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**Study on Homophobia, Transphobia and Discrimination on  
Grounds of Sexual Orientation and Gender Identity**

**Sociological Report: Armenia**

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## **A. Executive summary**

1. Consenting same sex acts between men (there was no legal prohibition as regards women) was first decriminalised in 2003 and very negative attitudes towards LGBT persons remain widespread. The Armenian Apostolic Church, of which 95% of the Armenian population is a member, has taken the view that consenting same sex acts constitute a grave sin.
2. The hostile attitudes toward LGBT persons mean that many are forced to hide their sexual orientation and suppress their gender identity. The pressure is so intense, that many LGBT persons do not come out to their families and friends.
3. The level of acceptance of LGBT persons varies between Yerevan, the big cities and rural areas. The further one is from the capital the more negative attitudes will be met.
4. Currently there are two explicitly LGBT NGOs: We For Civil Equality (WFCE) and Public Information and Need of Knowledge (PINK Armenia).
5. Registration of civil associations and non-governmental organisations is a bureaucratic process, and there are accounts of problems with getting approval if the founding charter explicitly refers to LGBT issues, even though public authorities state there are no such restrictions.
6. Hate crimes are not legally recognised as a criminal offence. There are accounts of incidents of abuse and harassment towards LGBT persons - also by police authorities, but due to lack of legislation, they are not officially recorded or investigated. Some of the most cruel accounts of discrimination, harassment and assault on the grounds of sexual orientation not least take place in prisons and military environments.
7. In principle, LGBT persons have the same right to legal protection under the Constitution as all Armenian citizens though sexual orientation and gender identity and expression are not listed as specific protected grounds in the Constitution. However, in practice LGBT people do not, for the most part, enjoy this protection, and there is no guarantee that their rights will be upheld either in court or in police stations. Numerous human rights reports and testimonies bear witness to negative attitudes towards LGBT persons in law-enforcement bodies. There is no specific protection against discrimination on grounds of sexual orientation and gender identity and expression in legislation. There is no definition of discrimination and no mechanism for redress.
8. Taboo and condemnation by society also affects family relations. Coming out is often followed by conflict and even a break up inside the family
9. Legislation in relation to social security and social care does not appear to be discriminatory to LGBT persons in particular, even though partnership benefits are not applicable for unmarried partners. There are no data on the prevalence of discrimination by public officials.
10. Both the curricula taught and the ethos of primary and secondary schools are heavily influenced by the outlook of the Armenian Apostolic Church. Sex education is at the discretion of the school and is a voluntary service, and education on sexual diversity or sexual orientation and gender identity and expression is non-existent.

11. There are no studies on, or official cases of, discrimination against LGBT persons in employment, but there is anecdotal evidence of a high risk of discrimination if LGBT persons disclose their sexual orientation or gender identity in the workplace.
12. A primary health care issue, described in relation to the LGBT community, is the HIV/AIDS situation in Armenia. The lack of acceptance of LGBT community members in the society also implies a lack of education, awareness and information on the issue, coupled with a lack of trust in health care officials and institutions.
13. There is a lack of representation of the LGBT community in the media that hinders LGBT NGOs from establishing a more positive picture of LGBT identities and -issues.

## **B. Data Collection**

14. Data have been collected for this report through:
15. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity and expression in Armenia.
16. Data collection through interviews in Armenia held in Yerevan 4 - 5 March 2010 with:
17. Authorities:
  - Ministry of Foreign Affairs
  - Ministry of Justice
  - Ministry of Labour and Social Affairs
  - The General Prosecutor's Office
  - Police Deputy Director
18. NGOs:
  - Public Information and Need for Knowledge (PINK)
  - We For Civil Equality
  - Civil Society Institute
  - Helsinki Committee
19. National Human Rights Structure:
  - The Human Rights Defender

## C. Findings

### C.1. Public Opinion and Attitudes

20. According to the report on the situation for LGBT persons in Armenia, conducted by ILGA-Europe, the general public attitude towards the LGBT community is highly hostile. According to their assessment, the word 'homosexual' is both used and heard as an insult and has been frequently used in attacks against political opponents, even in the National Assembly. The difficulties for LGBT persons who wish to come out are compounded by societal attitudes, which hold that the only acceptable form of relationship is between a man and a woman.<sup>1</sup>
21. Public officials, representatives of the NGO community and LGBT persons themselves have very different views on the situation of LGBT persons in the country.
22. According to the Ministry of Foreign Affairs, "the problems related to LGBT persons are very low on the priority list of the Government, partly because the Government has much more urgent matters to address, partly because the problems, if any, are very minor, since there are very few people in the country with an untraditional sexual orientation. Furthermore the legal basis in the country does not leave room for discrimination and the only discriminative aspect of the LGBTs' situation in the country is the attitude from the Armenians - Armenia is a country of traditions and being homosexual is seen as disloyalty to traditional values of Armenian people"<sup>2</sup>.
23. Traditional values and the meaning of being Armenian are often referred to when explaining negative or ignorant attitudes towards LGBT persons.<sup>3</sup>
24. A representative of the prosecutor's office describes the situation this way: "LGBT persons exist, but not many in the open. They are hiding, though the general attitude is not negative, they are just seen to be ill people who are unfortunate to be born like that"<sup>4</sup>.
25. Interviewed in 2003 by GayArmenia.com, chairperson of the Armenian Helsinki Association Mikael Danielyan said, "Our society is either illiterate and believes that homosexuality is a disease to be treated, or people simply do not wish to accept something which is different from their traditional understanding of morality and family."<sup>5</sup> This view on the general attitudes towards homosexuality is also confirmed by representatives from LGBT NGOs interviewed, where for example PINK highlight the influence of the church and a societal legacy of uniformity as important in relation to the current anti-LGBT sentiment.<sup>6</sup>
26. Consenting same-sex acts were first decriminalised at the end of 2002/beginning of 2003 and the hostile attitudes towards LGB persons remains widely spread among the Armenian population<sup>7</sup>. The influential Armenian Apostolic Church has taken the view that homosexuality is a grave sin. In an online programme "My Priest," where the Araratian Patriarchal Diocese provided answers to about a thousand questions regarding the stance

