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Մարդասիրական ՀԿ



NEW GENERATION
Humanitarian NGO



Eurasian Coalition
on Male Health

HUMAN RIGHTS VIOLATIONS AND TORTURE ON THE BASIS OF SEXUAL
ORIENTATION AND GENDER IDENTITY IN ARMENIA
Alternative Report

For discussion of the 68th session of the Committee Against Torture
(Preliminary Working Group – List of questions)

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1. Introduction

This report was developed jointly by the Eurasian Coalition on Male Health - ECOM and the Humanitarian NGO "New Generation".

The report covers cases of human rights violations and torture on the basis of sexual orientation and gender identity that occurred in Armenia.

For security reasons, the real names, faces, or places of residence of some of the people mentioned in the report have not been disclosed.

Despite the fact that an absolute prohibition on torture has been established in international and national legal systems, the use of torture still occurs in Armenia. In addition, torture is usually used by those officials who are responsible to protect and uphold the law.

This report was compiled based on a number of analyses, reports, and publications including: Conditions of detainment of LGBT prisoners¹, Annual Report of the Monitoring Group for 2016², Annual Report of the Monitoring Group for 2017³, National Report on Violations of the Right to Health of Gay, Bisexual, and Other MSM and Trans People in the Republic of Armenia in 2017⁴, National Report on Violations of the Right to Health of Gay, Bisexual, and other MSM and Trans People in the Republic of Armenia in 2018⁵, Analysis of National Legislation of Armenia related to LGBT Rights and HIV⁶, **Legal Report of the Humanitarian NGO "New Generation" for 2017**⁷, **Legal Report of the Humanitarian NGO "New Generation" for 2018**⁸, Report on Violence in Shurnukh in the Context of Hate Speech⁹, Report on Hate Speech of State Officials towards LGBT People in Armenia¹⁰, Annual Report on the Activities of Human Rights Defender of the Republic of Armenia as a National Prevention Mechanism for 2018¹¹ etc.

¹ <http://pmg.am/hy/news/successful-cases/2019-03-05-10-06-01>

² <http://pmg.am/images/Report-PMG-2016.pdf>

³ <http://pmg.am/images/PMG-REPORT-2017.pdf>

⁴ https://ecom.ngo/library/national_report_armenia_2017/

⁵ https://ecom.ngo/library/hr_report_armenia_2018/

⁶ https://ecom.ngo/library/armenia_legislative_analysis/

⁷ <https://ngngo.net/files/pdf/1/15270834426288.pdf>

⁸ <https://ngngo.net/files/pdf/1/15537562049352.pdf>

⁹ <http://www.pinkarmenia.org/wp-content/uploads/2019/05/Shurnukh.pdf>

¹⁰ http://www.pinkarmenia.org/wp-content/uploads/2019/05/hatespeech_hy.pdf

¹¹ <http://www.ombuds.am/resources/ombudsman/uploads/files/publications/2a945ebfa92f2536ba1d673ee964cd90.pdf>

2. Description of the Problem

2.1 Legislative Regulations

The international community has recognized an absolute prohibition on torture, including during times of war, emergency situations, and other extreme circumstances.

The absolute prohibition of torture is enshrined in a number of internationally recognized documents, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the 1984 UN Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, the European Convention on Human Rights, etc.

The prohibition of torture is also enshrined in national legislation. According to Article 26 of the Constitution of the Republic of Armenia (RA), no one can be subjected to torture and inhuman or degrading treatment or punishment. Corporal punishment is prohibited. Persons deprived of their liberty have the right to humane treatment¹².

Article 309.1 of the Criminal Code of the Republic of Armenia establishes liability for torture. Article 309.1 of the Criminal Code of the Republic of Armenia is included in the chapter about crimes against state service, in which the large majority of crimes are characterized by the participation of a state official¹³.

The problem here is that people may be subjected to torture or other ill-treatment by a person who is not an official according to national legislation (for example, a healthcare provider).

In this case, according to national legislation, instead of torture, such actions will be considered as crimes against the life or health of a person, which do not stem from the absolute prohibition of torture prescribed by internationally recognized instruments.

