

**ARMENIA:**

**NO SPACE FOR  
DIFFERENCE**

**AMNESTY  
INTERNATIONAL**



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# 1. INTRODUCTION

“At a glance, it seems there are no issues with freedom of expression in Armenia. Critical views are freely expressed in newspapers, TV and the internet on a variety of topics. But certain topics are left out of critical discussion or examination. Speaking critically about issues considered to be ‘state or national interests’ remains taboo. Even the NGOs and human rights defenders, whose primary role is to question and examine these subjects, are wary of taking an ‘unpatriotic’ stand.”

Mikael Danielian, Chairman of the Helsinki Association of Armenia<sup>1</sup>

Armenia has come a long way since its declaration of independence in 1991 in allowing civil and political freedoms but has yet to enforce fully its legal commitments to protect and ensure the right to freedom of expression and freedom from discrimination.

On any given day a wide range of social and political commentary is published in a variety of media. Criticism of government and public officials is, for the most part, tolerated. However, a number of issues, particularly those running counter to the core tenets of a mainstream Armenian identity, remain taboo. Human rights defenders, journalists and others who take up minority views on controversial issues, such as the Nagorno-Karabakh conflict and abuses within the armed forces, occasionally face intimidation, harassment, threats and abuse. Discrimination and similar incidents of intimidation and violence are common against individuals identifying as lesbian, gay, bisexual, transgender or intersex (LGBTI).

Even where the state is not directly responsible for the discrimination or violence, it invests little effort in countering or remedying it. Public officials typically blame “angry crowds”, and shrug their shoulders at the uncontrollable expression of views they make clear they share. It

is not uncommon for public officials to condone such violence. The targets of such attacks are often left without adequate protection and offences against them go unpunished.

The harassment and intimidation of those who oppose or challenge the state or mainstream societal values has a chilling effect on others. Frequently the result is self censorship on contentious issues by journalists and human rights defenders and a shrinking of the space for difference within Armenian society.

This briefing documents cases of discrimination and suspected hate crime against LGBTI people in Armenia, as well as incidents of harassment and attacks on individuals exercising the right to freedom of expression, including human rights defenders, activists and journalists. The briefing concludes with recommendations to the Armenian government with a view to ensuring the respect for the rights to freedom of expression, peaceful assembly and non-discrimination for all.

## 1.1 ARMENIA'S OBLIGATIONS UNDER INTERNATIONAL LAW

The right to freedom of expression is enshrined in the Universal Declaration on Human Rights and guaranteed by the International Covenant on Civil and Political Rights (ICCPR) (Article 19). Similarly the right to peaceful assembly is recognised in Article 21, ICCPR. As a state party to the ICCPR, Armenia has undertaken a legally binding obligation to respect the rights set out in that treaty and to ensure that everybody on their territory and subject to their jurisdiction has access to those rights.

International human rights law imposes an obligation on states to respect and fully protect the rights of all individuals to free expression and peaceful assembly without undue obstruction, "including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders..."<sup>2</sup>

Freedom of expression is not only a vital right on its own but essential for empowering individuals and enabling them to protect and promote all other human rights. It is essential to the existence of civil society because it enables people to express their political opinions and engage in critical discussions. The exercise of the right to freedom of expression however requires an "environment... where all can speak freely and openly, without fear of reprisal."<sup>3</sup>

Furthermore, the right to freedom of expression embraces even the expression of views that may be regarded as deeply offensive. The European Court of Human Rights has repeatedly ruled that it applies not only to " 'information' and 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population."<sup>4</sup> International human rights standards require states to exercise broadmindedness and to respect plurality.

