

**REPORT ON THE SITUATION OF TRANSGENDER PEOPLE AND TRANSGENDER HUMAN
RIGHTS DEFENDERS IN ARMENIA**

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Armenian state bodies do not collect disaggregated data and on hate crimes against trans people, sanction hate crimes on the basis of gender identity and expression, or and take any specific measures to combat hate crimes. On the contrary, Armenian bureaucratic culture more often suggests a formal creation of an idyllic situation in which the absence of various kinds of problems is desirable, and their presence, on the contrary, only hinders, creates a negative image of the police or even the country as a whole. In practice, it means for state bodies "no data, no problem" which give an opportunity for policy makers to not prioritize trans rights. "Right Side" Human Rights Defender NGO collected more than 300 cases of hate crimes against trans people including trans activists happened from 2016 until 2019 May.

In summer 2017 a woman representing herself as an employee of Yerevan Municipality, illegally entered "Right Side" Human Rights Defender NGOs office and requested the president of the NGO L. Martirosyan to show the documents of the NGO. L. Martirosyan under the psychologic pressure presented the contract, during which the mentioned woman, requested L. Martirosyan to collect belongings and move the office to another place, otherwise, she will close the NGO. During this period, an unknown man physically harmed one of the organisation's beneficiaries at the entrance of the office and hit the president of the organisation, L. Martirosyan. On the same day, L. Martirosyan reported the case to the Police Department of Arabkir, requesting to initiate a criminal case. Despite all efforts of "Right Side" Human Rights defender NGO, the Police, later General Prosecutor Office terminated the case, and "Right Side" Human Rights defender NGO has never received answers on official writings to Yerevan Municipality and from the President of Armenia – Serzh Sargsyan, who is the leader of RPA party. The woman, who presented herself as an employee of Yerevan Municipality was Naira Nahapetyan, a member of Yerevan City Council, from the Republican Party of Armenia.

Armenia also failed to take appropriate measures to combat all forms of expression, including in the media and on the Internet, which may be reasonably understood as likely to produce the effect of inciting, spreading or promoting hatred or other forms of discrimination against lesbian, gay, bisexual and transgender persons. On April 5, 2019 after a public speech on transgender people's rights during public hearings in the National Assembly of the RA, a new wave of hate speech and threats began against the president of "Right Side" human rights defender NGO transgender woman Lilit Martirosyan, her colleagues and LGBTIQ people. On 06.04.2019 Lilit Martirosyan reported to the Police a that after her speech at the National Assembly of the RA, the distributor of SAS supermarket chain illegally published her personal information on her residence address on his Facebook page. On the same day, Lilit Martirosyan reported that she had received life threats and violent messages released through public live broadcast on a video by a member of the militaristic group called "Eagle 30 mahapart Ararat". On 16.04.2019 the Police, without taking into consideration all the obvious evidence of real threats, made a decision to reject the initiation of criminal cases on the provided materials. However, the abovementioned decision was made with violations of rights of Lilit Martirosyan are subjected to elimination. Particularly, the investigative body noted that the distributor of SAS supermarket Karapet Karapetyan stated that the Facebook

page, which was disseminated by Lilit Martirosyan, does not belong to him and he has nothing to do with it, while Lilit Martirosyan sent a note to the police officers through viber application by her phone on the Facebook account of the distributor which clearly explicitly concludes that Lilit Martirosyan's personal information was distributed on the internet without her consent.