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1 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

2 Interview with the Ministry of Foreign Affairs, Yerevan, 4 March 2010.

3 Meetings with Ministry of Foreign Affairs and PINK, 4 March 2010 as well as General Prosecutor's Office and Ministry of Justice, 5 March 2010.

4 Interview with General Prosecutor Office, Yerevan, 5 March 2010.

5 Globalgayz.com, [www.globalgayz.com/country/Armenia/view/ARM/abused-mistreated-and-stigmatized-yet-there-is-still-hope-for-gay-armenians](http://www.globalgayz.com/country/Armenia/view/ARM/abused-mistreated-and-stigmatized-yet-there-is-still-hope-for-gay-armenians), accessed 11 January 2010.

6 Interviews with PINK and We For Civil Equality, 4 March 2010.

7 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

of the Church on various issues, Deacon Tigran Baghumian wrote, "*homosexuality is a spiritual vice and sin*"<sup>8</sup> and, since such relations are "unnatural," they should be condemned. He cited various chapters from the Bible to support his view.

27. The hostile attitudes towards the LGBT community have a major psychological impact on its members, as many of them are forced to hide their sexual orientation and suppress their gender identity and expression. The pressure means that many LGBT persons do not come out to their friends and families. In 2007 the Armenian NGO "We for Civil Equality" conducted a survey among 200 representatives of LGBT community, as a part of their Armenian LGBT Campaign. 130 of the respondents were male (gay, bisexual or transgender persons – GBT) and 70 female (lesbian, bisexual or transgender persons – LBT). As regards being out, of the GBT respondents 35.3% were not out at all, 43.8% were out only to close friends, 2.5% were only out to family, while the remaining 18.4% consider themselves out to most people. For the LBT respondents, 20% were not out at all, 3% were out to family only, 60% had told close friends, while a further 17% considered themselves to be out to most people<sup>9</sup>.
28. It might be imagined that younger people would display a more open attitude towards LGBT persons, but in a study of the attitudes of youth towards European values and tolerance (2005), it was revealed that only 30% of the respondents believed that people should not be 'condemned' for their sexual orientation. Further, the study found that only 16.5% of the respondents were tolerant of sexual minorities. The study also revealed that 86.5% would not like 'gays' to be their neighbours, and 81% would not like people living with AIDS to be their neighbours<sup>10</sup>.
29. According to the Civil Society Institute (CSI)<sup>11</sup>, an NGO based in Yerevan, LGBT persons are often seen as related to "*sexually related sin*" or "*unapproved behaviour*" and are on many occasions "*looked at as a part of a general sex related problem*"<sup>12</sup> together with child abuse, prostitution and commercial sex. CSI observe that when the difference is clarified, the negative attitude often substantially decreases.
30. The level of acceptance of LGBT persons varies between Yerevan, big cities and the countryside - with negative attitudes typically being more widespread in the rural areas. According to CSI there is a tendency of increasing acceptance in society - starting in Yerevan.
31. The data collected during the visit to Armenia confirm observations previously made by the Council of Europe Human Rights Commissioner:
32. "During his visit, the Commissioner was informed by representatives of the LGBT community about cases of violence and discrimination encountered by LGBT persons, including cases of students kicked out from universities, deprivation of housing and discriminatory treatment in healthcare institutions.
33. Homophobia is reportedly widespread in society and politics, and the media are silent on cases of violence against LGBT persons."<sup>13</sup>

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8 Globalgayz.com, [www.globalgayz.com/country/Armenia/view/ARM/abused-mistreated-and-stigmatized-yet-there-is-still-hope-for-gay-armenians](http://www.globalgayz.com/country/Armenia/view/ARM/abused-mistreated-and-stigmatized-yet-there-is-still-hope-for-gay-armenians), accessed 11 January 2010.

9 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

10 Ibid.

11 Civil Society Institute, [www.csi.am/en](http://www.csi.am/en), accessed 6 March 2010.

12 Interview with CSI, 5 March 2010.

13 Council of Europe, *Report by the Commissioner for Human Rights, Mr Thomas Hammarberg, on his visit to Armenia, 2007*.

