



*Photo: Pavel Volkov*

**Alternative report**

# **DISCRIMINATION AGAINST WOMEN FROM VULNERABLE GROUPS IN ARMENIA**

Prepared for the 65th Session of the UN CEDAW, 2016

## **Discrimination against Women from Vulnerable Groups in Armenia**

Alternative report of the Civil Society Institute and Anti-discrimination Centre Memorial

Prepared for the 65th Session of the UN Committee on the Elimination of Discrimination against Women, 2016

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# OVERALL SITUATION

Armenia's widespread patriarchal traditions mean that discrimination against women persists in this country, particularly in rural areas. The lack of anti-discrimination laws and the failure to apply existing norms on gender equality properly have a negative impact on the situation for women. Women are poorly represented in Parliament and government structures, especially in leadership positions. Their salaries significantly differ from men's and are much lower. Most women in rural areas are unemployed. They become housewives, do all the housework, and rarely leave the house at all. An important problem is the shortage of public daycare centers, which makes it difficult for women to advance professionally. Finally, the situation of women is aggravated by widespread poverty.

Armenia has a list of professions and spheres of activity that are "hazardous" to women and prohibited to women of child-bearing age. This means that women are viewed primarily as the agents of childbirth and not as professionals who are free to choose the jobs they want.<sup>1</sup> A number of institutes of higher education place restrictions on the possibility at all or the number of women that can be accepted to several faculties (primarily in military specializations) by creating different admissions criteria for male and female applicants.

The situation is especially dramatic for women from vulnerable groups, who frequently face multiple forms of discrimination, and for female migrants. Female members of sexual minorities also face displays of hate and violence.

# WOMEN AND MIGRATION

People frequently leave Armenia to earn money abroad, primarily in Russia, due to economic problems, poverty, and job shortages. According to data from the Armenia Migration Service, over one million Armenians reside in Russia and several hundred thousand people cross the border annually for seasonal work. But working in Russia is complicated by the economic crisis there, inflation of the Russian ruble, and Russia's unique migration policy, which manifests itself in ever-lengthening lists of "undesirable people" banned from entering the country. Even so, many men in rural areas become labor migrants. A typical example is the village of Meghradzor, where at least one man from each family works outside of Armenia. According to information provided by secretary of the village's municipal body Rima Manukyan, in 2012 at least 300 of the village's men worked abroad<sup>2</sup>.

There is no question that the migration of working men impacts the situation for women left stay at home while their husbands are in Russia. All too often, these men are not able to send money home regularly for certain reasons, which means that their wives and children are left without means of subsistence. This is compounded by high unemployment, which means that women are not able to earn money themselves. As a result, the number of officially registered divorces increases every year, but many families do not register their marriages with government agencies at all and prefer to have church ceremonies.

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1 The "List of industries, professions, and jobs of the national economy with difficult, hazardous, and dangerous work conditions which are prohibited from employing pregnant women, women of child-bearing age, and minor women" was enacted by Resolution of the Government of the Republic of Armenia of November 9, 1994, No. 520 together with the "List of jobs and professions mainly employing women, minors, and people with limited capabilities for work," available at [www.arlis.am](http://www.arlis.am)

2 Interview with Marina Madatyan, August 23, 2012, <http://hetq.am/arm/news/17766/tarin-11-amis-aranc-txamardu-artagna-ashkhatanqi-vardzatrutyuny-video.html>

*A case described by NGO Shirak Center is typical of this problem. After Ya.G.'s husband left to work abroad and abandoned his family, she remained alone with three children. Since her marriage was not officially registered (paternity was not established separately), Ya.G. and her sons were left without any money and she was not able to obtain child support from the father of her children<sup>3</sup>.*

Economic problems also force many women to seek opportunities for work abroad. Now it is increasingly likely that female migrants will not be able to re-enter Russia because some of them are on the “list of undesirable people.” Many women who have been forced to abandon the chance to work abroad have a difficult time adapting to life in poor and extremely traditional Armenian villages. Unfortunately, Armenia does not have any government programs aimed at integrating returning labor migrants back into society, and it also lacks any strategy for solving these women’s problems.

Migration also carries the risk of serious illness for migrants themselves and for their families. The majority of HIV-positive people in Armenia are labor migrants and their wives. According to a 2013 UNGASS report, almost 74 percent of cases of HIV infection registered in recent years were connected with migration<sup>4</sup>. In 2015, 1,259 cases of HIV infection were registered, 321 of which were women. According to the National Center for AIDS Prevention, 97 percent of women were infected as the result of sexual contact<sup>5</sup>. Family members of labor migrants also frequently suffer from tuberculosis, and head of the National Center to Combat Tuberculosis Armen Hayrapetyan has even raised concerns about the increasing cases of this illness<sup>6</sup>.