As for the video and the life threats, the investigative body noted that they were not real, and the criminal case was not initiated on the grounds of absence of proofs. The definition of real and non-real threats by the Armenian police can simply be regarded as a non-serious approach towards the rights of citizens of the RA since the threat of torture by any person may be considered as at least inhuman treatment in the best international practice (see Campbell and Cozanne v., § 26) and "in particular, fear of physical torture can be considered as psychological torture. On the night of February 11th 2019, Vrezh Varzhapetyan, a staff member of the Right Side NGO, was assaulted by an unknown young man at the crossroad of Tumanyan and Koghbatsi streets in the center of Yerevan. After receiving serious physical and psychological injuries, Vrezh visited doctor and filled a complaint in the Police department. The central police department of the RA initiated a criminal case according to Article 118 of the RA Criminal Code (beating). Meanwhile, the case has been largely discussed by the society in social Media. Vrezh still receives threats and hate speeches, on which a report has been submitted to the Police. The police refused to initiate a criminal case on the grounds that there are no real threats, while the threats are available on the Facebook account of Vrezh and on the pages of other Facebook users. The Police has stated in its decision that Vrezh Varzhapetyan is "nuynaseramol" (ed: a term which used as an insult and marley is translated a homesuxal man with a sexual obsession with other man), and "Facebook users" expressed their anger with Vrezh being a "nuynaseramol". Based on the above mentioned, Police has decided there are not enough materials to initiate a criminal case according to the Article 137 of the Criminal Code.

The refusal to initiate the criminal case based on the threats has been appealed to the General Prosecutor's Office while the beating-related criminal case is in process.

Numerous hate speech, threats, and revenge on internet and through videos directed to the staff of Right Side have caused anxiety of trans activists, fear for their own life and health, and the investigative body did not make enough effort to find out whether the facts in the circumstances are the evidence of these threats to be real to be perceived as such by the activists.

Situation of trans activists in Armenia

Escalation of hate speeches and death threats.

On April 5, 2019, after a public speech on transgender people's rights during public hearings in the National Assembly of the RA, a new wave of hate speech and threats began against the president of "Right Side" human rights defender NGO trans activists Lilit Martirosyan. After that on 06.04. Lilit Martirosyan reported to the Kentron Division of the

Police of the Republic of Armenia that after her speech at the National Assembly of the RA, the distributor of SAS supermarket chain illegally published her personal information on her residence address on the Internet through his Facebook page. On the same day, Lilit Martirosyan reported that she had received life threats and violent messages released through public live broadcast on video by a member of the militaristic group called "Eagle 30 Ararat mahapart" (mahapart=ready to die).

After the speech, a number of prominent individuals, political and religious leaders, radical groups as well as media representatives started spreading materials about trans people making Lilit Martirosyan and "Right Side" Human Rights Defender NGO staff a target of hate speeches and death threats. The addresses and photos of the "Right Side" Human Rights defender NGO staff and board members death threats were available on the internet and were circulated among the users of social media.

On April 8, priests, number of MPs, politicians, "freedom fighters", "Artsiv mahapart Union" (militarist, nationalist, radical groups) and other radical groups organized a demonstration in front of the building of the National Assembly. The participants of the demonstration declared that the National Assembly has been desecrated and they have to carry out Christian rituals to clean the building. They sang traditional songs, danced traditional dances and demand for the adoption of the law prohibiting the "propaganda of transgenders" and burn "Right Side" Human Rights Defender NGO staff and transgender people.

The national flag was raised in front of the Lilit's apartment by the nationalists groups. Lilit's family members were threatened in their village by the co-villagers. The only representative of the NGO who stayed in Armenia, was the Policy and Programs officer. They left their family house in a conservative district of Yerevan, because of an attack neighbors with a Caucasian shepherd dog. They were in a village out of the city of Yerevan, found a shelter in their relatives' unfinished house.

Representatives of "Right side" Human Rights Defender NGO have submitted reports to the police on the death threats and on publishing the addresses of the staff. The Police refused to initiate any criminal case. Meanwhile, the staff of the "Right Side" human Rights defender NGO and many transgender people reported cases about persecutions and threats against them. Based on the given situation "Right side" Human Rights Defender NGO called to the NA President, Ombudsmen, to the Police and other stakeholders to ensure the safety and security of human rights defenders. There have been hate speech escalation /including death threats/ following a speech by a transgender activist from the Right Side NGO at the public discussion at the National Assembly of the Republic of Armenia.