34. Likewise, a UNESCO report from 2005 notes that: (maybe these two (35, 36) can be united into one point?)
35. "Public opinions on homosexuality are rather tough: traditional Armenian society rejects displays of non-heterosexual relations."<sup>14</sup>

## C.2. Freedom of assembly, association and expression

36. Amongst the estimated 4,000 registered NGOs in Armenia, only few are working with the rights of LGBT persons. Currently there are two NGOs that openly declare that their target group is LGBT persons. "We For Civil Equality" (WFCE) was established in 2006 and "Public Information and Need of Knowledge" (PINK) has additionally been established in the mean time. There are other organisations that deal with the rights of LGBT persons, however without declaring these activities as the core focus of the organisation.<sup>15</sup> For example the Helsinki Committee of Armenia (HCA) has openly campaigned for and supported the human rights of LGBT persons, and the Helsinki Association<sup>16</sup> also does not declare specifically LGBT persons as the main target group.
37. In a context where there are few opportunities for meetings and representation through civil society, the Internet has become a popular source of communication, knowledge- and experience sharing. For dating and communication the LGBT community use most of all Russian based dating pages such as [mamba.ru](http://mamba.ru) and social network pages such as [odnoklassniki.ru](http://odnoklassniki.ru) - also [gayarmenia.com](http://gayarmenia.com).
38. There are several more websites dedicated to LGBT issues which are updated often, they include: [pinkarmenia.blogspot.com](http://pinkarmenia.blogspot.com), [pinkarmenia.org](http://pinkarmenia.org) and several blogs only in Armenian <http://ourmine.wordpress.com/>, <http://vayach.wordpress.com/>, <http://trans-armenia.blogspot.com/>, <http://mmkarmenia.blogspot.com/>. There are also three more informative websites [wfce.am](http://wfce.am), [lgbtq.am](http://lgbtq.am), [msm.am](http://msm.am) - however, rarely updated. This means though, that in order to get together, LGBT persons to some extent have to have access to the Internet.
39. Since decriminalisation in 2003 the LGBT 'scene' in Armenia has largely been limited to Yerevan, for example with a couple of bars. There are no LGBT cafes, restaurants or nightclubs, although there are some that are LGBT-friendly. PINK opened an Information Centre in Yerevan in September 2008. The services PINK IEC (Information, Education, Communication) services: individual counselling, training, group discussions, movie screenings, books and movie libraries, social events. Since 2008 the number of visitors are more than 500 (the beneficiaries are not only LGBT persons). We For Civil Equality have also operated a community centre for several years<sup>17</sup>.
40. No public LGBT demonstrations, events or parades have been held in Armenia.<sup>18</sup> In early 2006, when asked if he thought an LGBT parade would be allowed in Yerevan if an organisation (We for Civil Equality) applied for authorisation, a representative from the Ministry of Foreign Affairs gave the opinion that a 'gay' parade would only be possible in Armenia in a hundred years. He said society would be strongly against an 'open demonstration of homosexuality', which would be perceived as an attempt 'to recruit young people'. When asked to authorise a parade, the authorities would need to take into account

14 UNESCO, *HIV/AIDS in Armenia: A socio-cultural approach*, 2005, p. 29.

15 Meeting with Civil Society Institute, 5 March 2010.

16 Helsinki Committee and Helsinki Association are two different organisations. There are other NGOs working with human rights in the country that have Helsinki in their name

17 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009, and meetings with PINK and We For Civil Equality, 4 March 2010.

18 Interviews with PINK and We For Civil Equality, 4 March 2010.

the existing realities, he said, pointing to the fact that there could be clashes with the public or a counter parade, which could be much larger than the LGBT parade. However, the official acknowledged that there were no legal grounds to refuse to authorise a parade. In the meantime, LGBT representatives from all three South Caucasus countries – Armenia, Azerbaijan and Georgia participate in the annual pride festival held in Moldova.<sup>19</sup>

41. IDAHO, International Day Against Homophobia and Transphobia was celebrated by PINK in 2010 in Yerevan. PINK did not ask for permission from the municipality office, as by Armenian law permission is only needed for public events where more than 100 people are participating.<sup>20</sup>
42. Registration of civil associations and non-governmental organisations is a bureaucratic process that gives the State an opportunity to influence formulations in organisations' Charters. The State Registration Office is responsible for approving NGOs, and the official reviewing the charter of PINK told them to remove the words "sexual orientation" from the Charter in order to be able to register as an NGO (which they did).<sup>21</sup> The State Registration Office is under the Ministry of Justice - who during an interview said that there are "no restrictions [regarding] LGBT related activities".<sup>22</sup> Currently discussed amendments to the law on NGOs have caused debate and dissatisfaction from the side of NGOs. Amendments imply that NGOs will have to publish annual reports on their activities and finances in the print media. As there are no similar requirements made of other companies, the new requirements are seen by NGO community as an attack on their freedoms.<sup>23</sup>

### C.3. Hate crime - Penal Code

43. Armenia does not have an offence of 'hate crime' (unless accompanied by the persecution of groups or organisations as prohibited by international law) and was one of only a few countries in the region that did not submit information to the ODIHR report "Hate Crimes in the OSCE Region: Incidents and Responses Annual Report for 2006".<sup>24</sup> For LGBT persons there is little recourse available for crimes based on their sexual orientation or gender identity and expression. The option of going to court involves having to deal with personally sensitive aspects of their life with governmental institutions and entails the risk of public exposure through the media. As a result, this is avoided and hate crimes and hate motivated incidents go unrecorded<sup>25</sup>.
44. The fact that "hate crimes" are not legally recognised as a criminal offence does not mean though that incidents of abuse and harassment towards LGBT persons do not occur. The ILGA-Europe report "Coming Out..." describes several cases of attacks, harassment and violence towards LGB persons. Among those is a story of a 23-year old gay man who has been attacked several times during 2004-2009. As a result of the last attack (he was stabbed with a knife by two unknown felons on his way home from a club) he had to spend one month in bed and was not able to see or hear for the first couple of days. The victim refused to report the attack, as he did not believe he could get any help from the police<sup>26</sup>.