Clear legal regulation of this issue is important, since many cases of gross violations of LGBT rights, in particular the right to health, by medical workers were recorded in 2018¹⁴.

In some legal acts, homosexuality continues to be classified as a mental disorder, which increases discrimination towards LGBT.

Article 8 of the Section on Mental Disorders of the decision of the Government of the RA № 404-N of 12 April, 2018 includes psychological and behavioral disorders associated with sexual identification, sexual orientation, sexual development and orientation, manifestations of which occur more than 3 times per year. On this basis, people are deemed unfit for military service, despite the fact that, on 17 May, 1990 the **World Health Organization (WHO) removed "homosexuality" from the list of "mental disorders" in the ICD-10¹⁵**, which is also used to guide our mental health experts.

¹² <https://www.president.am/hy/constitution-2015/>

¹³ <https://www.arlis.am/>

¹⁴ https://ecom.ngo/library/hr_report_armenia_2018/

¹⁵ <https://mkb-10.com/>

Trans people are subjected to violence and torture very often. Many trans people have no alternative but to become involved in sex work, during the course of which they are subject to violence and abuse by clients¹⁶.

Many trans people would like to undergo gender reassignment procedures, but currently, this is nearly impossible in Armenia, since there is no legislation regulating gender reassignment procedures.

Currently, in order to change gender markers in their official documents, trans people must sometimes undergo gender reassignment operations, either illegally in Armenia or abroad, where it is legal.

Undergoing illegal gender reassignment surgeries in Armenia deprives trans people of their right to compensation in the event of unwanted injuries to their health, or to receive additional medical care following the operation. Thus, they have serious health problems and are left without the proper support.

It is worth noting one positive change. On 30 May, 2019, the WHO approved¹⁷ the 11th Revision of the International Classification of Diseases (ICD-11) in Geneva, according to which statuses linked to gender identity are no longer considered mental disorders.

All countries will adopt ICD-11 by 1 January, 2022. However, as in the case of the adoption of ICD-10, the adoption of ICD-11 does not guarantee that Armenia will introduce corresponding legislative changes to prevent future discrimination and torture.

Non-governmental organizations work to a significant extent to prevent torture in Armenia. The Advisory Council on the Prevention of Torture also operates as part of the Office of the Ombudsman¹⁸ of the RA.

However, despite the human rights activities of a number of institutions, the issue of sexual orientation and torture on the grounds of SOGI remains problematic in the country.

Since there is still no comprehensive legislation countering all forms of discrimination in Armenia, the process of effectively combating this issue is quite difficult.

2.2 Incidents / Statistics

Since 9 June, 2019, the Special Investigation Service of the RA considered 113 cases¹⁹ under Article 309.1 of the Criminal Code of the RA, of which only 2 (1.76%) were sent to court under an indictment act, 84 (74.3%) were closed, 7 were suspended, and preliminary investigations were continued in only 9 cases.

¹⁶ <https://www.ngngo.net/en/news/the-stabbed-trans-person-s-operation-and-further-medical-care-were-done-completely-free-of-charge-d/22>

¹⁷ <https://news.un.org/ru/story/2019/05/1356151>

¹⁸ <http://www.ombuds.am/defender/advisors.html>

¹⁹ <http://www.ombuds.am/resources/ombudsman/uploads/files/publications/2a945ebfa92f2536ba1d673ee964cd90.pdf>

The European Court of Human Rights stated in a number of cases²⁰ against Armenia that the state failed to fulfill its obligation to completely prohibit torture and effectively investigate reported incidents, which led to findings of procedural violations of Article 3 of the European Convention.

In 2018 alone, the Humanitarian NGO "New Generation" provided 407 free legal consultations on issues related to discrimination and violence on the basis of sexual orientation and gender identity. 13 of those provided consultations were urged to seek asylum for LGBT people.

Several incidents are described below:

✚ On 18 August, 2018 around 5:00 in the morning, an unknown young man approached 6 trans women near Beirut Street in Yerevan and threatened to harm them. The trans women fled in fear and tried to hide in a nearby hotel, but were kicked out.

