

**HATE SPEECH AND
DISCRIMINATION
AGAINST
LGBT
PEOPLE
ON THE ONLINE
PLATFORM**

REPORT

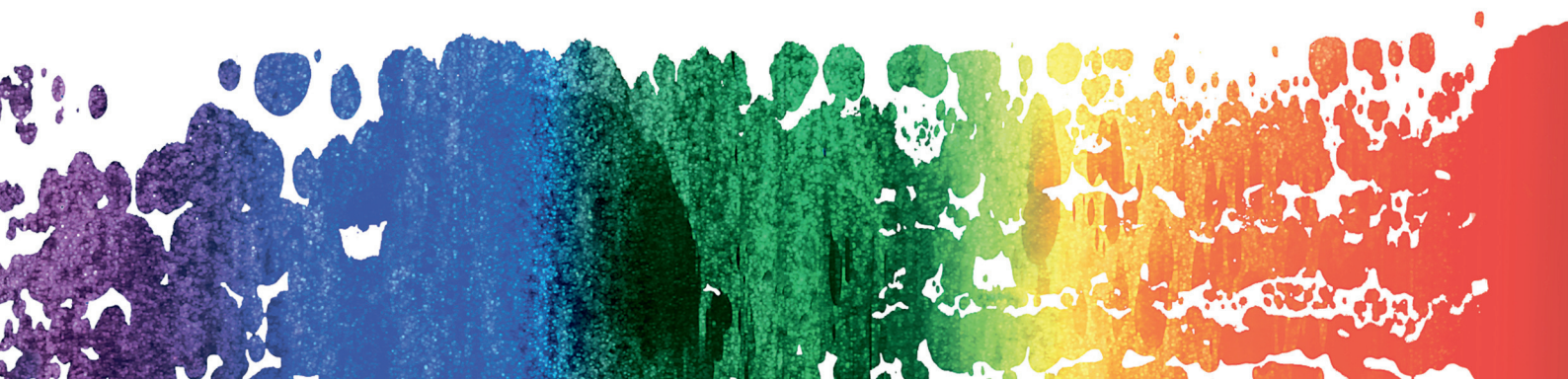
YEREVAN,
ARMENIA 2021

ՆՈՐԱՆՏՈՂՈՂ
NEW GENERATION



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**MANIFESTATIONS OF HATE SPEECH AND DISCRIMINATION
AGAINST LGBTI PEOPLE ON THE ONLINE PLATFORM.
REPORT .**

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NECESSARY CONCEPTS / ABBREVIATIONS

RA	Republic of Armenia
LGBT	Lesbian, Gay, Bisexual, Transgender
TRANSGENDER	A person whose psychosocial gender does not match the gender ascribed at birth
HETEROSEXUAL	A person who has a set of deep emotional and sexual attractions, as well as intimate and sexual relations and/ or a desire for relationships with people of the opposite sex
NGO	Non-Governmental Organization
NGNGO	New Generation Humanitarian NGO



INTRODUCTION

New Generation Humanitarian NGO (NGNGO) is a non-profit organization established in 1998 in Armenia. The activity of New Generation Humanitarian NGO is based on humanitarian principles to contribute to the regulation of the issues and problems of the society, in particular the issues that vulnerable groups face in the society.

NGNGO activity is aimed at the realization and protection of human rights, facilitation of access to healthcare services, capacity building of vulnerable groups of the society, non-governmental organizations and non-formal groups, provision of social assistance as well as at promotion and support in the implementation of the obligations of the Republic of Armenia under RA constitution and assumed under international legal acts.

Human rights protection of vulnerable groups, particularly representatives of the LGBT community, is one of the key activities of the Organization. It includes provision of free, confidential legal advice, attorney's services and court representation, advocacy, strategic litigation, analysis of legislation, development of legal acts, legislative initiatives, documentation of cases of human rights violation and discrimination, preparation and submission of reports and other activities.

Considering that in the modern world discrimination is also vastly manifested online, as well as the fact that cases of targeting the vulnerable groups of the society have grown even more in the post-war situation in Armenia, this report prepared by New Generation Humanitarian NGO focuses on the discrimination and hate speech manifested against LGBT people on the online platform in 2021, presenting the most notorious incidents, as well as dwelling on the legal regulations in the field.