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19 Interviews with PINK and We For Civil Equality, 4 March 2010, and Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

20 Written information received by PINK.

21 Meeting with PINK, 4 March 2010.

22 Meeting with the Ministry of Justice, 5 March 2010.

23 Meeting with the Human Rights Defender, 5 March 2010.

24 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

25 Ibid.

26 Ibid.



45. LGBT NGOs also report of frequent attacks on LGBT persons (especially men who have sex with men and transgender persons) in parks in Yerevan. One incident took place in May 2010, where several people were attacked by police, and taken to the police stations.<sup>27</sup>
46. Anonymous sources report of an incident 15 August 2009, where 6-7 men were severely beaten. And witnesses said they were the security officers of the city mayor. They were not in their uniforms. And the cases were not brought to the police.<sup>28</sup>
47. Police authorities state they in general know of "no cases of discrimination" of LGBT persons, but also acknowledge a certain level of underreporting "not only from sexual minorities."<sup>29</sup>
48. In May 2008, the Head of Armenia's Helsinki Association, Mikael Danielyan, was shot at with an air gun and physically and verbally assaulted in downtown Yerevan on 21 May 2008. This assault was carried out by the former leader of "Armenian Progressive Party" Tigran Urikhanian. He allegedly called Mikael Danielyan a "CIA agent who defends the interests of gays" and a "shame to Armenia". Mikael Danielyan was not seriously injured.<sup>30</sup>
49. In December 2009 there was an incident when a transgender person together with two friends went home by taxi at 3am, and were stopped by police, who starting to violate them because of the transgender person's appearance, and ended up taking them to the police station. Allegedly with the help of "powerful" friends, they left the police station after an hour.<sup>31</sup>
50. Specific concerns regarding harassment and assaults on the grounds of sexual orientation must be raised about the police and military (see also chapter 3.14). ILGA-Europe report of disturbing ways of treatment that LGBT persons receive in the Army: "they are given a separate set of dishes, live in toilets and throughout the entire military service clean toilets. They also sit at a separate table during meals. There was a case when an entire garrison based in Yerevan refused to eat for three days protesting that a homosexual person was given food and ate from the same plates as them. As a result the person was refused food, for two years lived in a public toilet day and night, and was constantly beaten up".<sup>32</sup>
51. A first year soldier was raped by an officer in the Army in 2006. This was followed with numerous beatings by the fellow soldiers who completely isolated him as a gay. Several times the young man was treated in the military hospital and numerous complaints were sent to the administration of the military unit by the family and NGOs. The case was brought to court; however a settlement was somehow reached very quickly with no consequences for the officer or military administration. When journalist Zanna Alexenyanyan<sup>33</sup>, who followed the case very closely, addressed a representative of the Ministry of Defence she was told that cases of this nature are quite common in the Army and that in 2006 alone there were about 30 cases of that kind.

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27 Written information received from PINK.

28 Persons met in Yerevan, March 2010.

29 Interview with police in Yerevan, 5 March 2010.

30 Meeting with PINK, 4 March 2010. See also statement from Human Rights Watch (21 May 2008) *Armenia: Leading Human Rights Defender Assaulted*, [www.hrw.org/english/docs/2008/05/22/armeni18918.htm](http://www.hrw.org/english/docs/2008/05/22/armeni18918.htm), accessed 3 August 2010.

31 Written information provided by PINK, who at the time of writing this report have submitted information about the case to ODIHR report on hate crime in 2010.

32 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

33 Mrs Zhanna Alexenian, HR journalist, former chief editor of: [www.hra.am](http://www.hra.am), accessed 24 September 2010. Interview with CSI, 5 March 2010.

52. As a response to these problems, some military registration and enlistment offices introduce an unwritten rule that if a person declare his homosexual orientation during the obligatory medical board preceding military service, he may be given the option of getting a health certificate stating he has a mental disorder that does not allow him to serve in the military. The male population in Armenia have to have a military document before going to the army, and in such cases, when someone is being released from the military service due to homosexuality, the Commissariat puts the decision that document after the medical examination. The harsh conditions for (in particular) openly gay or bisexual men in the Army are the reason why many would choose a label of mental illness to avoid the potential problems waiting for them in the Army.<sup>34</sup>
53. Similar problems leading to forced segregation are also reported in prisons.<sup>35</sup>
54. This was not recognised by the Ministry responsible: "I will be surprised if there are many cases in the prisons, because they are under the supervision of the Ministry."<sup>36</sup>
55. The Ministry representative furthermore did not regard segregation as linked with discrimination:
56. "If a man does not want to have a dinner with an LGBT person, I do not see this as a crime, or as discrimination. You can also not want to have dinner with persons who smell bad. But if I have a shop and say the LGBT persons cannot buy anything, it would be discrimination. But if I do not want to have dinner because I don't like him, it is not a crime."<sup>37</sup>
57. ILGA-Europe reports a hostile attitude towards LGBT persons among police officials. The following case is used as one of the examples:
58. Following the murder of Joshua Haglund<sup>38</sup> in May 2004, 86 Armenia Now reported that Armenian gay men, or those thought to be gay, were being intimidated by police investigating the murder. At least one man was held in confinement for several days. Another says he was called to the police station and when he asked what crime he was being charged with, an investigator said; "Don't you think being a faggot is a crime?" He also alleges that police told him they did not care whether the law protected homosexuality and that in their precinct they were the law.<sup>39</sup>
59. In principle, LGBT persons have the same right to legal protection under the Constitution as all Armenian citizens though sexual orientation and gender identity and expression are not listed as specific grounds in the Constitution<sup>40</sup>. However, in practice LGBT persons do not, for the most part, make use of this protection due to expectations or experiences that their rights will be upheld either in courts or in police stations. Numerous human rights reports and testimonies given to ILGA-Europe bear witness to the negative attitudes towards LGBT persons in law-enforcement bodies. They show that some LGBT persons