With respect to discrimination, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights (ICESCR) both prohibit it on the grounds of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" in relation to the enjoyment of the other rights set out in those two treaties. The ICCPR also contains a specific prohibition of discrimination, stating; "All persons are equal before the law and are entitled without any discrimination to the equal

protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The UN Human Rights Committee has affirmed that the discrimination provisions of the ICCPR include sexual orientation.<sup>5</sup> The Committee on Economic, Social and Cultural Rights has also confirmed that the ICESCR prohibits discrimination on the ground of sexual orientation.<sup>6</sup> Sexual orientation and gender identity are also recognised as included within the ‘other status’ references in the provisions above.

The European Convention on Human Rights also prohibits discrimination in the enjoyment of the other rights set out within it on “any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, and association with a national minority, property, birth or other status”. Additionally, Protocol No. 12 to the Convention also contains a free-standing discrimination. Armenia is a party to both the Convention and Protocol 12 and the European Court of Human Rights has consistently applied non-discrimination standards to include sexual orientation and gender identity.<sup>7</sup>

## 2. FREEDOM OF EXPRESSION AT RISK

Under International law, there should be no restrictions on the right of freedom of expression unless they are provided by law, for the purpose of protecting certain public interests (national security, public order, public health or morals) or the rights of others, and, in each case, are demonstrably necessary and proportionate for the achievement of that purpose (Article 19(3) ICCPR).

Although human rights defenders and non-governmental organisations (NGOs) in Armenia can ordinarily conduct their work without much interference from the authorities, research or campaigning on controversial issues can put them at risk..

The ability to exercise the right to freedom of expression, even when such expression may be deemed controversial and the ability to undertake collective action and peaceful advocacy are all essential for the defence of human rights. International human rights standards require governments to ensure that human rights defenders can carry out their work without interference, obstacles, discrimination or fear of retaliation. The UN Declaration on Human Rights Defenders stresses that everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and that each state has a responsibility to ensure that everyone under its jurisdiction, individually and in association with others, is able to enjoy all those rights in practice. Any human rights defender whose rights are violated has the right to complain to and have the complaint reviewed by an independent, impartial and competent judicial or other authority and, where a violation is found to have taken place, to obtain redress.

## 2.1 HARASSMENT FOR INVESTIGATING ABUSES IN THE ARMY

In recent years, stories of human rights abuses against conscripts, hazing (bullying) and non-combat deaths in the armed forces have begun to appear in the media. Activists accuse the military of failing to properly investigate abuses and of portraying murders or other unlawful killings as suicides. There are ongoing concerns about suspicious deaths in the Armenian Armed Forces under non-combat conditions, as well as over the practice of hazing and other mistreatment of conscripts, while investigations into these crimes rarely produce results.<sup>8</sup>

In 2012, the Armenian government reported that during the year 18 servicemen died under noncombat conditions.<sup>9</sup> Local and international human rights groups such as the Vanadzor Office of the Helsinki Citizens' Assembly and the Helsinki Association of Armenia report that, in many cases, autopsies reveal the deceased soldier to have been beaten or abused.<sup>10</sup> Several hidden recordings showing the abuse of army conscripts have been leaked to social networking sites and have provoked popular outrage.<sup>11</sup>

The armed forces and security services have played a significant role in the country's post-independence political development, remaining independent of any government body.<sup>12</sup> It enjoys – and actively promotes – a reputation as the backbone of the nation that harks back to its success in the Nagorno-Karabakh conflict, and remains current given the continuing instability in the region. As a result, criticism of the army or of military institutions is not easily tolerated. Army Reality, an Armenian NGO which campaigns on non-combat death and abuses in the army, has reported that the police and military officials routinely summon and question human rights defenders and journalists who investigate deaths in the army and abuses against conscripts or soldiers to pressure them to halt their activities and publications.<sup>13</sup>

A number of human rights defenders and journalists have reported being subjected to harassment and intimidation:

- Zhana Alexanian, director of Journalists for Human Rights, an Armenian NGO, has frequently investigated and written about army abuses. She told Amnesty International that she was summoned twice to the Military Prosecutor's Office in January 2012 and questioned about her investigation into the violent abuse of an army conscript in Nagorno-Karabakh. According to the conscript's father, he was hospitalized after being subjected to insults and physical violence. Media outlets later reported that the conscript had been subjected to sexual abuse. Zhana Alexanian said she was repeatedly asked whether she had told the conscript's father about possible sexual abuse and was pressured by the Investigative Service of the Ministry of Defence and the Military Prosecutor's Office to give up her investigations into army issues.<sup>14</sup>

- On October 27, 2011 Lala Aslikyan a human rights activists and a member of the NGO Army Reality Initiative was detained and questioned by the police for three hours after she attempted to take part in a peaceful protest demanding accountability for army abuses. The march by a few dozen activists was organized by the Army Reality Initiative to protest against the refusal of government agencies to provide information to NGOs investigating these abuses. The protest was prevented after policemen blocked the way to the government building and ordered the activists gathered in front of the building to disperse. Lala Aslikyan was arrested on charges of disobeying the lawful demands of the police and taken to Kentron community police department. There she was questioned without the presence of her lawyer and pressured to sign a statement admitting that she disobeyed the orders of the police. After



Lala Aslikyan refused to sign the statement the police kept her in the detention for three hours. She was eventually released after the protest participants surrounded the Kentron police station demanding her release. No formal charges have been filed against following the release.

■ 24-year-old author Hovhannes Ishkhanian faced interrogation and criminal prosecution for publishing short stories about young conscripts suffering ill-treatment and rape in the army. The book, *AWOL Day* [AWOL – Absent without leave], was published in February 2011 with a limited circulation of 300 copies. The author was summoned for interrogation by military police shortly after publication and accused of defaming the army. However since the defamation suit could not be filed because of the fictional character of his book, an attempt was made by the military police to criminally prosecute him for the “dissemination of pornographic materials and objects” (article 263 of the Criminal Code). The existence of pornographic material in the book was not established by an expert evaluation, but the author and reportedly his publisher were subsequently summoned for questioning by the police. Following the controversy, several bookstores in Yerevan withdrew the book from their shelves. The case was eventually withdrawn in April 2012 after the Ombudsperson found it to be an “attempt at censorship” and a “serious restriction on the right to freedom of speech.”

While it should be noted that none of these cases ultimately resulted in criminal prosecutions, such intimidation is common for those exposing abuses in the armed forces. Often the pressure in such cases is believed to come from high level government officials. In October 2011, the former Minister of Defence Vladimir Gasparyan in an interview with the Zinuzh (Armed Forces) TV programme noted that “those who are engaged in it [publicizing the problems in the army] are people without a homeland, without morals, without dignity.”<sup>15</sup>

Criminal charges for conduct amounting to peaceful criticism of public institutions are contrary to international human rights law. Even where the investigation and questioning does not lead to prosecution or cases are subsequently withdrawn, such action has a chilling effect on the work of journalists and human rights defenders raising concern about Armenia’s commitment to its international human rights obligations.

## 2.2 ATTACKS ON CONFLICT RESOLUTION ACTIVISTS

Armenia and Azerbaijan remain locked in a tense and bitter dispute over the region of Nagorno-Karabakh. Both governments regularly stoke nationalist sentiment against the other country for political reasons.

Despite the conflict being at the heart of political and public debates in Armenia, there is little tolerance of “unarmenian” views of the matter. A number of NGOs have told Amnesty International that questioning the official and mainstream view on the Nagorno-Karabakh conflict or even using the phrase “territories occupied by Armenia” carries the risk of being labelled as traitors.

On two occasions in 2012, civil society activists who attempted to hold a festival of Azerbaijani films in Armenia were subjected to violent attacks by members of the public and were forced to cancel the event. The Azerbaijani film festival “Stop” is an Armenian civil society initiative that seeks to educate Armenians about Azerbaijani culture in an attempt to bridge the divide between Armenia and Azerbaijan.

