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HUMAN
RIGHTS
WATCH

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Serzh Sargsyan
President
Republic of Armenia
26 Marshal Baghramian Avenue
0077 Yerevan, Republic of Armenia

Cc:
Tigran Sargsyan
Prime Minister
Republic of Armenia
Republic Square, Government House 1
0010 Yerevan, Republic of Armenia

Hovik Abrahamyan
Speaker of the Parliament
National Assembly of Armenia
19 Marshal Baghramian Avenue
0095 Yerevan, Republic of Armenia

Dear Mr. Sargsyan,

We are writing to express our concern regarding a proposal for legislative amendments that appeared on the website of the Police of the Republic of Armenia on August 5. The proposals sought to add two articles to the Code of Administrative Offenses outlawing the “propaganda of nontraditional sexual relations,” a move that would be in clear violation of freedom of expression and discriminate against lesbian, gay, bisexual, and transgender (LGBT) people.

The police have since removed the proposal from its website, and media reports indicate that there are no immediate plans for parliament to consider it. However, we are concerned that other institutions may seek to introduce similar proposals and ask that you ensure that such measures are forcefully opposed as incompatible with international human rights law and would not advance for parliamentary debate.

The proposal claimed the ban would “protect” Armenian families. It would impose fines of up to 350 times Armenia’s minimum wage on citizens, public officials, and legal entities who breach the law. The proposal did not define “propaganda” or “nontraditional sexual relations.”

The broad wording of the proposal meant that it could have been used to restrict the rights of human rights organizations, civil society groups, or anyone else who works on issues such as the rights of LGBT people or sex

workers. It also would have discriminated against LGBT people on grounds of their sexual orientation and gender identity.

Armenian civil society organizations learned of the proposal only when it was published on the website of the Police of the Republic of Armenia.

Measures such as those proposed by the police are illegal under international human rights instruments that Armenia is obliged to uphold. They impose unjustified – and therefore unlawful – restrictions on the freedoms of expression and assembly, in violation of articles 10 and 11 of the European Convention on Human Rights and articles 19 and 21 of the International Covenant on Civil and Political Rights. Armenia is a party to both. They also violate the international prohibition on discrimination, guaranteed by both instruments.

The Committee of Ministers of the Council of Europe has unanimously adopted a set of recommendations (CM/Rec (2010)5) to member states, including Armenia, on measures to combat discrimination on the grounds of sexual orientation or gender identity. The recommendations invite the member states to ensure that the stipulated principles and measures are applied in national legislation, policies, and practices relevant to the protection of LGBT people. Relevant recommendations are:

1. Examine existing legislative and other measures, keep them under review, and collect and analyze relevant data, in order to monitor and redress any direct or indirect discrimination on grounds of sexual orientation or gender identity;
2. Ensure that legislative and other measures are adopted and effectively implemented to combat discrimination on grounds of sexual orientation or gender identity, to ensure respect for the human rights of lesbian, gay, bisexual, and transgender persons and to promote tolerance towards them.

Measures such as those in the proposal directly contradict the Council of Europe recommendations.

Civil society organizations in Armenia have expressed concern over the government's failure to protect the social, economic and political rights of LGBT people. LGBT people continue to face discrimination in accessing employment and healthcare, as well as violence in the army and in families. The government has yet to pass a law banning hate crimes in Armenia, leaving LGBT people vulnerable to abuses such as the repeated homophobic attacks against the DIY night club during May 2012. A draft law currently under consideration by parliament outlawing discrimination on the grounds of sex, ethnicity, and age omits sexual orientation from its considerations.

Any measures to limit LGBT peoples' freedom of expression and assembly on the basis of their sexual or gender identity would further reflect the Armenian government's noncompliance with its obligations to promote tolerance towards LGBT people and protect them against discrimination. They could also possibly condone homophobia and transphobia, which contributes to a climate of hatred and violence.

We call on the Armenian government to support LGBT peoples' human rights and take actions to curb the passage of any measures that violate the European Convention on Human Rights and other international instruments to which Armenia is party.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Denber', with a long horizontal flourish extending to the right.

Rachel Denber
Deputy Director
Europe and Central Asia Division