METHODOLOGY

The methodology of this report has been collecting articles, comments, expressions containing SOGI-based discrimination and hate speech from the online platform - official websites, official publications, social networks (especially Facebook social network), mass media and other sites, and conducting an analysis of hate speech and discrimination on the online platform in 2021, as well as study of the relevant legal regulations of Armenia.

ONLINE HATE SPEECH

This section presents the most scandalous incidents of discrimination and hate speech against LGBT people on the online platform that were registered by New Generation Humanitarianin 2021.

2021 was a year full of events. After the war between Artsakh Republic and Azerbaijan, a number of movements started demanding the resignation of Nikol Pashinyan, Prime Minister of the Republic of Armenia, and it continued until April 2021. The border issues that arose after the war further inflamed the situation.

The Internet was full of hate speech and videos. And some forces did not miss the opportunity to target LGBT people as well. Many politicians and public figures, particularly those who supported the previous government, used anti-LGBT rhetoric, often presenting LGBT people as a threat to national security.

On February 20, 2021, during a regular protest action, Ashot Saryan, a resident of the village of Charektar, accused the current government of not being able to govern the country. During the protest, Ashot Saryan said.



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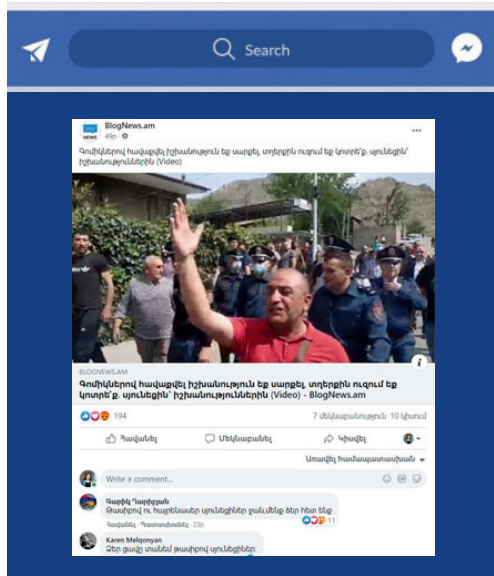
(1) <https://www.pastinfo.am/hy/news/2021/02/20/a9ccdl7qu/1150078>

After a number of protests, on March 18, 2021, RA Prime Minister Nikol Pashinyan announced parliamentary elections for June 20, 2021.

During the election campaign, both the ruling and opposition parties were campaigning in different settlements of the Republic of Armenia. The campaigns were more intense particularly in the border province of Syunik.

RA Prime Minister Nikol Pashinyan's visit to Syunik province on April 21, 2021 was accompanied by protest actions. Residents of a number of communities tried to hinder the movement of the Prime Minister, demanding him to leave. One of the protesters, expressing his indignation towards the Prime Minister, called out:

"You've gathered with a few faggots, made a government, do you want to break our guys?" (2). The video quickly spread through a number of media outlets and various social platforms. After that, a number of social networks started targeting LGBT people again.



(2) https://yelaket.am/am/article/15900?fbclid=IwAR3M-MTbAUz0ABLL-J6w3lvGT1NqSrSYxQ5JbQi-nmHksk2NsV2_VRRgek

On June 17, 2021, during the pre-election campaign, candidate for prime minister Nikol Pashinyan paid a short visit to Shurnukh

on his Facebook page, thanking the people of Shurnukh for the warm reception. A number of media outlets: hraparak.am, politik.am etc., spread news that the organizer of the

"warm" reception for Pashinyan and Pashinyan's active interlocutor is the father of the famous LGBT activist from Shurnukh - Hayk Hakobyan - Gavrosha Hakobyan



Every year June 1 is celebrated around the world as the International Children's Day. Despite the horrors of the war, the Government of the Republic of Armenia nevertheless organized and conducted events dedicated to children. During the event organized in the Republic Square of Yerevan city, a flag with colors of rainbow was displayed on the screens, which some people presented as the flag of the LGBT community displayed during the event organized on



Children's Day, through which the RA Prime Minister was trying to ensure the support of this community in the upcoming early parliamentary elections.