On 12 April 2012 the festival had to be cancelled in Gyumri, north-west Armenia, after dozens of protesters blocked the venue, physically assaulted Giorgi Vanyan, the organiser and chairman of the local Caucasus Centre for Peace Making Initiatives, and prevented him from leaving the city. Instead of ensuring that the event could proceed without disruption, the authorities appear to have supported the protesters in obstructing the festival.

On 16 April 2012, the organizers announced plans to move the festival to the Vanadzor Office of the Helsinki Citizens' Assembly (HCA) in northern Armenia. On 17 April, a crowd of 200 people gathered in front of the HCA office to demand its cancellation. The protesters, who included students, political activists, former military personnel and representatives of the local administration, were reportedly led by Yerkarapah, a union of veterans from the Nagorno-Karabakh conflict. They called the organizers traitors and Turks, threw eggs and rocks and forced their way into the HCA office where they vandalised office equipment and shouted threats and abuse at staff. Employees of the local administration and at least four police officers were present during the protest but did not intervene to stop the violence or to ensure the safety of HCA staff. Although the festival organizers asked the Vanadzor Police Station for an increased police presence as soon as people gathered outside the office, additional officers arrived only several hours later, after the crowd had dispersed.

A police investigation into the incident was opened but on 17 April 2012 the Lori regional prosecutor was quoted in the press as saying that "throwing stones and eggs is a form of civic protest" and that the attack on the NGO did not constitute public disorder or an action that would merit police intervention. One person, the mother of a soldier who died in the Nagorno-Karabakh conflict, was subsequently fined for throwing stones. However there was no investigation into the adequacy of police actions or their failure to protect the organizers of the film festival.

### **3. DISCRIMINATION AND SUSPECTED HATE CRIMES**

Sexual orientation and gender identity remain highly controversial issues in Armenia, where opinion polls suggest that a majority of people believe that "society should condemn LGBTI persons."<sup>16</sup> The authorities' response to the discrimination and violence perpetrated against gay, lesbian, bisexual, transgender and intersex (LGBTI) people is often slow and inadequate. They frequently condone such attacks, blaming the violence on the expression of "traditional values" rather than issuing strong and unequivocal condemnation. The failure to condemn attacks is compounded by ineffective investigations and a failure to bring perpetrators to justice as required under international human rights standards and Armenian law.

International and European human rights law prohibits discrimination – the different treatment of someone, in law or in practice, in a way that impairs or nullifies the enjoyment of their rights, because of a characteristic such as ethnic origin, religion, sexual orientation or gender identity. As a state party to the ICCPR and the ICESCR, among other international and European treaties, Armenia is obliged to ensure equal treatment and non-discrimination for all persons.

The Constitution of Armenia also states that discrimination “based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited.”<sup>17</sup> Neither the Constitution nor other legislation in Armenia contains specific clauses prohibiting discrimination on grounds of sexual orientation or gender identity.<sup>18</sup>

Armenia decriminalized same-sex sexual relations in 2003 and, in principle, LGBTI people have the same right to legal protection under the Constitution as any other person in the country. For the most part, however, they do not enjoy this protection in practice. Homophobia and transphobia is widespread and deeply ingrained in Armenian society. Following decriminalization there has been no other substantial effort to ensure the protection of the rights of LGBTI people, who continue to face discrimination and intolerance on grounds of their real or perceived sexual orientation and gender identity in virtually all spheres of society.<sup>19</sup> Many are targeted for violence and abuse by public officials and members of the public. There is no guarantee that the rights of LGBTI persons will be upheld either in the courts or in police stations – several human rights reports and testimonies bear witness to negative attitudes towards LGBTI persons in law enforcement bodies.<sup>20</sup>

In view of Armenia’s hopes of signing the EU Association Agreement ahead of the Eastern Partnership Summit in November 2013, the government needs to ensure that its legislation is in line with European human rights standards. For this reason, discussions are currently underway in the country on the drafting and adoption of a law prohibiting discrimination.<sup>21</sup> The draft law, however, shies away from providing specific provisions that outlaw discrimination on the grounds of sexual orientation or gender identity.