## **WOMEN WHO ARE TRAFFICKING VICTIMS**

Poverty and the high unemployment level frequently force women to seek work abroad, which means that sometimes they become the victims of trafficking, including sex trafficking. Migration experts have repeatedly reported that Armenian women and girls are sent to Middle Eastern countries for the purposes of sexual exploitation. In these cases, they are usually deprived of their freedom, access to personal documents, and an opportunity to return home. Their situation is complicated by biased attitudes towards sex workers and victims of sexual exploitation and rape, which means that they cannot even turn to members of their own families for help. Investigations into sex crimes committed against women are rarely conducted with care. For many victims, it is especially traumatic that the initial interview, when they must provide details of the crime, is handled by male police officers—there is no rule that these kinds of interviews should be handled by specially-trained female officers.

## **REFUGEES FROM SYRIA, IRAQ AND OTHER STATES**

In recent years, Armenia’s neighbors have experienced crises, wars, and humanitarian catastrophes. Refugees have been fleeing these regions of conflict en masse in search of asylum abroad, and Armenia has taken in around twenty thousands of refugees of predominantly Armenian descent and the Christian faith arriving mostly from Syria and Iraq. But recently refugees who are not of Armenian or Yazidi origin have not been welcomed in the country<sup>7</sup>. This has resulted in discrimination against female refugees, among others: female Muslims and refugees from Africa are being denied asylum.

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<sup>3</sup> This interview was conducted by Shirak Center and first published by this organization on March 10, 2013. <http://www.aravot.am/2013/03/12/213508/>

<sup>4</sup> UNGASS report on the situation in Armenia for 2013; [http://www.unaids.org/sites/default/files/country/documents/file\\_92813\\_es.pdf](http://www.unaids.org/sites/default/files/country/documents/file_92813_es.pdf), pg. 6; <http://www.wvi.org/armenia/article/tackling-spread-hiv-and-aids-among-migrant-workers-armenia>

<sup>5</sup> National Center for AIDS Prevention, “The Situation with HIV/AIDS in the Republic of Armenia” [http://www.arm aids.am/statistics/2016/june\\_statistics.html](http://www.arm aids.am/statistics/2016/june_statistics.html)

<sup>6</sup> Article from the newspaper Aravot, March 2014 <http://www.aravot.am/2014/03/24/443721/>

<sup>7</sup> Interview conducted by the NGO Civil Society Institute with experts from the NGO Mission Armenia, June 2016.

Armenia has adopted broader definition of refugee in its national law, which apart from the 1951 Convention relating to the Status of Refugees definition, also includes those fleeing war, generalized violence and large-scale human rights violations. Even though each application for refugee status requires an individualized approach, Armenia's application of the 1951 Convention relating to the Status of Refugees raises concerns. It does not take into account the specific nature of gender-based persecution and also ignores the need for special treatment of applicants from particular social groups (pursuant to Article 1 A(2) of the Convention, women are deemed members of a particular social group)<sup>8</sup>. Thus, in practice Armenia does not consider forms of persecution against girls and woman like sexual violence, forced circumcision, abortion, or sterilization, and denial of access to contraception to be sufficient grounds for granting refugee status and leaves such women without protection.<sup>9</sup>

Amendments to the law "On Refugees and Asylum," which entered into force in January 2016, do not regulate matters of gender inequality among refugees and asylum seekers. There is no state-run program for informing female refugees of their rights, and female refugees from vulnerable groups generally face additional discrimination due to the lack of additional and special conditions for protecting women in these vulnerable categories. For example, there was a case<sup>10</sup> when a woman suffering from a mental illness was denied refugee status mainly because of her state of health.

Armenia also has problems with refugees who were forced to flee Azerbaijan in the 1990s. The Armenian authorities have not applied the necessary efforts to realize their rights to obtain housing. A significant number of the people awaiting housing among displaced are elderly single women living under wretched conditions in dangerous and unsafe structures or crowded dormitories. Analysis demonstrates that either the space allocated to them by the state has not been privatized, or they have not been assigned new housing pursuant to resettlement procedures. Considering their age and state of health, it is possible that they may die before receiving their new housing. These circumstances clearly indicate practice of discrimination against these women.

As a result of the population's lack of awareness about the rights of refugees and about social programs in place to support them, women and girls seeking asylum face numerous violations of their rights. For example, even though asylum seekers have the right to free medical assistance along with Armenian citizens, their documents (asylum seeker's certificate) are rarely accepted at hospitals and clinics, or they are treated as foreigners and thus denied free medical services. A similar situation occurs when parents try to register children at free daycare centers or schools or benefit from other public services. There are no programs to broaden women's access to jobs or training that would help them feed themselves and their children. Training sessions organized by the government for all citizens and not just refugees are conducted only in Armenian, so most refugees cannot take advantage of them.