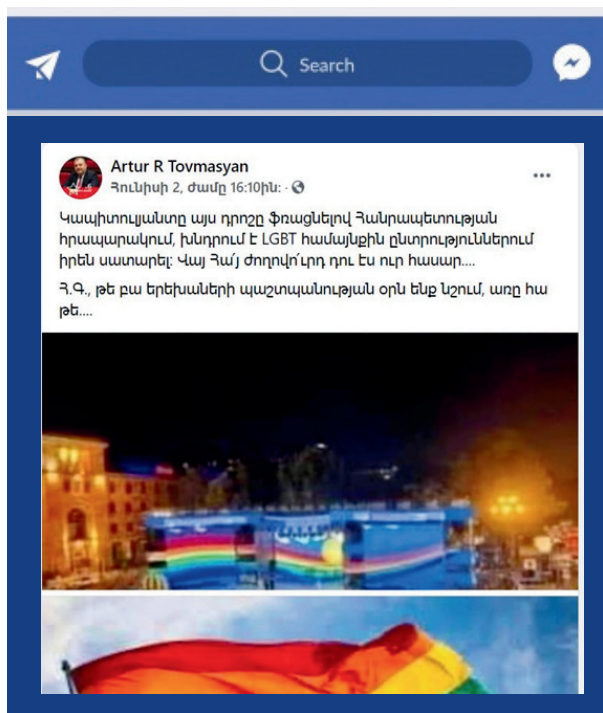
Artur Tovmasyan, the supporter of the "I have the Honor" parties block, also spoke about this topic. On June 2, he wrote on his Facebook page: "The capitulator, having raised this flag on the Republic Square, asks the LGBT community to support him in the elections..."

(3) <https://hraparak.am/post/dd8328af57a8fd6f973f36bbd2dcbad9>

Poor Armenian people, what you have come to?....

PS You know, we are celebrating the International Children's Day! No such luck!.....(4)

Tovmasyan published two photos next to his post: one from the June 1 concert, the other - the flag of the LGBT community.



This comparison gives the impression that the flag of diversity was really shown on the stage during the concert dedicated to the children.

Tovmasyan's post was spread by a number of news websites: blog.168.am, hayeli.am, livenews.am and others, there were publications about that in some Facebook groups.

This is not the first case when Artur Tovmasyan accuses the current government of carrying out LGBT propaganda. In 2019, for example, he predicted that, as he put it, a "gay parade" was going to be held in Yerevan soon, as Pashinyan's government hosted a reception for a transgender person, and financed a film about a transgender person (5).

(4) <https://iravunk.com/?p=204832&l=am>

(5) <https://www.yerkir.am/news/view/185811.html>

On March 1, 2021 several media outlets: info.most.am, arminsayder, etc., spread information that Arman Babajanyan, the independent member of the National Assembly, promised the authorities that he would bring 2,000 "homosexuals" to the rally and that Pashinyan promised to legalize the marriage of "homosexuals".

On July 14, 2021, the newspaper "Iravunk" spread the following information:



Շատ «Իրավունքի» տեղեկությունների՝ «Վանանց ռեսուրսային կենտրոն» հասարակական կազմակերպության հիմնադիր և համանախագահ Լարա Ահարոնյանի հետ, որն առավել հայտնի է ՀՀ-ում որպես ԼԳԲՏ համայնքի կարկառուն պաշտպան, հաճախակի հանդիպումներ է ունենում ՄԴ դատավոր Վահե Գրիգորյանի հետ: Շատ մեր աղբյուրի՝ Ահարոնյանն ու Վահե Գրիգորյանը բավականին մտերիմ են: Բանն այն է, որ այս երկուսը գիշերները նոր ծրագրեր են կազմում կապված ԼԳԲՏ համայնքի հետ: Ահարոնյան-Գրիգորյան դուետի ծրագրի հիմքում Հայաստանում ԼԳԲՏ շքերթ իրականացնելն է:

Հայկ Գևորգյան



Lara Aharonyan, the founder and co-chairman of the Women's Resource Center NGO, who is best known in Armenia as a prominent defender of the LGBT community, often meets with Vahe Grigoryan, the judge of the Constitutional Court. Aharonyan and Vahe Grigoryan are quite close.

These two are making new plans related with the LGBT community at nights.

Holding an LGBT parade in Armenia is at the core of the "Aharonyan-Grigoryan Duet" plan (6):

(6) <https://www.24news.am/news/184115>

Since 1990, May 17th is celebrated annually around the world as the International Day Against Homophobia, Biphobia and Transphobia, and a number of organizations, international and diplomatic institutions make a reference to this day to draw the attention of the population on the issues of LGBT people.