Tentative attempts to bring Armenia into line with international and European human rights standards on preventing discrimination on grounds of sexual orientation and gender identity have unleashed vociferous opposition from religious and conservative groups in society. The Ombudsperson’s office has informed Amnesty International that amendments to the law that expressly prohibited discrimination on the basis of sexual orientation were taken out of the draft, on the tenuous grounds that the latter is still covered by general principles.<sup>22</sup> Amnesty International believes that, in a context of widespread prejudices and discrimination, this exclusion raises further doubts about the willingness of the Armenian authorities to respect and ensure the protection of the rights of LGBTI people.

### 3.1 THE FAILURE TO PROTECT AGAINST DISCRIMINATION

Homophobia and transphobia is widespread and deeply ingrained in Armenian society. The extent of such views was revealed by a 2011 survey conducted by Public Information and Need for Knowledge (PINK), an Armenian human rights group working primarily on sexual orientation, gender identity and other minority issues in Yerevan and the regional towns of Gyumri and Vanadzor. This survey found that 71.5 per cent of 1,189 respondents believed that the state should take measures to “fight” against homosexuals.<sup>23</sup>

The negative stereotyping and social prejudice against LGBTI people in Armenia appears to be condoned and even supported by public officials, including government representatives.

For the past few years a nationalist organization, Mek Azg (One Nation), has posted and distributed posters calling “the Armenian nation to say ‘No’ to homosexuality” in the streets of Yerevan and other cities.<sup>24</sup> Yet other posters posted in apartment buildings and bus stops in Yerevan called on the Armenian public to “fight against homosexuals”, claiming that “homosexuals are leading our country to destruction”.<sup>25</sup> According to LGBTI rights defenders, Mek Azg has also developed networks and alliances with other extreme nationalist groups in Armenia that distribute anti-gay flyers and posters, target LGBT individuals through social media, and threaten to assault them physically.<sup>26</sup> When in March 2011 the PINK human rights group petitioned the Ministry of Justice to remove the posters, the Ministry reportedly refused to take any action, claiming the posters were an expression of freedom of speech and did not violate any law.<sup>27</sup>

Statements by political leaders and other figures in positions of authority that reinforce negative attitudes towards LGBTI individuals are frequently reported. Such statements can lead to a climate where grave human rights abuses are perpetrated and tolerated.

In May 2012 the spokesperson for Armenia’s ruling Republican Party and Parliament’s Deputy Speaker Eduard Sharmazanov said, about an arson attack on an LGBT-friendly bar in Yerevan, DIY (Do It Yourself) (see below), “I find the rebellion of the two young Armenian people against the homosexuals...completely right and justified”.<sup>28</sup> He also claimed that those who support the rights of LGBT Armenians were “perverting our society, and defaming the Armenian national identity.”<sup>29</sup> Another Member of Parliament, Artsvik Minasyan, said the attackers “acted in accordance with our society’s values and national ideology, and in an appropriate manner.”<sup>30</sup> In a television interview, he called for a fight against the “spreading of homosexuality” as a “matter of national security”.<sup>31</sup> The chief of staff of the Public Council of the Republic of Armenia, a consultative body of the Armenian President, created a Facebook page, ‘*In support of fire bombers of DIY club*’, calling for the prosecution of the attackers to be halted.<sup>32</sup>

In February 2012 representatives of the Mayor’s Office in Yerevan used derogatory, homophobic language when referring to men with long hair allegedly congregating around Yerevan’s downtown “gay park”<sup>33</sup> The Mayor of Yerevan had been quoted as saying in December 2011 that it was his duty “to clean” the area around the Park of homosexuals“.<sup>34</sup>