Armenia also does not have any government-sponsored shelters for women who are victims of domestic violence; this affects also female refugees facing violence in their families. Additionally, in light of lack of special program or action plan to combat violence against female asylum seekers and refugees, female refugees receive no legal or psychological support from the Armenian government.

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8 UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 2: «Membership of a Particular Social Group» Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, 7 May 2002, HCR/GIP/02/02, available at: <http://www.refworld.org/docid/3d36f23f4.html> [accessed 7 September 2016]

9 Interview with experts from the NGO Mission Armenia, Civil Society Institute, June 2016.

10 Interview with experts from the NGO Mission Armenia, Civil Society Institute, June 2016.

# DISCRIMINATION AGAINST VULNERABLE GROUPS

## ETHNIC AND RELIGIOUS MINORITIES

Even though ethnic Armenians make up over 90 percent of the population in Armenia and even higher percentage of people belong to the Armenian church, the country does have communities of Assyrians, Kurds, Yazidis, Boshas (a Roma group), and Molochans (an ethno-religious minority). These communities are frequently isolated from the rest of the population and follow their own traditional customs. For example, Yazidis (whose population numbers 35,000<sup>11</sup>) still practice early marriage and give their daughters away at the age of 15 or 16. Obviously, the girl's opinion about this situation is rarely considered. Representatives of the Yazidi community have come out against setting a minimum age of 18 for marriage. Aziz Tamoyan, who considers himself to be the leader of the Yazidi community, stated during an interview with the Independent Journalists Network that a high age limit for marriage will lead to "disaster for Yazidi girls."<sup>12</sup>

*In the village Mushakan, 15-year-old Sona A. was given in marriage to a 16-year-old boy. In an interview published by the Institute for War and Peace Reporting, the girl's mother said that a married woman should be "ashamed to go to school."<sup>13</sup> Lilia Avdoyan, a Yazidi woman who attended the wedding, said that her grandfather forced her to quit school at the age of 16, and that now the same situation is repeating itself with her 14-year-old daughter, who was forced by her father to stop studying even against the wishes of the mother and the girl herself.<sup>14</sup>*

Young brides are taken out of school, so many Yazidi girls do not have the opportunity to graduate from school and have secondary education required by law. According to a widely-held belief in this traditional community, education has a negative impact on Yazidi family life, and there are superstitions that Yazidi girls who obtain a higher education will not get married.<sup>15</sup> The national Yazidi association Sinjar has noted numerous instances where Armenian laws on education have been violated, while representatives of government agencies responsible for monitoring in this sphere frequently ignore the problem of the violation of the right of Yazidi girls to education. Representatives of the organization noted that from 2003–2015, schools in 15 Yazidi neighborhoods accepted 473 Yazidi girls, 234 of whom completed nine grades, and 117 of whom did not even complete 9th grade, in violation of the requirements of the law.<sup>16</sup> Also, Yazidi girls are frequently officially listed as students when they do not actually attend school. The explanation for this is that school funding is based on number of students and it is beneficial to have more registered students.

The situation is similar with Molochans. One elder from this community told a reporter from the newspaper *Moskovsky komsomolets* that girls in the upper grades traditionally do not attend school because their parents try to get them jobs at the market. This is partly connected to the fear that a girl may leave the community if she continues with her education. According to one elder, children are generally trained to help adults around the house and farm, so school is like a "rest" for them, and there is "no time" for it, especially during the planting and harvesting seasons (spring and fall).<sup>17</sup>

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11 Census of the National Statistics Service of the Republic of Armenia for 2011, <http://armstat.am/file/doc/99486253.pdf>

12 Article by the Independent Journalists Network, January 2016, [www.epress.am/ru/2016/01/29/в-армении-нарушается-право-езидок-на-о.html](http://www.epress.am/ru/2016/01/29/в-армении-нарушается-право-езидок-на-о.html)

13 Interview published by the Institute for War and Peace Reporting, December 16, 2011, <https://iwpr.net/ru/global-voices/армения-езидские-девочки-обречены-на-ранний>

14 Ibid.

15 Article by the Independent Journalists Network, January 2016, [www.epress.am/ru/2016/01/29/в-армении-нарушается-право-езидок-на-о.html](http://www.epress.am/ru/2016/01/29/в-армении-нарушается-право-езидок-на-о.html)

16 Ibid.

17 *Moskovsky komsomolets* article, November 9, 2011, <http://www.yerkramas.org/article/?id=23369/>

The Yazidi community is very patriarchal in matters of raising girls and the woman's place in the family. Reportedly, boys and men do not allow girls to use the internet or social networks.<sup>18</sup> In a conversation with a journalist from the Institute for War and Peace Reporting, Yazidi community member Lilia Avdoyan stated that a woman cannot study or work, use cosmetics, make purchases, give toasts, or speak without permission in the presence of her father-in-law.<sup>19</sup>

In many cases, women from traditional communities find that their rights to access medical care are violated. In villages that are far from hospitals, women still give birth at home, especially in the winter, when it can be hard to reach a city.