Each year on this day New Generation Humanitarian NGO organizes different events: flash mobs, meeting-discussions, press releases and conferences to mark this special day of fighting discrimination against LGBTI people and bring the public attention to the issues and problems of



these people. The NGO's this year's event was held in the form of a meeting for presentation and discussion of the issues LGBTI community in Armenia.

Representatives of Diplomatic Missions in Armenia, international organizations, state agencies, local NGOs, community-based NGOs and LGBTI community, journalists, human rights defenders activists and other stakeholders participated

in the event. Representatives of diplomatic missions participating in the meeting later posted about the event and the Day on their official social pages which again became as a target for expressions of discrimination and hatred against LGBT people.



U.S. Embassy Yerevan Մայիսի 17

🇷🇺 Այսօր Յունիթիայի, տրանսֆորիայի և բիֆորիայի դեմ պայքարի միջազգային օրն է, և այդ առիթով Հայաստանում ԱՄՆ դեսպանությունն ընդգծում է հանդուրժողականության ու բազմազանության խթանման, մարդու իրավունքների ու հիմնարար ազատությունների պաշտպանության հարցերում շարունակաբար աջակցելու իր պատրաստակամությունը: Փետրվարի 4-ին Նախագահ Բայդենը ԱՄՆ պետական գերատեսչություններին հրահանգեց «հետամուտ լինել խտրականության ու բռնության վերացմանը»: Նախագահական հուշագրում նշված էր. «Բոլոր մարդկանց հան... **Տեսնել ավելին**

457 215 մեկնաբանություն 20 կիսու

Բավանել Մեկնաբանել Կիսվել

Varduhi Baloyan
Հայաֆորիայի օր նշելու է՞ք, ազերներին յուշեք քնած հայ չզվատեն, ծեր կանանց ականջ չկտրեն մենք էլ ենք մարդ, մի քիչ լսեք

Per Sona
Իսկ կլինի տրանս-լեզբիա-գեյա-ու մնացած ֆորիաները վերցնեք ու գնաք ասենք.... ԳՐՈՂԻ ԾՈՅԸ

Karen Hamazaspyan

Armen Galustian
Պիզդեց ա: Հայաստանին օգնեք, ոչ թե պիդոռասներին: KHAYTARAK!

Vahagn Petrosyan
Իսկ հասարակ մարդկանց պաշտպանության օրը երբ է??? պետք ա անպայման լինես տրանս, գոմիկ կամ պեդոֆիլ, որ պաշտպանված լինես? իրանք այսօր ամենաազատն են ու պաշտպանվածը...

Fenya Aghabekyan
Հեռու մեր երկրից, գնացեք ձեր այլասերված մայրցամաքում ինչ աղտոտություն անում եք արեք:

Mariam Movsesyan
ԵՏ ՖՈՐՆԵՐԻ ՀԱՍԱՐ հանդուրժողականություն ցուցաբերեք՝ վիզան խիտեք տարեք ձեզ մոտ

Karen Petrosyan
Normal mard linely ci xraxysvym

Antony Artoonian
Ara ed inch hayastana? Tapek grag dvek ed bozerin

Vardouj Nazarian

Գոհար Ջրբաշյան
ՄԵԾԱԳՈՒՅՆ ՄԻՆԱԼ ԳԱՂԱՓԱՐԻ ՎՐԱ Է հիմնված է այս երևույթի հանդեպ որոշ մարդկանց հանդուրժողականության դրսևորումը:
"Ոչ մեկ հասարակության կողմից չպետք է հալածվի իր սեռական կողմնորոշման համար, որը իրեն ի ծնե է տրված:"

ՀՍՏԱԿ է, որ ոչ մեկը լզբտ ԳԻ ԾՆՎՈՒՄ: Մարդիկ ծնվում են կամ տղա (XY քրոմոսոմներով) կամ աղջիկ (XX քրոմոսոմներով): Անձի սեռական կողմնորոշումը այլասերությամբ/դաստիարակությամբ/սեռական բռնության երթարկվելով է ձևավորվում:
Երեխաներին իրենց բնական ուղղուց շեղողները ամենասաստիկ պատժի պետք է ենթարկվեն:



MASS MEDIA THAT SOW HATRED AND SPREAD SUCH MATERIALS .

This section presents the mass media that used to sow hatred and spread such materials during 2020.





LEGAL REGULATIONS

This section presents the definitions of hate speech in the domestic and international system, as well as relevant domestic legal regulations.