Political leaders and officials frequently make discriminatory or homophobic statements as a means of gaining popularity or electoral support. Mamikon Hovsepyan, Director of human rights group PINK, told Amnesty International that discriminatory speech increased before the May 2013 municipal elections in Yerevan as candidates competed in promising to cleanse the city of LGBTI people.<sup>35</sup>

### 3.2 SUSPECTED HATE CRIMES - ATTACKS AND HARASSMENT

*“The indifference and silence of society and state bodies [towards displays of hatred against LGBTI people in Armenia] is giving a green light to [extremist] groups and it’s extremely dangerous. They think they can do whatever they want and get away with it unpunished.”*

Lara Aharonian, Director of Yerevan’s Women’s Resource Center<sup>36</sup>

While there is a lack of accurate statistics on the human rights violations faced by the LGBTI community, reports of harassment and attacks against LGBTI persons and activists are common in Armenia.<sup>37</sup> Amnesty International is concerned that many such attacks appear to be hate crimes – carried out with a discriminatory motive.

On 8 May 2012 a group that described themselves as “fascists” were recorded by a security camera as they threw Molotov cocktails through the windows of the LGBTI-friendly DIY bar in Yerevan, destroying the interior. The police had not responded to the bar owner’s previous reports of death threats, and reportedly did not arrive at the scene until 12 hours after the arson attack. The bar owner has currently left Armenia, fearing for his safety.

Two young men were arrested a few days following the incident, but were bailed shortly afterwards by two opposition Members of Parliament (MPs) from the nationalist Armenian Revolutionary Federation-Dashnaktsutyun party (ARF), who said the attack was in line with “the context of societal and national ideology”. ARF leaders distanced themselves, saying the MPs’ support was solely in their personal capacity, but have not publicly called on their colleagues to apologize for supporting a suspected hate crime.

Although the perpetrators confessed that they attacked the bar because they believed the owner to be lesbian, the criminal case against them referred only to intentional damage to property and did not acknowledge the discriminatory motive. There is no indication that the police even investigated the discriminatory motive or nature of the attack. By mid-2013 the two perpetrators remained on bail and the case had yet to come before a court.

Other venues and events associated with LGBTI people have been targeted, and the authorities have failed to ensure the rights of LGBTI people to exercise their freedom of expression and peaceful assembly. LGBTI defenders report that other LGBTI-friendly bars in Yerevan have also been pelted with bottles and eggs.<sup>38</sup>

A Diversity March in Yerevan, co-sponsored by PINK and the Women’s Resource Centre to mark the UN World Day for Dialogue and Development, was disrupted on 21 March 2012. About 100 counter-demonstrators, carrying placards with slogans like “Send Gays to Baku” and “Armenia without Gays” and shouting abuse and threats. They attacked and injured marchers before the police eventually intervened. The march had to be terminated, and all other Day for Cultural Diversity events cancelled, as the police failed to guarantee the security of the participants. In the months following the march, some of the counter-demonstrators continued to stalk staff members as they left the PINK office at lunchtime or at the end of the day.<sup>39</sup>

The Armenian state has a duty to take all reasonable steps to investigate possible discriminatory motives. The absence of specific legislation covering hate crimes based on

sexual orientation or gender identity may be one factor in the failure of the police or the Prosecutor's Office to investigate adequately or prosecute crimes against LGBTI individuals. However, the key barrier to justice is the pervasive negative stereotyping about LGBTI people by the police, prosecutors and other officials. Amnesty International is also concerned that a lack of guidelines and training for the police and prosecutors could be an obstacle in examining possible motivations of bias for a crime. As a result, many of those targeted because of their sexual orientation or gender identity do not report these crimes to the police, allowing perpetrators to effectively act with impunity.

Amnesty International is concerned that the Armenian authorities are failing to take necessary steps to prevent and respond to violence against LGBTI people as a result of shortcomings and gaps in the criminal justice system. Armenia's failure to protect LGBTI groups from violence is in addition to its failure to ensure the rights of LGBTI people to be free from discrimination. Armenia has an international obligation to uphold the principle of non-discrimination and ensure that all individuals, including LGBTI people, are treated equally irrespective of their sexual orientation and gender identity in both law and fact.