Women from minority communities also have difficulties participating in political life. The new Electoral Code adopted in 2016 introduces a quota of four people to represent several minority groups in Armenia's parliament (Russians, Kurds, Assyrians, Yazidi). Although this quota has not yet been met, it is most likely that, given the existing situation, only men will be permitted to represent these ethnic minorities.

Girls from ethnic minorities experience difficulties at school due to the growing role of religious education. A course in the Armenian Apostolic Church is mandatory in 5th to 11th grades at all schools.<sup>20</sup> Teachers are hired after they have been certified by church representatives, and some teachers even start class with a prayer. If parents or children attempt to get out of this subject, they frequently become the targets of accusations of belonging to one religious sect or another, which in turn is viewed in an extremely negative light by the overwhelming majority of the population.

## **WOMEN SUFFERING FROM DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY**

The problem of protecting the rights of members of the LGBTI community, including lesbians, bisexuals, transgender women, and intersexuals, has not been resolved in Armenia. Legal remedies are insufficient, and the government generally ignores the problem of infringements of the rights of sexual minorities. Most LGBTI people face problems with self-expression and are forced to hide their identities from their families and society, where homophobic and sexist prejudices prevail. All of this puts sexual minorities in an extremely vulnerable position.

Armenian law does not envisage punishment for hate speech against LGBTI people, which is starting to sound more and more both in the speeches of government officials and politicians, in pro-government media outlets<sup>21</sup>, and from regular citizens. Public figures have made statements concerning the "propaganda" of homosexual relationships (presidential candidate Arman Melikyan,<sup>22</sup> member of the Pre-parliament political movement Garegin Chugaszyan<sup>23</sup>) and

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18 Report of the Eurasian Partnership Foundation "Rights of Children from Religious and Ethnic Minority Groups in Armenia" (2014), [http://www.epfarmenia.am/wp-content/uploads/2014/06/2014\\_Field\\_Study\\_Rights\\_of\\_Children\\_en.pdf](http://www.epfarmenia.am/wp-content/uploads/2014/06/2014_Field_Study_Rights_of_Children_en.pdf)

19 Interview published by the Institute for War and Peace Reporting, December 16, 2011, <https://iwpr.net/ru/global-voices/армения-езидские-девочки-обречены-на-ранний>

20 International Religious Freedom Report for 2014, Bureau of Democracy, Human Rights, and Labor, US Department of State <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238352>; Study by the Collaboration for Democracy Center, <http://www.religions.am/eng/library/issues-of-religious-education-at-public-schools-of-the-republic-of-armenia/>

21 <http://ngngo.net/en/manifestation-of-attitudes-and-hate-towards-lgbti-people-and-the-violation-of-their-rights/>, <https://issuu.com/pinkarmenia/docs/lgbtmonitoring> page 7-8

22 Article by the Independent Journalists Network, January 2013, <http://www.epress.am/ru/2013/01/23/%d0%9a%d0%b0%d0%bd%d0%b4%d0%b8%d0%b4%d0%b0%d1%82-%d0%b2-%d0%bf%d1%80%d0%b5%d0%b7%d0%b8%d0%b4%d0%b5%d0%bd%d1%82%d1%8b-%d0%90%d1%80%d0%bc%d0%b5%d0%bd%d0%b8%d0%b8-%d0%be%d0%b1-%d0%b0%d1%80%d0%bc%d0%b8.html>

23 Ibid.

justifying homophobic aggression (for example, in May 2012 vice-president of the Armenian National Assembly Eduard Sharmazanov representing the ruling Republican Party, stated publicly that people who support LGBTI rights in Armenia “are corrupting society,” and he called an attack on an LGBTI bar an “absolutely correct and justified action”<sup>24</sup>).