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34 Meetings with PINK, 4 March 2010 and CSI, 5 March 2010. Also the Human Rights Defender, interviewed, 5 March 2010 reported of known problems with discrimination in the army. Armenia did not reply to the ODIHR-DCAF questionnaire on the human rights of armed forced personnel (OSCE-ODIHR, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, 2008).

35 Meetings with the Helsinki Committee and PINK, 4 March 2010 as well as with the General Prosecutors Office, 5 March 2010. Meeting with Ministry of Justice, 5 March 2010.

36 Meeting with the Ministry of Justice, 5 March 2010.

37 Ibid.

38 Joshua Haglund, an American citizen, was killed in May 2004, presumably on grounds of his sexual orientation. He was a visiting professor at the Yerevan State Linguistic University of V. Buysov and was very open about his sexual orientation. The case was suspended in 2004 without any suspects ever found.

39 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

40 According to article 14.1 of the *Constitution*, any 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.

(mostly gay men and male-to-female transgender persons) who have been brought to police departments have been subject to abuse, arbitrary detention and blackmail. The Association of Gay and Lesbian Armenians in France (AGLA) has also reported that it has received numerous e-mail messages, since its opening in 2001, from homosexual persons who complained about police violence against them<sup>41</sup>.

60. Harassment on the grounds of sexual orientation against lesbians and bisexual women has to be mentioned separately. Historically women have been perceived as having a very clear role in Armenian society, being mothers and wives and not being as visible or dominating as men. This has led to the fact that lesbians, bisexual women or transgender women are not as much in focus when talking about the LGBT community as gay men (or transgender men). Nonetheless harassment toward lesbians is a reality. According to a survey among lesbians, conducted by We for Civil Equality, 61% of those surveyed had experienced verbal harassment because of their sexual orientation, 31% were threatened with violence and 1.5% had been assaulted or wounded with a weapon, 37% had personal property damaged or destroyed and 13% had objects thrown at them for this reason. Further, 70% of these women were spat at, while 24% were punched, hit, kicked or beaten because of their sexual orientation, and 12% testified to being excluded or deliberately ignored. As regards sexual assault, 12% recorded that this had happened to them, 20% said they had been sexually harassed and 1.5% had been raped. Of those surveyed, 89% answered that they knew a friend to whom such an act had happened, and of the perpetrators known to them, 33% were officials and 67% were private individuals. Further, 79% thought that sexual orientation was a cause of these acts. Only 40% of these respondents knew where they could go to pursue a complaint or redress.<sup>42</sup>
61. However, according to a representative of the General Prosecutor's Office, no cases of hate crime against LGBT persons have ever been reported to the prosecution authorities.<sup>43</sup> The Human Rights Defender (HRD) which receives quite a big number of complaints from among others representatives of ethnic and religious minorities, has no registered complaints from LGBT persons during the last 5 years. In the opinion of the HRD the "lack of complaints is the best proof that a problem is bigger than assumed, and well hidden".<sup>44</sup>
62. In terms of hate speech, the level of homophobia is so high that the word "homosexual" in itself is considered to be a profanity. In its report for 2005, the Helsinki Committee of Armenia reported that the word "homosexual" used negatively has frequently been used in attacks on political opponents, also in the National Assembly.<sup>45</sup>

#### **C.4. Family issues**

63. The elements of taboo and condemnation also affect family relations. Various sources (globalgayz.com and ILGA-Europe) report stories of young people coming out and being rejected by their families as a result<sup>46</sup>. ILGA-Europe, for instance, tells the story of a young lesbian woman, whose mother – the only breadwinner of the family – threw her out of the house, telling her that she'd rather have a daughter, who is a prostitute than a lesbian. The girl had to leave the city and stay in a village far from anyone she knew. Instead of solace and protection, her mother's only reaction was to say that should her employers find out

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41 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

42 Ibid.

43 Meeting with the General Prosecutor's Office, 5 March 2010.

44 Meeting with the Human Rights Defender, 5 March 2010.

45 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009 - see also chapter 3.5 Employment.

46 Globalgayz.com, [www.globalgayz.com/country/Armenia/view/ARM/abused-mistreated-and-stigmatized-yet-there-is-still-hope-for-gay-armenians](http://www.globalgayz.com/country/Armenia/view/ARM/abused-mistreated-and-stigmatized-yet-there-is-still-hope-for-gay-armenians), accessed 11 January 2010.

about her daughter's sexual identity she would lose her job – their only source of income, and that nobody would marry her younger sister – the sister of a lesbian. Therefore, her mother said, she must leave the country<sup>47</sup>.