## 4. RECOMMENDATIONS

### **Amnesty International calls on the Armenian government to:**

#### **Freedom of expression and assembly**

- Respect and protect the rights to freedom of expression and peaceful assembly for all, including individuals critical of state authorities, holding and expressing minority or dissenting political or other views or beliefs and individuals identifying as gay, lesbian, bisexual, transgender or intersex (LGBTI) and those who oppose prejudice against them.

#### **Human rights defenders and journalists**

- Respect and protect the right of human rights defenders and journalists to undertake their legitimate work without the fear of harassment, criminal prosecution or other pressure;
- Investigate promptly, effectively and impartially all reports of attacks or threats against human rights defenders, journalists and civil society activists, and identify the perpetrators and bring them to justice.

#### **Lesbian, gay, bisexual, transgender and intersex rights**

- Take measures to ensure that LGBTI people are not subject to discrimination – in law and in practice;
- Ensure that the draft law on combating discrimination explicitly includes sexual orientation and gender identity as prohibited grounds for discrimination;
- Ensure that the Criminal Code of Armenia and other appropriate laws are amended so that any alleged hate motive, including those based on real or perceived sexual orientation and gender identity, associated with all crime is fully taken into account in the phases of investigation, prosecution and sentencing;
- Ensure that any alleged hate motive associated with all crimes, those based on real or perceived sexual orientation and gender identity, are promptly, thoroughly, effectively and impartially investigated and taken into account in the prosecution and sentencing;
- Ensure that hate crimes against LGBTI individuals are effectively combated - including appropriate investigation into discriminatory motives - and that victims have access to effective remedies;
- Publicly acknowledge the seriousness of discrimination on grounds of sexual orientation and gender identity and take concerted action to address it;
- Ensure that public officials, including governmental representatives and elected office holders, refrain from making negative statements about LGBTI people that could fuel or condone discrimination;
- Ensure that any discriminatory statements made by public officials are reviewed and the officials held to account in appropriate disciplinary or other proceedings.

## ENDNOTES

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<sup>1</sup> Amnesty International interview with Mikael Danielian, Chairman of the Helsinki Association of Armenia, April 2013.

<sup>2</sup> Human Rights Council Resolution 15/21, The rights to freedom of peaceful assembly and of association, 6 October 2010, <http://www.icnl.org/research/resources/dcs/UNHRCResolution.pdf>

<sup>3</sup> Joint Message by the UN Secretary-General and the UNESCO Director-General for the 2013 Observance, 3 May 2013, <http://www.un.org/en/events/pressfreedomday/2013/message.shtml>

<sup>4</sup> *Handyside v. United Kingdom*, 7 December 1976, 1 EHRR 737, para. 49, [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{%22dmdocnumber%22:\[%22695376%22\],%22itemid%22:\[%22001-57499%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{%22dmdocnumber%22:[%22695376%22],%22itemid%22:[%22001-57499%22]})

<sup>5</sup> *Toonen v. Australia*, CCPR/C/50/D/488/1992, UN Human Rights Committee (HRC), 4 April 1994, <http://www.unhcr.org/refworld/docid/48298b8d2.html>

<sup>6</sup> CESCR, General Comment No. 14 (2000): The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), 11 August 2000, UN Doc. E/C.12/2000/4, para. 18, [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En)

<sup>7</sup> *Smith and Grady v. the United Kingdom*, nos. 33985/96 and 33986/96, §97, ECHR 1999-VI and *Salgueiro da Silva Mouta v. Portugal*, no. 33290/96, §36, ECHR 1999-IX; *S.L. v. Austria*, no. 45330/99, §37, ECHR 2003-I.