*The mayor of Vanadzor Samvel Darbinyan publicly condemned LGBTI activists for organizing the first Rainbow Forum, which was held in Armenia in October 2015.<sup>25</sup> Forum organizers requested confirmation from the mayor’s office regarding the publication of homophobic information in a newspaper. In response they received confirmation of the mayor’s words.<sup>26</sup> Representatives of this NGO filed a complaint regarding the mayor’s behavior with the Ethics Commission for Senior Officials, which responded that actions like hate speech are outside the realm of its competence (because the Ethics Code does not contain a ban on hate speech) and recommended filing a complaint with a court.*

Taking a cue from government officials, radically inclined residents of Armenia also display homophobic behavior and subject LGBTI activists to abuse, threats (including in the media, which publishes lists of people belonging to sexual minorities), and attacks. Attempts made by LGBTI people to protect their rights by turning to police or a court for help generally have no result.

*For a long time, the participants and organizers of the first Rainbow Forum faced abuse, bullying, and threats, mainly on social networks.<sup>27</sup> On November 4, 2015, two participants in the first Rainbow Forum and representatives of PINK Armenia filed complaints with the police about attackers known to them. On November 17, the Investigative Department for the Yerevan district of Kentron and Nork-Marash of the Investigative Committee of the Republic of Armenia issued a ruling declining to open a criminal case due to lack of corpus delicti. These bodies of investigation did not believe that the threats on Facebook represented a real danger, but were instead merely expressions of a subjective opinion and did not involve a threat to life or health. The ruling notes that “some people were simply expressing their concerns about the spread of addiction to homosexuality and immorality.”<sup>28</sup>*

An interesting legal precedent was set in May 2016, when, for the first time, a civil court granted a claim in part and found an article with homophobic content libelous.

*The ground for this claim was an article published by the newspaper Iravnuk (Law) accusing members of the LGBT movement of promoting the interests of “the international gay lobby.” This article included the names of 60 people who, in the newspaper’s opinion, were “enemies of the people and the state” and called for them not to be hired, admitted to school, or allowed to express themselves. After persons named on the “blacklist,” who are also employees of the New Generation NGO, Arman Saakyan, Ovanes Mkrtchyan, and Grigor Gevorgyan filed their lawsuit, the newspaper lashed out with a series of articles with even more discriminatory content. At the conclusion of the court proceedings, the court found the author of the article liable for distributing libel, but it did not find proven evidence of any kind of discrimination.<sup>29</sup>*

At the same time, as noted above, the government system not only ignores discrimination against LGBTI people, it also indirectly encourages it. For example, after the court granted the lawsuit on libel and discrimination in part, President S. Sargsyan presented the owner of Iravnuk, who also happens to be a parliament member, with a state award.

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24 Article from the online media outlet armenianow, May 2015; [https://www.armenianow.com/society/38162/diy\\_gay\\_lesbian\\_club\\_bomb\\_attack\\_yerevan\\_reactions](https://www.armenianow.com/society/38162/diy_gay_lesbian_club_bomb_attack_yerevan_reactions)

25 <http://ilga-europe.org/sites/default/files/2016/armenia.pdf>, [http://old.iravnuk.com/index.php?option=com\\_content&view=article&id=30778:2015-10-23-12-01-44&catid=51:tema&Itemid=115](http://old.iravnuk.com/index.php?option=com_content&view=article&id=30778:2015-10-23-12-01-44&catid=51:tema&Itemid=115)

26 PINK Armenia archives.

27 Interview with civic activist L., September 2016, PINK Armenia archives.

28 Ruling of the Investigative Committee of the Republic of Armenia of November 17, 2015, PINK Armenia archives

29 “Hate Speech vs. Free Speech in Armenia”, May 15, 2015, <https://iwpr.net/global-voices/hate-speech-vs-free-speech-armenia>

Attempts by the human rights and academic communities to introduce the topic of gender equality into legal and even academic discourse has met with stiff opposition and an aggressive reaction on the part of people holding extreme right views. During discussions about the gender equality law, the very term “gender” caused serious debate, with the main criticism related to concerns about the blurring of the line between men and women.<sup>30</sup> As a result of this debate, the law was adopted in 2013 under the name “On equal rights and equal opportunities for men and women.”

A list of grounds of discrimination given in Article 29<sup>31</sup> of the Constitution of Armenia (with amendments from 2015) does not contain either gender identity or sexual orientation. In accordance with Article 63<sup>32</sup> of the Criminal Code of Armenia, hatred for people based on sexual orientation or gender identity is not deemed an aggravating circumstance. As a result, hate crimes against LGBTI people (45 instances, according to unofficial figures for 2015) are not properly classified by investigators. Government officials and police officers declined to participate in awareness training on preventing hate crimes and hate speech that was organized by LGBTI organizations.