They contacted the Kentro Police Department of Yerevan and described what happened. Two other trans women came to the police station to help the other 6 trans women, but had a fight with an unknown person there. As a result of the fight, Armenian police officers and the trans women were all injured. As a result of this, a criminal case was opened against the two trans women involved in the fight. The person who attacked the trans women went unpunished. In the Central Police Department of the RA, Zh.G. was subjected to violence and torture by police. They beat Zh.G. in order to obtain information about the incident. Zh.G. told his lawyer about this and showed photos of her injuries. The lawyer of Zh.G.



reported the crime to the Special Investigation Service of the RA, and a case was opened. However, after a short time, the case was dismissed.

In such a situation, Article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was violated: Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

Article 11 was also violated: each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

²⁰ Halbandyan v Armenia, Decision of 31 March, 2015, Complaints № 9935/06, 23339/06; Zalyan and others v Armenia, Decision of 17 March, 2016, Complaints № 36894/04 and 3521/07; Matevosyan v Armenia, Decision of 14 September, 2017, Complaint № 52316/09; Decision of Hovhannisyan v Armenia of 19 July, 2018, Complaint № 18419/13; etc.

In addition, the police of the RA published an article about the incident on its official website, violating the presumption of innocence and right to privacy of Zh.G. As a result of cooperation between the Humanitarian NGO "New Generation" and the office of the Ombudsman of Armenia, the article was amended on the official website of the police of the RA²¹. The case is currently under judicial consideration.

✚ On 14 May, 2018, a trans woman, S.P., imprisoned in the **"Nubarashen"** Penitentiary Institution in Yerevan injected saliva into her leg, and swallowed a screwdriver and spoon in protest of the conditions in the penitentiary and the inadequacy of the preliminary investigation of her case. The woman was not provided with the necessary medical care for almost two weeks. S.P. called the Humanitarian NGO "New Generation" to ask for assistance. On 14 May, 2018, S.P. was transferred to a hospital for inmates on the recommendation of the organization. The NGO provided S.P. with a lawyer. The lawyer submitted a report about the crime, but no case was opened.

✚ In this situation, Article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was violated: Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

Article 13 was also violated: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.

✚ M.T. is a trans woman. She was subjected to violence by the police on 2 December, 2016 near the **"Caucasian Tavern" restaurant**. One of the police officers kicked the victim in the face. The victim went to the police to report this, but the police had an intolerant attitude towards her and took no action. M.T. turned to the Humanitarian NGO "New Generation" to ask for free legal assistance. On 12 December, 2016, a criminal case was opened under Section 2, Article 309 of the Criminal Code of the Republic of Armenia (exceeding official authority, with the use of violence, weapons or special measures). The police confirmed the fact that they had detained M.T., but denied



²¹<https://ngngo.net/hy/news/%D5%84%D5%AB%D5%A1%D5%B5%D5%B6-%D5%A4%D5%A5%D5%B4%D6%84%D5%A5%D6%80%D5%A8-%D6%83%D5%A1%D5%AF%D5%A5%D5%AC%D5%A8-%D5%A2%D5%A1%D5%BE%D5%A1%D6%80%D5%A1%D6%80-%D5%B9%D5%A7-%D5%A1%D5%B6%D5%B1%D5%B6%D5%A1%D5%AF%D5%A1%D5%B6-%D5%BF%D5%BE%D5%B5%D5%A1%D5%AC%D5%B6%D5%A5%D6%80%D5%A8-%D5%B9%D5%A5%D5%B6-%D5%B0%D5%A5%D5%BC%D5%A1%D6%81%D5%BE%D5%A5%D5%AC-%C2%AB%D5%86%D5%B8%D6%80-%D5%8D%D5%A5%D6%80%D5%B8%D6%82%D5%B6%D5%A4%C2%BB-%D5%B4%D5%A1%D6%80%D5%A4%D5%A1%D5%BD%D5%AB%D6%80%D5%A1%D5%AF%D5%A1%D5%B6-%D5%80%D4%BF/66>

the fact that she had been subjected to violence. The investigator decided to close the criminal case. A lawyer appealed the decision to all judicial levels in Armenia, but all the appeals were rejected.