The best protection of human rights and fundamental freedoms depends on effective political democracy, on the one hand, and the general understanding and protection of the related human rights, on the other hand. Armenia, as a member of the international community, has assumed a positive responsibility to protect human rights and freedoms by its Constitution.

The provision about equality was established for the first time in Armenia by an imperative requirement on the prohibition of discrimination under the Constitution of the Republic of Armenia of 2005. However, it is not enough to protect certain groups from discrimination, as well as from hate speech.

According to the domestic legislation of the Republic of Armenia, the fundamental right to be free from discrimination is enshrined in Article 29 of the Constitution, according to which discrimination based on any ground such as **race, skin colour, age, property status, language, ethnic or social origin, religion, etc.**, shall be prohibited. The list of material grounds ends with the comprehensive phrase " or other personal or social circumstances". Taking into account that the mentioned article of the RA Constitution does not include such protected grounds as sexual orientation and gender identity, the above-mentioned comprehensive wording may include those grounds, in particular, from the point of view of making their reflection in the laws possible. However, the lack of direct establishment of sexual orientation and gender identity as an independent ground can lead to negative consequences in the investigation of discrimination against LGBT people.



In the case of *Vejdeland v. Sweden*, (2012) the European Court of Human Rights noted that homophobic speech also falls into what can be considered as a category of “hate speech” as discrimination based on sexual orientation is as serious as discrimination based on “race, origin or colour” (7)

There is also no comprehensive legislation on the exclusion of discrimination in the national legislation of the Republic of Armenia. Back in 2018, a draft law "On ensuring equality" was put into circulation, which has not yet been adopted. This is one of the main gaps in the Armenian legislation, which significantly weakens the mechanisms of legal protection of hate speech.

As for the hate speech, there is no clear definition thereof either at the domestic or international level. A number of international legal documents recommend States in general terms to legally prohibit certain types of speech. For example, by the Recommendation No. R (97) 20 of the Committee of Ministers of the Council of Europe adopted in 1997, an attempt was made to establish the definition of hate speech for the first time:

“the term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin. (8), (9)

It shows that hate speech includes more than expression of hate. Most European countries, including Armenia, accept a wider range of protected characteristics (10), than is included in this definition.

The next international organization is the UN, which has given a general definition of hate speech in its action plan on hate speech:

(8) Recommendation No. R (97) 20 of the Committee of Ministers to member states on “hate speech”

(9) Also see the definition of hate speech specified in the introduction of ECRI General Policy Recommendation N°15

(10) <https://www.arlis.am/>

(11) <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>



"Any kind of communication in speech, writing or behavior that attacks or uses pejorative or discriminatory language with reference to a person or group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, decent, sex or other identity factor. (11)

This general definition is broader than the recommendation of the Committee of Ministers of the Council of Europe; it may include all types of speech which, while offensive and harmful, do not necessarily have to be considered to be prohibited by law.

In domestic legislation of the Republic of Armenia, hate speech is established by Article 226 of the Criminal Code of the Republic of Armenia, according to which actions aimed at the incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity, shall be punished.

The danger of the act is aggravated if it is committed, among other things, in public or using mass media.

In April 2020, Article 226.2 was added to the Criminal Code of Armenia by which calls inciting violence, including justification or propagation of such violence towards a person or a group of people, based on their sex, race, skin color, ethnic or social origin, genetic characteristics, language, religion, worldview, political or other views, association to a national minority, property status, birth, disability, age or other personal or social circumstances shall be prohibited.

As for the civil legislation, it provides no norms on hate speech. Although the Civil Code establishes norms on insult and slander, they do not directly include hate speech. That is, if a civil dispute includes hate speech, then a lawsuit brought to court is filed on the grounds of an insult or slander.

Although Article 42 of the Constitution of the Republic of Armenia enshrines the right to freedom of expression, however, it is not absolute, and is subject to restriction only by law - in order to protect

(11) <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>



state security, public order, health and morals or the honor and good reputation of other persons and other fundamental rights and freedoms. Due to the absence of a hate speech system in civil and administrative legislation, a number of professional associations have tried to self-regulate in order to prohibit hate speech in the specific area of their activities.