*On May 8, 2012, Nazi skinheads threw incendiary mixtures at the LGBTI-friendly club DIY in Yerevan.<sup>33</sup> This club was owned by the activist Tsomak, who is known for her speeches supporting gender equality in Armenia and for her participation in protest actions. The people who attacked the club stated that they had committed arson because of her orientation and her participation in a gay pride parade in Turkey. Tsomak had received threats since early 2012: “they approached me and talked for 10–15 minutes: ‘We despise you, you’re a lesbian.’ Police officers with homophobic leanings did not take measures to prevent the attack on the club: “The police said, ‘What do you want? These guys did the right thing.’” After the arson, several people attacked Tsomak and the human rights defender Lala Aslikyan. They “advised not to try to re-open the bar and threatened to burn it down again...they started to spit at us and make threats.”<sup>34</sup> Tsomak received so many threats that she had to seek asylum abroad because it would have been too dangerous for her to remain in Armenia. As Tsomak recounted, “They made me out to be such an outcast that I couldn’t continue living there. I couldn’t walk anywhere because everyone recognized me. It was very unpleasant. People were pointing their fingers at me, discussing me (‘Look at that one. She was only born because her mother was raped.’).” This activist’s family also suffered from these events. Her sister was told not to come into work anymore “to avoid problems.” She was also forced to leave the country.<sup>35</sup> In commenting on the attack, parliament member, currently the Minister of the Natural Resources, representative of Dashnaktsutyun party, Artsvik Minasyan called on constituents to combat the “spread of homosexuality” and the “threat to national security.”<sup>36</sup> Later he himself posted one million Armenian drams as a bail to release the pogromists<sup>37</sup> who were convicted to suspended sentences and probation.*

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30 “The ‘Gender Equality Law’ Hysteria in Armenia”, September 20, 2013, <http://armenianweekly.com/2013/09/20/the-gender-equality-law-hysteria-in-armenia/>; “Witch hunt on women’s rights activists in Armenia”, <http://www.equalpowerlastingpeace.org/tag/lgbt-rights/>

31 Article 29, Constitution of the Republic of Armenia, with amendments December 2015, available at: <http://www.arlis.am/DocumentView.aspx?docID=102510>, <http://www.parliament.am/legislation.php?sel=show&ID=1&lang=rus>

32 Criminal Code of Armenia, 2003 with amendments, <http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=rus#10>

33 “Как живется ЛГБТ в Армении и в Грузии?”, July 14, 2016, <https://gays-ua.com/world/kak-zhivetsya-lgbt-v-armenii-i-v-gruzii>

34 “Неонацисты подожгли альтернативный бар «D.I.Y» в городе Ереван (Республика Армения)”, May 19, 2012, <https://avtonom.org/freenews/neonatsisty-vzorvali-anarkho-bar-diy-v-gorode-erevan-respublika-armeniya>

35 ADC Memorial interview with Tsomak, August 2016.

36 Armenia: A Blurry Line in Yerevan Between Hate Crime and Defense of “National Interests”, May 21, 2012, <http://www.eurasianet.org/node/65436>

37 “Поджигшим ереванский бар братьям-националистам дали условное наказание”, July 25, 2013, <http://www.epress.am/ru/2013/07/25/%D0%BF%D0%BE%D0%B4%D0%B6%D0%B5%D0%B3%D1%88%D0%B8%D0%BC-%D0%B5%D1%80%D0%B5%D0%B2%D0%B0%D0%BD%D1%81%D0%BA%D0%B8%D0%B9-%D0%B1%D0%B0%D1%80-%D0%B1%D1%80%D0%B0%D1%82%D1%8C%D1%8F%D0%BC-%D0%BD%D0%B0%D1%86.html>

Transgender women are frequently the victims of hate crimes, but these crimes are not classified as such and are not properly investigated. Therefore, those accountable are not prosecuted or their conduct is not properly investigated. Sometimes the victims themselves are subjected to biased attitudes, bullying, and persecution on the part of the law-enforcement.

*In July 2015, a transgender woman noticed during a walk that three unknown men were following her. On a poorly-lit street, her pursuers accosted her, screaming insults about her gender identity. The victim went to the central police station immediately following the attack, but a criminal case was not opened due to “lack of evidence.”*

*In May 2013, a group of men started shooting at two transgender women. One woman suffered injuries. The victims reported the events to the police, but no further action was taken due to lack of sufficient evidence.*

*In January 2014, a transgender sex worker was attacked. Her persecutors shouted insults about her gender identity, caught up with her, and then beat her. The victim went to the police. An officer not only refused to take her statement and open a case, he also told the victim that her appearance, facial expressions, and gesticulation, as well as her location at the time of the attack, made him suspect that she was a prostitute. Later a report on an administrative violation (prostitution) was prepared in respect of the victim, and she was fined 20,000 Armenian dram (approximately USD 40).*

*In October 2015, a transgender woman accused of stealing was summoned to the police station to write an explanation. She was treated poorly by the police and they insulted her for her feminine appearance.<sup>38</sup>*

Sometimes medical workers have a biased attitude towards attack victims.

