were domestic violence:

- One of the beneficiaries was a 17-year-old person whose parents, making assumptions about his orientation, took him to receive psychiatric services from an early age, and the psychiatrist justified everything by the fact that the boy was sexually abused by boys at an early age and developed a "deviance". Psychological counseling was provided, referral to Pink.

<sup>51</sup> Letters were sent to the following institutions: "Women's Resource Center", "Sexual Assault Crisis Center", Women's Fund Armenia, "Women's Rights House", "Queer Sista", "Helsinki White", "Institute of Public Policy", Helsinki Citizens' Assembly-Vanadzor, "Pink", "Women's Support Center", OxYGen Foundation, Human Rights House Yerevan, "Resource Center for Women's Empowerment", "Women's Development Resource Center", Coalition Against Violence Against Women, "Young Tavush", "Agat" Women with Disabilities Rights Protection Center, "Real World, Real People", "Community Integration and Support Center", "Sose Women's Issues", "Society without violence", "Tallinn-Hope", "Family without violence", "Community of fighting women", "You are not alone", Coalition against discrimination and for equality, "Youth for Change" "Center for Human Rights Research", "Center for Legal Initiatives", Helsinki Association for Human Rights, "Free Citizen", "Center for Development of Women's Potential", "Agenda for Persons with Disabilities", "Shine Union", "Mission Armenia", "Green Armenia", "Huysi Metsamor", "Diversity", "Alvan Txork Social-Educational Center", "Educational Center for Equal Rights", "Yezdi Center for Human Rights", "For Society", Armavir Youth Center, Family and Community.

<sup>52</sup> For details: [https://www.pinkarmenia.org/wp-content/uploads/2022/05/lgbtreport2021\\_hy.pdf](https://www.pinkarmenia.org/wp-content/uploads/2022/05/lgbtreport2021_hy.pdf):

<https://www.pinkarmenia.org/wp-content/uploads/2023/05/lgbtreport2022hy.pdf>, pages 23-29:

<sup>53</sup> For details <https://www.pinkarmenia.org/wp-content/uploads/2023/05/lgbtreport2022hy.pdf>, pages 34-37:

<sup>54</sup> For details <https://www.pinkarmenia.org/news/sareport2023/>.

- The person was sexually abused by a partner. He did not turn to the police; he received psychological support.

According to the data provided by the **Women's Rights House NGO**, from January 2021 to August 31, 2023, 421 cases of domestic violence were registered at the Women's Rights House. During the same period, 6 LGBTIQ+ persons applied to the Organization regarding domestic violence, and all of them received the necessary legal, psychological, and social counseling regarding domestic violence and job search issues.

One of the 6 people was provided shelter service by the Organization to purchase food and hygiene items for their stay, one person was directed to another organization's shelter, 2 also participated in the organization's economic empowerment programs, acquired a new profession in the fields of graphic design and cooking, they also received professional tools. No criminal case was initiated in any of the mentioned cases.

In addition, the mentioned 6 persons reported their sexual orientation and/or gender identity, but the number is not clear, because in other cases of violence, the persons did not speak about it.

## CONCLUSIONS

The in-depth interviews with LGBTIQ+ persons subjected to domestic violence, the data provided by the human rights organizations operating in RA and the RA state bodies regarding the cases of domestic violence against LGBTIQ+ persons, confirm that homophobia, transphobia, biphobia are widespread and deeply rooted in Armenian society, confirm the negative mood and attitude towards LGBTIQ+ people in Armenia.

It is noticeable that cases of domestic violence against the LGBTIQ+ community have increased in recent years, because LGBTIQ+ people generally do not receive sufficient support and protection from law enforcement bodies when speaking about violence or filing a complaint, moreover, such cases are not disclosed and not publicized.

A number of factors have influenced the increase in the number of domestic violence cases. On the one hand, the socio-psychological consequences of the coronavirus, on the other hand, the Armenian-Azerbaijani war situation have negatively affected the relations between family members.

As it turned out during the research, there is no centralized mechanism for collecting statistical comprehensive and classified data on cases of domestic violence in Armenia, which is a serious obstacle and complicates the process of collecting clear information by competent authorities. Moreover, in the statistical data of cases of domestic violence in Armenia, there is no mention of a person's sexual orientation, gender identity and self-expression, which, in our opinion, is related to the lack of political will, resources, and relevant knowledge. The complete absence of statistics is one of the indicators, according to which it should be noted that the state is not interested in preventing and overcoming the consequences of domestic violence against LGBTIQ+ people. On the other hand, although according to the current legal regulations, the authorized bodies are obliged to keep statistics of cases of domestic violence, the cases of violence committed against LGBTIQ+ persons are not recorded and documented.