For example, 47 mass media outlets jointly adopted Code of Ethics of Armenian Media and Journalists (Code of Ethics). The Ethics provides for provisions to avoid prejudice against people on the ground of their race, sex, age, religion, nationality, geographic origin, sexual orientation, physical handicap, external look or social status, etc. (Article 5.1), not to promote ethnic or religious hatred and intolerance, or any discrimination on political, social, sexual, and language grounds; exclude hate speech (Article 5.2) and not to advocate pornography, violence, war, in any form, to deny genocide and crimes against humanity [\(12\)](#).

Regarding the online platform, there are certain regulations in the domestic system, but there are also a number of problems in this area. For example, according to Article 12 of the Law "On Electronic Communication", the **Regulator has the right to suspend the license of an Internet service provider or other Internet operator or apply to the court for termination of the license if suspension or termination is necessary "for reasons of national security or public interest"**.

According to Article 51 of the Law, an operator or a person providing services who knowingly allows his network or services to be used by any person for the purpose of using violence, threats or malicious treatment towards other persons, shall be held accountable. These articles in their current formulation, perhaps, have an extremely broad and double meaning and, undoubtedly, do not satisfy the requirement of legal certainty.

(12) https://ypc.am/wp-content/uploads/2014/06/Code-of-Ethics_arm.pdf



CONCLUSION

The absence of an anti-discrimination law and accountability mechanisms, as well as the gaps in the effective laws, greatly contribute to the violation of the rights of LGBT people, which makes these people even more vulnerable.

LGBT people often become the target of hate speech not only by radical nationalist groups but also by public figures and other officials. All this is presented in Armenia 2020 Human Rights Report published by the Bureau of Democracy, Human Rights, and Labor of the US Department of State [\(13\)](#) :

The events taking place in 2021 indicate that anti-LGBT discourses and hate calls escalated particularly during the period of intensification of political processes, i.e. for political purposes. Many political and public figures, especially supporters of the former government, used anti-LGBT rhetoric, often presenting LGBT people as a "threat to national security" in order to turn the population against the current government.

Each time such manifestations of hatred condition the boundaries from the point of view of moderate application of the right to freedom of expression, and, in this sense, are defined as "hate speech".

The absence of a law against hate speech allows public figures and the media to promote hatred in the context of freedom of speech. Although 47 media outlets have jointly adopted certain rules to prohibit hate speech in their specific sphere of activity, at the state level the government does not take any action to reduce the negative attitude towards LGBT people and to protect their rights.

(13) https://am.usembassy.gov/wp-content/uploads/sites/92/hrr2021_arm.pdf

The events that took place online in 2021 and the impunity of their consequences can be stated to have been conditioned not only by the discriminatory attitude in the society, but also by the legislative gaps in the Republic of Armenia and in a number of other spheres of information technologies. Back in 2017, the draft decree of the Government of the Republic of Armenia "On approving the Cyber Security Strategy" was put into circulation. However, it has not been adopted yet.

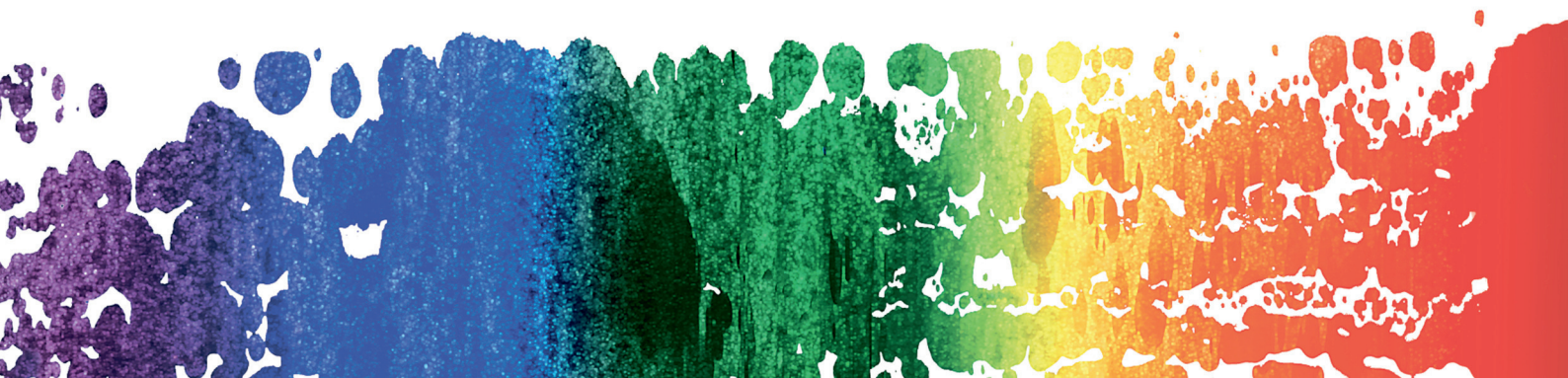
Thus, as a result of the relevant legislative changes, it will be possible to avoid a number of problems in the coming years, to prevent discrimination, hate speech and threats in the online platform, and to give them an adequate legal assessment if such are detected.