*One victim of transphobia was not able to obtain medical aid after an attack. The on-call doctor did not want to treat her because of her appearance. It was only after the victim’s relatives got involved that hospital personnel treated her.<sup>39</sup>*

*Another woman went to the Heratsi hospital complex after she was assaulted. There a doctor posed the following humiliating question: “Do you want us to check your blood and cure your deviation?” The other medical workers in the office thought this was a funny joke and started mocking her, because it was visibly clear that she was transgender. The victim submitted a complaint on humiliating treatment and inappropriate provision of healthcare by hospital personnel to the Medical Inspectorate of Armenia’s Ministry of Health.<sup>40</sup> During the investigation, Inspectorate officials rebutted evidence of humiliating treatment and explained that this term is not defined in by-laws. They stated that under established procedures, blood must be drawn from all assault victims. They also stated that they had reviewed a video and did not find anything to confirm the complaints. However, they refused to attach the recording to the case file, explaining that the recording “self-destructed.” The administrative procedure was terminated for lack of elements of a violation. The victim did not want to file a complaint with a court.<sup>41</sup>*

Another problem is that transgender women in detention facilities often become the victims of sexual violence as they are placed in the same cells as men.<sup>42</sup>

Also, LGBTI people hide their sexual identity to avoid being fired from their jobs. LGBTI people who came out face mockery, taunts, and discrimination at work.<sup>43</sup>

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38 All these cases are in PINK Armenia’s archives.

39 Ibid

40 Group of LGBT Activists Attacked in Yerevan, Mocked by Hospital Staff, February 17, 2016, <http://www.epress.am/en/2016/02/17/group-of-lgbt-activists-attacked-in-yerevan-mocked-by-hospital-stuff.html>

41 Interview with New Generation Representatives by the Civil Society Institute

42 PINK Armenia archives.

43 Report on Monitoring of Human Rights Violations of LGBT People in Armenia, PINK, 2013, <https://issuu.com/pinkarmenia/docs/lgbtmonitoring>, pp. 10–12

*Meline Daluzyan, the first Armenian weightlifter to win a medal at the World Weightlifting Championships<sup>44</sup> and a two-time European champion (2007, 2008)<sup>45</sup> was scorned for her support of LGBTI people: "From the very beginning of my career, I felt pressure from trainers and sports organizations about my appearance and behavior. As long as I was winning medals and didn't openly support the LGBTI community, I wasn't openly harassed. But later sports officials made it very clear that I would be excluded from the national team if I continued to support the fight for LGBTI rights. And if you're not on a team, you won't get a salary. First they cut my pay, and then, in 2016, they excluded me from the team. Now I don't have a future as a professional athlete in Armenia. What's more, I'm a "disgrace to the nation." Trainers tell other girls how to behave so that they don't "turn into Meline."<sup>46</sup>*

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44 2006 World Weightlifting Championships

45 London 2012: Armenian athletes - Meline Daluzyan, July 20, 2012, <http://sport.news.am/eng/news/7923/london-2012-armenian-athletes---meline-daluzyan.html>

46 Interview with Meline Daluzyan by the Civil Society Institute, August 2016.

# WOMEN'S ACTIVISM

Patriarchal society does not think highly of women who participate in public events in an attempt to make a statement and change established practices. Sexist behavior against female activists is also seen on the part of police officers:<sup>47</sup> one activist explained that officers start treating women worse if they learned that they were not married: "This can be seen, for example, in how they give testimony in court or in their manner of conducting an interrogation."<sup>48</sup> Police officers have been seen treating women rudely and even threatening them with violence.

*On March 8, 2013, a demonstration to protect women's rights (Fem-Manifest) took place at Liberty Square. Young women read out a manifest on women's rights and then uploaded of video of this to the internet.<sup>49</sup> The majority of comments on the video contain hate speech, for example "tie them to the stake!", "whores for sale," and other insults.*

*On December 2, 2013, the activist L.A. was attacked by members of the Hayazn party for wearing a rainbow flag. Later officers confiscated L.'s video camera, then summoned her and other protesters with the use of brute force.<sup>50</sup>*

Even such protests by women as pickets by mothers outraged by their sons' deaths while serving in the army aroused a negative reaction in law enforcement officers and led to the condemnation of these women's behavior in media outlets and absurd accusations of "vilifying the image of army mothers."<sup>51</sup>

*In May 2015, police officers used force against women picketing the president's residence and demanding a meeting with the commander-in-chief. The women filed a complaint about the officers' actions, but even though the Special Investigative Service opened a criminal case, it was later closed by the prosecutor<sup>52</sup> in spite of evidence confirming violence on the part of the police, which included video recordings and medical documents.<sup>53</sup>*

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47 Interview with civil activist L., September 2016.