64. Armenian legislation does not recognise civil partnerships or marriage between people of the same sex. Same-sex couples are not able to adopt a child, although there is such a possibility for a single person. Thus the majority of LGBT persons risk exclusion from the family by their parents and not being able to establish their own family.
65. The fact of “coming out” is often followed by a conflict and even a break up inside the family. A global website [globalgayz.com](http://globalgayz.com) reports various examples of family conflicts, evoked by one of the members' revealed “untraditional” sexual orientation. For instance, the website tells the story of 21-year-old Khachik, a university student from Yerevan, who in 2009 was thrown out of his home when his parents found out he has a "non-traditional" sexual orientation. Khachik told the Institute on War and Peace Reporting (IWPR) earlier this year that his parents said he was no longer their son and that he had to leave the house.
66. The same IWPR article quotes psychologist Davit Galstyan who, throughout his career, has come across cases such as a mother rejecting her own children and sending them to an orphanage after learning that their father, her husband, is gay; or a father throwing his 14-year-old gay son, out of the house who then turned to street prostitution<sup>48</sup>.

#### **C.5. Asylum and refugee issues**

67. There are no accounts of any asylum cases or claims on the basis of persecution on the grounds of sexual orientation or gender identity.
68. Same-sex relations are no longer criminalised in Armenia and this makes it difficult for Armenian citizens to claim asylum in other countries on the grounds of persecution due to sexual orientation or gender identity. Still, some people try to find ways to get asylum in other countries, and there are examples of Armenian citizens who got asylum abroad (UNHCR data). In 2007, an Armenian citizen received legal resident status in the USA, one of the reasons was the document from the psychiatric hospital, diagnosing him as a person with a sexual perversion/disorder, homosexuality.<sup>49</sup>

#### **C.6. Social security, social care and insurance**

69. In general, issues related to social security and social care stand on a low level in Armenia. While legislation regulating this field is not directly discriminatory towards LGBT persons who are entitled to the same social benefits as any other people, there is no provision for the formal registration of the relations of same-sex couples. Same-sex couples are therefore not entitled to any family related social benefits. This goes, however, also for unmarried heterosexual couples.<sup>50</sup>

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47 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

48 [Globalgayz.com](http://Globalgayz.com), [www.globalgayz.com/country/Armenia/view/ARM/abused-mistreated-and-stigmatized-yet-there-is-still-hope-for-gay-armenians](http://www.globalgayz.com/country/Armenia/view/ARM/abused-mistreated-and-stigmatized-yet-there-is-still-hope-for-gay-armenians), accessed 11 January 2010.

49 Written information received from PINK.

50 Meetings with PINK, 4 March 2010 and Ministry of Justice, 5 March 2010.

## C.7. Education

70. Although public schools at primary and post-primary levels are state-sponsored, both the curricula taught and the ethos of those schools are heavily influenced by the outlook of the Armenian Apostolic Church; from a very young age children become aware of the taboo attached to LGBT persons. Sex education is at the discretion of the school and is a voluntary service, and education on sexual diversity or sexual orientation and gender identity and expression is non-existent<sup>51</sup>.
71. Education about sexual organs and their function is included in books on anatomy but teachers in many cases feel ashamed to talk about it and do not touch this topic. The Ministry of Education and Science has established to have a subject about sexual health but still nothing refers to sexual orientation and gender identity - it is only about heterosexual relations. Old educational materials furthermore do not facilitate a balanced view on LGBT issues of sexual orientation and gender identity and expression.<sup>52</sup>

## C.8. Employment

72. There are no surveys on discrimination against LGBT persons in the labour market. LGBT NGOs report that there are very limited possibilities of being openly LGBT in the workplace without running the risk of being fired. However, the situation varies between different areas of employment.<sup>53</sup>
73. According to the law on Labour and Employment, "any factors not related to the work cannot be used for discrimination of an employee" and "all social services are provided to all Armenian citizens on an equal basis"<sup>54</sup>. According to the Ministry of Labour and Social Affairs the legal basis thus is sufficient to ensure protection of rights of LGBT persons in the field of employment and social care and insurance.
74. The Labour Inspection follows an annual plan for the monitoring of rights violation and in 2005 approximately 3,000 complaints were received. No complaints related to discrimination on the grounds of sexual orientation or gender identity have been recorded by the inspection since 2005.
75. Though cases of discrimination in the workplace may exist it would be difficult to record them. Sexual orientation would hardly be used as a formal ground for a dismissal of an employee, and the lack of complaints might therefore indicate that it is difficult to prove cases of such a nature and/or that victims prefer to keep a low profile in the workplace. Furthermore, the fact that the burden of proof lies with the victim<sup>55</sup> does not facilitate complaints of this nature. This situation is further hampered when there is neither legal definition of discrimination in Armenian law nor adequate mechanism for investigating a complaint of discrimination.
76. An example of potential discrimination and the dislike of LGBT persons in the labour market is a case where the chairman of the Union of Armenian Aryanship, Armen Avetisyan, declared that some senior officials were "homosexual" and promised to produce a list of their names. The National Assembly held a debate during which there were threats to dismiss those officials who could be proven to be gay. Avetisyan sent a list of seven

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51 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009, and meeting with PINK, 4 March 2010.

52 Meeting with PINK, 4 March 2010.

53 Meetings with PINK and We For Civil Equality, 4 March 2010.

54 Meeting with the Ministry of Labour and Social Affairs, 5 March 2010.

55 Ibid.

alleged “homosexuals” occupying senior posts to the President and Prime Minister and urged them to take measures “to cleanse the nation of these diseased persons”. The names were never published nor did the government make any statements or take any measures against these defamatory activities and statements<sup>56</sup>.