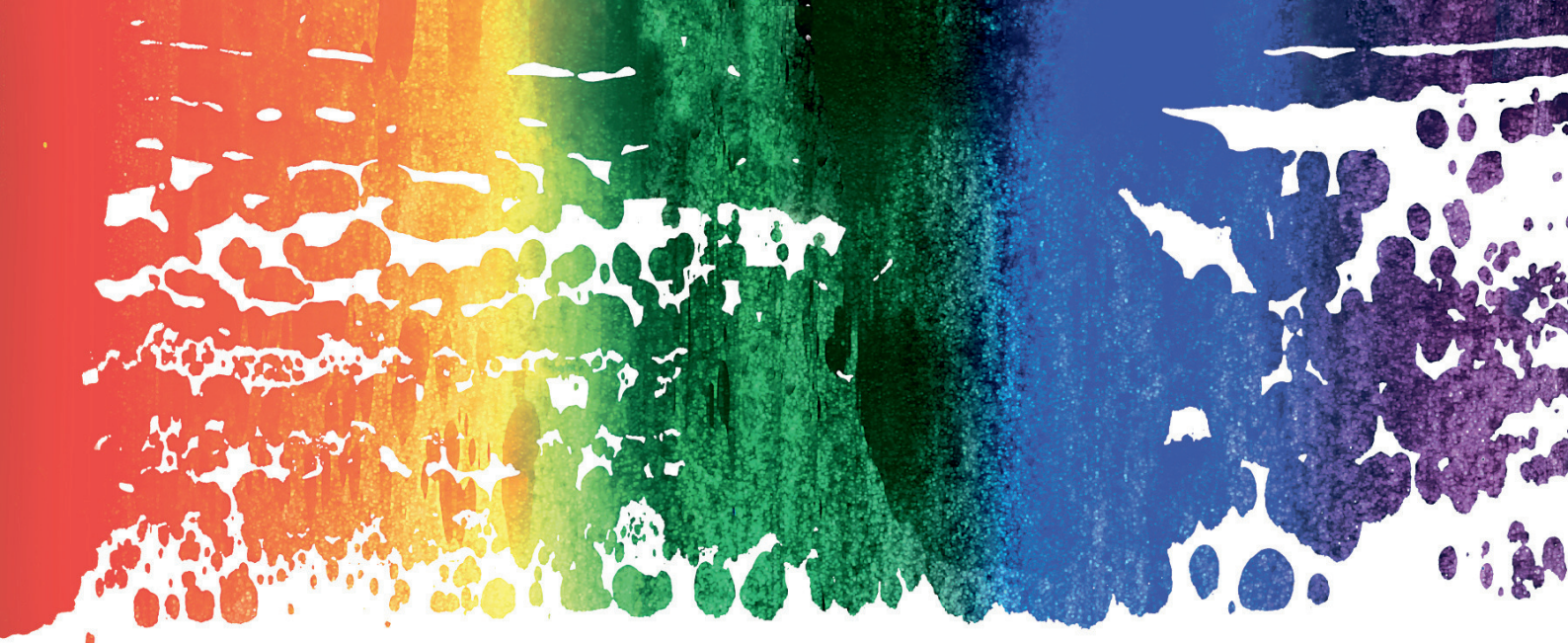


SUGGESTIONS

- 1** To include sexual orientation and gender identity as prohibited grounds of discrimination in Article 29 of the Constitution of the Republic of Armenia.
- 2** 1.To make amendments to the Administrative and Civil codes of the Republic of Armenia, including regulations on hate speech therein.
- 3** To adopt the Law of the Republic of Armenia on Ensuring Equality, in accordance with international standards.
- 4** To criminalize the instigation of hostility based on sexual orientation and gender identity.
- 5** To ensure full implementation of recommendations received by the Republic of Armenia from international institutions.







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