The most vulnerable groups of domestic violence are women and children, and the most frequent cases of violence are determined by the person's sex and gender. As a result of the research, it became clear that LGBTIQ+ persons subjected to domestic violence, according to the age limit, are mostly young people under the age of 25, the majority of victims are gay men and transgender women, who are abused mainly by their parents. It goes without saying that LGBTIQ+ people are subjected to the most brutal violence by the father of the family, which is linked to Armenia's patriarchal society and traditional cultural understanding.

As a motive for domestic violence, the person's sexual orientation, gender identity and self-expression are in the first place. The most common form of violence is psychological, as other forms of violence are almost always combined with psychological violence.

Unfortunately, it has also been noted that LGBTIQ+ people who have experienced violence do not always go to the police, which is related to inappropriate treatment of LGBTIQ+ people by the police, failure to respond to previous incidents of violence, lack of education and other factors.

Let's note that the existing gaps at the legislative level also contribute to the spread of cases of domestic violence among LGBTIQ+ persons, that is, not considering violence by a partner as domestic violence, not considering economic, psychological violence and neglect as a crime, not having an effective legislative framework for combating hate speech, as well as not having ratified the Istanbul Convention.

The comprehensive regulation of the mentioned factors will allow to reduce the cases of domestic violence and prevent them. There is also a strong need for training and education of police and investigative officers to help them take a more sensitive approach to LGBTIQ+ victims of domestic violence and assess their needs accordingly.

It is also worrying that none of the shelters operating in Armenia have sheltered any LGBTIQ+ person who has been subjected to violence, therefore, we cannot say that they are inclusive and take into account the needs of the community.

We hope that the publication and coverage of this research will contribute to raising the level of awareness among the society about the problems of LGBTIQ+ people, reducing violence and hatred towards the community.

At the same time, the involvement and support of human rights organizations is no less important for facing these problems. As important members of civil society, the efforts of human rights organizations must be aimed at protecting the rights of LGBTIQ+ people.

Furthermore, LGBTIQ+ persons, as full members of society, have a legitimate expectation to feel the full support and protection of the state against all incidents of violence. To achieve that goal, it is necessary to reform the existing legislative mechanisms, which are the first step on the way to creating a harmonious society.



## RECOMMENDATIONS

Taking into account the conducted research, we believe that there is a need to improve some of the existing legal regulations to protect the rights of LGBTIQ+ persons subjected to domestic violence.

### **To the RA Government**

1. As it became clear during the research, there is no common factual-statistical database on domestic violence, which can be based on the development of appropriate policies. There are individual studies on domestic violence, and fragmented, sectoral statistical data, but a unified, comprehensive system where these data will be coordinated does not exist, and the existing and available data do not always become the basis for policy-making. Even after collecting the statistics from the competent authorities, it was clear to us that it is not possible to compare them and get a real picture, as long as the quantitative data provided to us by the RA Police, Prosecutor's Office, Investigative Committee, RA Judicial Department and other bodies are very different from each other.

Therefore, in terms of the reliability of data, the methodology of creating factual and statistical data in general, as well as the application of this basis, the issue of cooperation between different structures, in particular between researchers, service providers, and policymakers, is important at all stages of the process: development of research/survey problems, data collection, analysis, and summary as well as their application stages. It is necessary to create a centralized mechanism for collecting comprehensive and sorted data, a general statistical system, where quantitative and social data will be summarized, and the further course of the initiated case, the results will be clarified.

2. During the collection of research data from competent state bodies, it has become clear that RA law enforcement agencies do not keep separate statistics on LGBTIQ+ persons about cases of domestic violence. The lack of such statistics hinders the collection of real data and assessment of the needs of LGBTIQ+ persons who have become victims of domestic violence. Therefore, we believe that it is necessary to include the sexual orientation, gender identity, and gender self-expression of the victim of domestic violence in the statistics when collecting information on domestic violence, to make the necessary legal, social, and psychological support for them targeted. Similarly, this recommendation also applies to various social assistance centers, shelters, and public organizations.