<sup>8</sup> Joint Staff Working Document. Implementation of the European Neighbourhood Policy in Armenia. Progress in 2012 and recommendations for action. SWD(2013) 79 final Brussels, 20.3.2013

<sup>9</sup> 2012 Human Rights Reports: Armenia. Bureau of Democracy, Human Rights, and Labor [2012 Country Reports on Human Rights Practices](#). Report. April 19, 2013

<sup>10</sup> Amnesty International interviews with the Vanadzor Office of the Helsinki Citizens' Assembly and the Helsinki Association for Human Rights, May 2012. See also: Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Armenia: A Shadow Report, Submitted for consideration at the 105th Session of the Human Rights Committee, July 2012, Geneva,

<sup>11</sup> Index on Censorship/IFEX, "Author facing jail for army criticism in fiction", 23 April 2012, [http://www.ifex.org/armenia/2012/04/25/facing\\_jail\\_time/](http://www.ifex.org/armenia/2012/04/25/facing_jail_time/)

<sup>12</sup> A. Carroll & S. Quinn, Forced out, LGBT people in Armenia, ILGA Europe/COC Netherlands, 2009, available at [http://ilga-europe.org/home/publications/reports\\_and\\_other\\_materials/forced\\_out\\_lgbt\\_people\\_in\\_armenia\\_february\\_2009](http://ilga-europe.org/home/publications/reports_and_other_materials/forced_out_lgbt_people_in_armenia_february_2009) (hereafter A. Carroll & S. Quinn, Forced out, LGBT people in Armenia)

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<sup>17</sup> Article 14.1, Constitution of the Republic of Armenia.

<sup>18</sup> Council of Europe, Discrimination on grounds of sexual orientation and gender identity in Europe, September 2011, <http://www.coe.int/t/Commissioner/Source/LGBT/report/Part2.pdf>

<sup>19</sup> Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Armenia: A Shadow Report, Submitted for consideration at the 105th Session of the Human Rights Committee, July 2012, Geneva, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/LGBT\\_Armenia\\_HRC105.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/LGBT_Armenia_HRC105.pdf)

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Helsinki Association Report on the Condition of Human Rights in the Republic of Armenia 2011, p. 85, available at: <http://www.hahr.am/index.php/en/>

<sup>21</sup> European Parliament resolution of 18 April 2012 containing the European Parliament's recommendations on the negotiations of the EU-Armenia Association Agreement urges “the Armenian authorities to adopt anti-discrimination legislation that prohibits discrimination on grounds of sexual orientation and gender identity in any area...”. Negotiations of the EU-Armenia Association Agreement available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0128+0+DOC+XML+V0//EN>

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<sup>24</sup> Amnesty International interview with the director of Pink Armenia, April 2013, Yerevan. For more information about the posters, see <http://abaadblogs.com/?p=31003>

<sup>25</sup> Amnesty International interview with the director of Pink Armenia, April 2013, Yerevan. See also Gayane Abrahamyan, “Armenia: A Blurry Line in Yerevan Between Hate Crime and Defence of ‘National Interests’”, [euroasianet.org](http://www.eurasianet.org/node/65436), 21 May 2012, <http://www.eurasianet.org/node/65436> (hereafter Gayane Abrahamyan, <http://www.eurasianet.org/node/65436>).

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<sup>29</sup> ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2013, p.48,

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<sup>31</sup> Unzipped: Gay Armenia blog reporting a television interview by the editor of a local Aravot newspaper with Artsvik Minasyan, "Disgraced Armenia MP from ARF Dashnaktsutyun Artsvik Minasyan calls for fight against gays as 'threat to national security'", 18 May 2012, <http://gayarmenia.blogspot.co.uk/2012/05/disgraced-armenia-mp-from-arf.html>

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<sup>34</sup> NEWS.am, "Zhamanak: Yerevan mayor versus homosexuals", 23 December 2011, <http://news.am/eng/reviews/2832.html>

<sup>35</sup> Amnesty International interview with the director of Pink Armenia, April 2013, Yerevan.

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