48 Ibid.

49 Տե՛ս՝ Մանիֆեստ, 08.03.2013, <https://www.youtube.com/watch?v=BZMRthAKzSQ>

50 "Радужный флаг внес раздор в ряды протестующих против визита Путина в Армению", February 12, 2012, <http://www.epress.am/ru/2013/12/02/%D1%84%D0%BB%D0%B0%D0%B3-%D0%BB%D0%B3%D0%B1%D1%82-%D1%81%D0%BE%D0%BE%D0%B1%D1%89%D0%B5%D1%81%D1%82%D0%B2%D0%B0-%D0%B2%D0%BD%D0%B5%D1%81-%D1%80%D0%B0%D0%B7%D0%B4%D0%BE%D1%80-%D0%B2-%D1%80%D1%8F%D0%B4.html>

51 Interview with civil activist L., September 2016.

52 "Матери погибших в ВС Армении солдат подали в суд на полицейских. Прокурор не видит оснований," February 11, 2015, <http://www.epress.am/ru/2015/11/02/%D0%BC%D0%B0%D1%82%D0%B5%D1%80%D0%B8-%D0%BF%D0%BE%D0%B3%D0%B8%D0%B1%D1%88%D0%B8%D1%85-%D0%B2-%D0%B2%D1%81-%D0%B0%D1%80%D0%BC%D0%B5-%D0%BD%D0%B8%D0%B8-%D1%81%D0%BE%D0%BB%D0%B4%D0%B0%D1%82-%D0%BF%D0%BE.html>

53 "Полицейские били и призывали не бить полицейских: акция у офиса президента Армении," May 13, 2015, <http://www.epress.am/ru/2015/05/13/%D0%BF%D0%BE%D0%BB%D0%B8%D1%86%D0%B5%D0%B9%D1%D0%BF%D1%80%D0%B8%D0%B7%D1%8B%D0%B2%D0%B0%D0%BB%D0%B8-%D0%BD%D0%B5-%D0%B1%D0%B8%D1%82%D1%8C-%D0%BF.html>

# RECOMMENDATIONS

To overcome patriarchal notions of a woman's place in society, the Armenian authorities must devote more attention to advancing ideas of equal rights for men and women and for members of various ethnic and gender minorities and to cultivating tolerance. The fight against stereotypes must be taken to school and additional education programs, media campaigns, and public service advertising. The authorities must pay attention to public speeches made by officials and politicians and hold accountable those who spread sexist, homophobic, and xenophobic views and use hate speech.

To overcome discrimination against women, the Government must adopt a comprehensive anti-discrimination law that considers all forms and grounds of discrimination, including discrimination against women, ethnic and religious minorities, and foreigners and stateless people, as well as discrimination on the basis of sexual orientation and gender identity. When developing this law, the opinions of experts and human rights defenders working with vulnerable groups must be taken into consideration.

With a view to the full exercise of labor rights, the Government must revoke the list of professions prohibited to women and guarantee that women have an equal opportunity of being accepted for certain specializations (including military specializations) at institutes of higher education. The protection of motherhood should not cause women additional vulnerability when applying for a job, choosing a profession, or advancing in their careers. Women must have the same opportunities as men in all areas.

The Armenian Government must use all possible diplomatic and political mechanisms, including consular support measures for citizens abroad, to protect the rights of female migrants. It must create programs to help integrate women returning from labor migration and to protect women left without a means of subsistence after family members who have left for labor migration stop supporting their families in Armenia.

When adopting a decision on granting refugee status or asylum to women and girls, the authorities must take an individualized approach to each case, consider gender-based violence as a form of persecution, and view these women and girls as a particular social group in accordance with a number of UNHCR documents.<sup>54</sup>

The authorities should devote special attention to realizing the right to education of women and girls from ethnic minorities. The Government must strengthen state control in the education sphere, organize awareness training for teachers working with children from minorities, promote non-discriminatory approaches to teaching, and make education attractive to both parents and children. Religious education should be removed from the mandatory school curriculum and left to the discretion of families and communities.

When investigating hate crimes, officials must duly consider motive and identify bias and bring those responsible to justice. Training for law-enforcement on investigation of hate crimes shall be organized, and instruction on the ethical treatment of crime victims shall be issued and enforcement.

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54 UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 2: «Membership of a Particular Social Group» Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, 7 May 2002, HCR/GIP/02/02, available at: <http://www.refworld.org/docid/3d36f23f4.html> [accessed 7 September 2016]



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