### **To the RA National Assembly**

1. It is necessary to ratify the Istanbul Convention, which is a comprehensive legal and normative basis for ending gender-based violence. The Venice Commission is of the opinion that there are no such provisions in that Convention, regarding which it can be said that they are "contrary" to the RA constitution. On the contrary, the main obligation of the Istanbul Convention, i.e. the prevention and fight against all forms of violence against women and domestic violence, already derives from the Constitution and other human rights treaties to which Armenia is a party. Therefore, the process of validating it should be completed.

At the same time, the involvement and support of human rights organizations is no less important for facing these problems. As important members of civil society, the efforts of human rights organizations must be aimed at protecting the rights of LGBTIQ+ people.

Furthermore, LGBTIQ+ persons, as full members of society, have a legitimate expectation to feel the full support and protection of the state against all incidents of violence. To achieve that goal, it is necessary to reform the existing legislative mechanisms, which are the first step on the way to creating a harmonious society.

## **To the deputies of the RA National Assembly, factions, and the RA Government**

**1.** It is necessary to criminalize the economic, and psychological violence and neglect provided by the Law. Now, as it was also mentioned in the Report, only physical and sexual violence, which are separate crimes, are prosecuted among the types of domestic violence. Economic and psychological violence and neglect, as independent crimes, are excluded from criminal involvement and punishment. Considering the prevalence of the mentioned types of domestic violence, which the research showed, it is necessary to make the mentioned types of domestic violence criminal. It will make it possible to fight against all manifestations of domestic violence effectively and to prevent such crimes through criminal legal instruments.

**2.** Taking into account the manifestations of extremist hate speech in society against LGBTIQ+ people, the calls justifying violence, and the sowing of hatred, we believe that it is essential to criminalize hate speech, which is manifested particularly based on gender identity and sexual orientation of persons. Hate speech reaches enormous proportions and poses a significant threat to people's lives and health. LGBTIQ+ people are more likely to face the challenges of hate speech, which is the responsibility of the state to prevent. Hate speech also generates violence, therefore, the state is obliged to prevent and punish violence based on hate speech with the help of appropriate mechanisms.

**3.** The RA Criminal Code should be supplemented with a new article that prescribes punishment for violating Article 74, Part 1, Clause 1 of the RA Criminal Procedure Code.

As mentioned in the Report, in the event of initiated criminal case, the investigator has the right to apply special protective measures to protect the victim of violence from the abuser. Among others, such measures include "restriction of approaching or communicating with the protected person" (Article 74 of the Criminal Procedure Code of the Republic of Armenia), in the case of which, the presence of evidence of a threat to the life or health of the protected person, when they are not sufficient, the person to initiate criminal prosecution against him, the body conducting the proceedings officially warns him (Article 75 of the Code of Criminal Procedure of RA) of the inadmissibility of approaching or communicating with the protected person, as well as of the possible liability provided by law for violating this requirement. However, although Article 75 of the RA criminal procedure provides for the application of a measure of responsibility, there is a gap in the law and no other law establishes such a measure of responsibility.

Therefore, we consider that it is necessary to criminalize the cases of violation of the protection measure defined by Article 74, Part 1, Clause 1 of the Criminal Procedure Code of the Republic of Armenia, by supplementing the Criminal Code of the Republic of Armenia with a new article.

## **To the RA police**

**1.** Considering the low level of trust of LGBTIQ+ people towards the police, it is necessary to develop and implement educational programs for police officers that will increase the legal training of police officers. At the same time, bearing in mind that LGBTIQ+ people are often mistreated in the police departments themselves, it is necessary to develop a sensitive attitude towards LGBTIQ+ people among police officers through appropriate training.

At the same time, in the case of domestic violence, the police should act quickly and decisions should be made in the shortest possible time, excluding the contact of the abuser and the victim in the police stations.

**2.** We recommend that the police separately document violence against LGBTIQ+ persons as violence and discrimination based on sexual orientation and gender identity.

## **To the Human Rights Defender of the Republic of Armenia**

**1.** The Human Rights Defender of RA, as an independent constitutional body, must consistently take steps to ensure the protection of the interests of LGBTIQ+ people. RA HRD must highlight existing legislative gaps through annual or special reports, and cases of domestic violence against LGBTIQ+ persons become the subject of investigation.

The HRD of the RA stands for the protection of human rights, and the latter's monitoring of domestic violence, and raising issues, including in state bodies, can contribute to the reduction or prevention of such cases.

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