77. As mentioned in chapter 3.3 Hate crime - hate speech, and considerable problems with discrimination have been noted in the Army.

### C.9. Housing

78. The negative attitudes towards the LGBT community also influence the opportunities of LGBT persons in the field of housing. It is quite common that young people of the same sex, most often students, share an apartment. A landlord most often announces the preferences when advertising the rental property – most often women would be preferred due to the general perception that they are more neat, careful and potentially less troublesome. However if a tenant discovers a sexual relation between the tenants there is a big risk that an agreement with a couple will be terminated. ILGA-Europe illustrates it with the following case:

79. *In September of 2004 Grigor wanted to change the apartment he rented in Gyumri. He found another apartment, agreed all the price details and the date when he would move in. The landlady checked Grigor’s ‘record’ to make sure that the apartment would be in safe hands. However, one week after the check she said to Grigor that the apartment was not available anymore as someone else had rented it. She also asked if Grigor was the one who gave an interview to the newspaper ‘Aravot’ (in late September) about sexual minorities, which led Grigor to believe that he was refused housing on the basis of his sexual orientation.*<sup>57</sup>
80. For same-sex couples living together the situation is further complicated by the fact that it is often regarded as suspicious in itself if two persons of the same sex are living together once they have reached their thirties.<sup>58</sup>
81. Sexual orientation is very seldom used as a formal ground for rejection. Generally negative public attitude and all but transparent procedures of renting a private apartment make submitting formal complaints hardly possible.<sup>59</sup>

### C.10. Health care

82. A primary health care issue, described in relation to the LGBT community, is the HIV/AIDS situation in Armenia. The lack of acceptance of LGBT community members in the society has led to a significant lack of education, awareness and information on the issue, together with a lack of trust in health care officials and institutions<sup>60</sup>. Simultaneously, the scarcity of meeting places for the LGBT community prevents relevant organisations to reach the target group in order to spread the knowledge, hand out condoms, etc.
83. In 2008 We for Civil Equality conducted an anonymous survey amongst 70 men who have sex with men (MSM) in order to investigate their awareness of HIV/AIDS issues. Those

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56 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

57 Ibid.

58 Meeting with PINK, 4 March 2010.

59 Ibid.

60 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

surveyed were divided into three groups according to age: Group I (18-30 years old; 56% of the surveyed); Group II (30-45 years old; 34% of the surveyed) and Group III (45-62 years old; 10% of the surveyed). The survey showed that the knowledge on means of transmission vary widely: the proportion of those who thought it was by 'unprotected sexual intercourse' was: Group I – 56%, Group II – 91% and Group III – 100%; while the proportion who believed that HIV could be transmitted by 'relating with HIV-positive people', for example by shaking hands, was: Group I – 51%, Group II – 33% and Group III – 14%<sup>61</sup>.

84. The survey showed that most of young MSM lacked awareness of HIV/AIDS transmission routes. Simultaneously, the survey revealed that its participants held intolerant and discriminatory attitudes towards persons with HIV. 26% from Group I, 33% from Group II and 57% from Group III have mentioned that they would limit their mutual relations with an HIV infected person. Respectively, 51%, 29% and 14% have mentioned that they would completely cut their mutual relations with an HIV infected person, and 21%, 25% and 0% have mentioned that they would not only completely cut their mutual relations with HIV infected, but also actively prevent their relatives and friends from any relation with an HIV infected person. And respectively only 3%, 13% and 29% of the survey participants have mentioned that they would continue their relations with HIV infected people<sup>62</sup>. What is worth mentioning is that the numbers indicate that the more a group is aware of HIV/AIDS transmission routes and other related issues, the more tolerant they are against infected persons. This makes awareness raising efforts in this area very important and necessary.
85. In 2007, the HIV/AIDS National Response Programme 2007-2011 was approved by a Republic of Armenia Government Decree. The Programme specifically mentions 'homosexual men' (not MSM as in most international documents) as a group whose involvement in HIV prevention work should be increased to ensure effective implementation with that population, as should the capacity of NGOs working in this area. The programme carries out projects for prevention of HIV/AIDS among homosexual men, support establishment of a network of organisations implementing HIV/AIDS preventive projects among homosexual men, provide voluntary HIV consulting and disseminate knowledge of HIV/AIDS prevention (2010-2011).<sup>63</sup>
86. There are no official data or regulations, but the assessment of PINK is that there is inadequate provision of health service for transgender persons, and no possibilities for gender reassignment treatment.<sup>64</sup>

### C.11. Access to goods and services

87. No accounts of discrimination have been reported in this area. According to the research carried out by PINK (*We and our rights*, 2010), access to goods and services is limited for the LGBT community, and LGBT persons can be discriminated against if their appearance is "not traditional".<sup>65</sup> This means in practice that some LGBT persons limit their use of certain public spaces, venues and services in their everyday life in order to avoid problems.

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61 We for Civil Equality, *MSM's attitude towards HIV-infected people in Armenia*, 2008, <http://wfce.am/publications/index.html>, accessed 11 January 2010.

62 Ibid.

63 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

64 Meeting with PINK, 4 March 2010.

65 PINK, *We and Our Rights*, 2010, <http://pinkarmenia.org/wp-content/uploads/2010/05/waoren.pdf>, accessed 3 August 2010.