Consequences of the situation

The NGO office had to close following death threats, members could not return to their flats because addresses were also published. The normal daily work of the "Right side" Human Rights Defender was disturbed, the well-being, safety and security of the staff and activists are still under the risk. In post-emergency period, two of staff members after the

return to the work to the work, were valiantly kicked out from their houses by family members and neighbors. At the time of writing, they were hosted by other activists.

Given the amount of the hate speech and death threats Lilit Martirosyan, her family members staff members were urgently evacuated from Armenia. After the return, Lilit Maritorisyan's face became very popular and she cannot go out to public spaces. Her access to goods and services were restricted because of the situation. Number of other staff and board members, including Community officer, healthcare programs officer, programs and policy officer. they had the same problem at the time of writing. Their faces became the symbol of "anti-Armenian traditional values".

During April month, trans people reported increased number of hate crimes. Some trans people mentioned that their report to the Police was not accepted. These cases were referred to the Ombudsmen, who has not addressed neither made any statements about the situation.

This discriminatory ideology, which propagated the belief of cisnormativity and superiority, gave birth to a new wave of hate speeches.

Besides the situation brought number of positive changes for trans community, and raised their issues, the reaction of the speech brought number of negative effects on trans activists' lives. The most evident effects remained unaddressed and unsolved are

- Psychological despondency and other problems
- Homelessness
- Risk of burn out
- Damaged reputation
- Persecution
- Insecurity
- Mental and physical healthcare problems
- Financial and economic instability
- etc.

Legal gender recognition

Trans people have access to legal gender recognition, but it is very bureaucratic and unregulated process by any policy. For legal gender recognition an epicrisis about "sex change surgery" is required, which must include genital surgery (forced sterilization). On the other hand, there is an absence of medical protocol on gender reassignment surgeries. Although not regulated by law, trans people are wrongly diagnosed as intersex by surgeons in order to "legally" perform the surgery. The surgery is made to "correct the sex of the person" by a professional invited from another country by a trans person and paid by trans person.

Anti-discrimination

Armenia lacks anti-discrimination legislation which covers SOGIE grounds and there is no body which deals with discrimination cases. The most vulnerable people among LGBT community are trans people. On the basis of personal accounts and reports to Right Side, it is known that trans people in Armenia are routinely bullied and discriminated at schools, most of them do not have higher education. They are not competitive in the labor market and employees avoid hiring trans people. They are in very high risk of being homelessness or being victims of trafficking.

Healthcare

A needs assessment has been done by “Right Side” Human rights defender NGO on “Access to healthcare service” in winter 2018. Focus group participants mentioned that they have been bullied and discriminated in medical institution, which prevents them from receiving medical services or to visit a doctor. Participants reported about discriminative approach by medical personal and link it with the educational system, lack of knowledge on sexual orientation and gender of medical staff. Most of the focus group participants does not undergo regular medical check-ups to understand their health status which is related to lack of understanding of importance of such check-ups and/or fear of being discriminated at the medical institutions. When seeking medical support, trans people often faced disrespectful attitude, and even openly are refused to be provided by medical assistance or help. Participants indicated that they were faced with actual denials of medical care due to a mismatch between their appearance and passport sex and their gender expression.

As for the gender reassignment procedures, the response letter of the Ministry of Health, which was sent by Right Side in Spring 2018, stated that there is no legislation to regulate “sex change” surgeries, although Ministry of Justice requires certificate about “sex change” for legal gender recognition. Gender Reassignment surgeries are done secretly in Armenia, since there are no regulations and specialized surgeon. It is done by mutual agreement between non local surgeon (invited by the patient), medical institution and the patient. Patients signs document that they take full responsibility about the risks related to the surgery. Additionally, there is no specialized endocrinologists and usually trans people are on self-medication.