## C.12. Media

88. Armenian LGBT persons have, as yet, little or no ability to influence the messages that go out about sexual orientation and gender identity, because their words and experiences are generally not asked for or ignored:
89. The press has the power to create deeper public understanding of sexual minorities and other minority groups and their human rights issues. In the 2005 study carried out by the Media Diversity Institute, 100 media outlets utilised 'official' sources for over half of the information published in Armenian newspapers (51.8%), around 17% came from the minority group featured, with a further 31% coming from 'other' sources. In the case of sexual minorities it is likely that only about 2% of the information used by the media in 2005 came from the LGBT persons themselves<sup>66</sup>.
90. The Media plays a crucial role in maintaining a so far general hostile attitude towards the LGBT community. According to ILGA-Europe most often when the media speaks of LGBT persons, for instance, they are represented as a depravity, an immorality, and homosexuality is labelled as a "Western value" that is being forced upon Armenian society<sup>67</sup>. The lack of representation of LGBT persons in the media prevents them from establishing a more positive picture of sexual orientation, gender identity and expression issues. Lacking a forum for expressing alternative views, journalists representing more tolerant views turn to the Internet. A number of articles describing attitudes towards LGBT persons are published by, among others, CSI, ArmeniNow.com, www.hra.am, etc.<sup>68</sup>
91. TV is a powerful media in Armenia. Therefore the approach taken by some TV channels is alarming. A TV programme Yere1 is showing a comedy show "Gay hunting". The show presents a family in which traditional Armenian values is confronted with the fact that the son is gay. The show, for example, features a gay-hunt where family members go to the park with guns. The show contains scenes of violence and uses very rude terminology that is getting more and more popular in the society. The LGBT NGOs interviewed voiced great concern about this and other TV shows containing what they regarded as hostility and negative and stereotypical representations of LGBT persons<sup>69</sup>.

## C.13. Transgender issues

92. There are very little data in the conditions specific for transgender persons. PINK only recently managed to get wider access to transgender persons, and some come to their office. However, they report of abuse by citizens and the police, transgender persons who hardly ever leave their home due to the risk of discrimination, and of those who do using special drivers if they can afford it, for the same reason. In particular transgender women are subject to discrimination due their physical appearance, whereas transgender men more easily pass as biological men.<sup>70</sup>
93. In 2010 a female-to-male transgender person decided finally to undergo gender reassignment. A doctor agreed but could not receive a licence to allow for the surgery. PINK is involved with the case, and working on obtaining the license and possibilities for a change of documents.<sup>71</sup>

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66 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

67 Ibid.

68 Meeting with Civil Society Institute, 5 March 2010.

69 Meetings with PINK and We For Civil Equality, 4 March 2010.

70 Meeting with PINK, 4 March 2010.

71 Written information received by PINK.



94. Transgender or gender identity is absent in Armenian legislation, and there is no legislation addressing the consequences of gender reassignment - the question of divorce, the change of documents etc. However, in practice, an individual may apply to a court to change the record of sex in official documents, but no cases have been found during the drafting of this report, so it is still unclear which judgments may be handed down by the courts in such cases.<sup>72</sup>

#### **C.14. Other areas of concern**

95. In the institutions of the police and the Army the negative attitudes against LGBT persons seem present in a condensed form (see also chapters on 3.3. *Hate crime - hate speech* and 3.8 *Employment*). These attitudes are allowed to flourish in the background of inactivity and failure to act from the side of the authorities in the closed institutions.
96. The Committee on the Prevention of Torture (CPT) found, in its 2002 report<sup>73</sup>, that “the poorest conditions of detention were found on the ground-floor of the main accommodation block, which contained (...) two cells for homosexuals”. This implies that homosexuals are segregated and in the poorer conditions of detention.
97. The CSI who are involved in monitoring prisons and detention facilities also referred to the situation of gays in the prisons. The word “gay” is used in prison to describe a person who does not fit to the moral requirements of the majority. It could thus also be a person that does not respect the rules or traditions in a prison. Often a breach of some unwritten rules in a prison leads to a gay label, which in turn brings a person to the isolated gay community and is often followed by sexual abuse from fellow prisoners or prison authorities. Gay men are carrying out the dirtiest and most unpopular jobs but almost never complain, partly because they prefer to keep a low profile.<sup>74</sup>
98. The Prosecutor’s office that is looking into the cases related to the police violation of human rights has never recorded any cases related to violation of rights of the LGBT persons in prisons and other detention/correction institutions.<sup>75</sup>

#### **C.15. Data availability**

99. There are basically no official data on LGBT issues and rights violations in Armenia. However, several reports drafted by human rights organisations and LGBT NGOs provide substantiated data on the situation in certain areas. Moreover, some active and experienced human rights activists, as well as LGBT NGOs, are able to provide similar accounts and anecdotal evidence altogether making it possible to outline a substantiated analysis of the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity and expression in Armenia.

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72 Carroll, A. & Quinn, S., *Forced out – LGBT people in Armenia, Report on ILGA-Europe/COC fact finding mission*, February 2009.

73 Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (ICT), 2004, [www.cpt.coe.int/documents/arm/2004-25-inf-eng.htm](http://www.cpt.coe.int/documents/arm/2004-25-inf-eng.htm), accessed 6 July 2010, para. 74.

74 Meetings with Helsinki Committee, 4 March and Civil Society Institute, 5 March.

75 Meeting with General Prosecutor’s Office, 5 March 2010.