In this situation, Article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was violated : Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

✚ A trans woman, K.K., was stabbed in her apartment on 15 April, 2018 at 14:30. The latter had agreed to meet a person she had met on the Internet. The unknown person abused the trust of K.K., entered her apartment, drank, chatted, and had sexual intercourse with her. Fearing that someone might find out about the sexual relationship with the trans woman, the unknown person tried to get rid of K.K. When the victim had her back turned to the stranger, he pulled her hair and stabbed her in the neck with a knife. The knife slit K.K.'s throat. The unknown man left the apartment, taking the trans woman's telephone, keys, and a men's jacket. After this, the trans woman, K.K., already very weak, managed to pull the knife from her throat and crawl to the neighbor's door. The neighbors immediately called for an ambulance and helped the victim until doctors arrived. K.K. was taken to the resuscitation department of the Erebuni Medical Center, where an operation was performed at 06:20. The doctors demanded approximately 300,000 drams from those accompanying K.K. to pay for the medical interventions. Friends of the victim turned to the Humanitarian NGO "New Generation". The organization immediately appealed to the Ministry of Health, and then to the Erebuni Medical Center, arguing that free medical care should be provided in this case. As a result of this intervention, the medical services were provided free of charge to the victim²². **The Humanitarian NGO "New Generation" provided a lawyer to the trans woman. A criminal case was opened, but was closed as a result of the suicide of the accused.** Article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides that each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.



²² <https://www.ngngo.net/en/news/the-stabbed-trans-person-s-operation-and-further-medical-care-were-done-completely-free-of-charge-d/22>

✚ A forum for LGBT Christians in Eastern Europe and Central Asia (EECA) was planned for 15-18 November, 2018 in Yerevan, with the support the Humanitarian NGO "New Generation". The forum was planned to be held in a discussion format and did not include any kind of parade. On 1 October, 2018, information about the forum was sent to the Prime Minister of the RA, N. Pashinyan, and the Police Chief of the RA, V. Osipyanyan, to invite their participation and ask that the safety of the participants be ensured. However, in November 2018, misinformation about the goals of the forum were spread on the Internet, which resulted in threats to the LGBT community and LGBT NGOs. Social media events were organized, as well as marches and rallies against the LGBT Christian Forum. The press was filled with false and one-sided information. Employees of the Humanitarian NGO "New Generation" were harassed on 2 November, 2018, etc. From 6 August, 2018, a deputy of the National Assembly, lawyer Gevorg Petrosyan, began to actively write hateful posts on his Facebook page threatening LGBT people and those who are not members of the apostolic church. He wrote: "I do not know who will blame me and for what, but we must all throw out homosexuals, sectarians, and their advocates from our Holy Land..." On 14 August and 15 October, 2018 the Humanitarian NGO "New Generation" sent letters to the police of the RA about the threats of violence from former and current deputies of the National Assembly, but the police of the RA did not respond. The organization filed suit in court demanding that the police provide information.

In this situation, Article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was violated : Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

Article 13 was also violated: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.

✚ On 5 April, 2019, a discussion of the United Nations Universal Periodic Review of human rights was held in the National Assembly, during which a trans woman, L.M., head of the "Right Side" NGO. The Chairperson of the Permanent Commission of the National Assembly of the Republic of Armenia on the Protection of Human Rights and Public Relations, Naira Zohrabyan, expressed her anger at the speech, noting that the problems of trans people are not on the agenda, and that speaking about this issue is disrespectful to her and the Parliament²³. The incident was widely reported. The day following the incident, 6 April, 2019, a video

²³ https://www.ngngo.net/hy/news/statement_Lilit_MARTIROSYAN/140

message of the "Eagle-30" Ararat militaristic group appeared on social networks, in which a person acting on behalf of the group stated:

- "... We promise that we will do everything possible to get rid of them. To the authorities: you cannot imagine our anger now, do not turn us into murderers. When we suddenly kill one of them, do not come and ask why this happened... Again, I just want to say that I must destroy them and rid the country of them...». The humanitarian NGO "New Generation" appealed to the appropriate government body with a request to **shut down the "Eagle-30" group, but did not receive a response.**

In this situation, Article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was violated : Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

Article 13 was also violated: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.

2.3 Situation of LGBT Detainees in Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia

Discrimination or cruel treatment towards GBT people (gay, bisexual and trans people) in penitentiary institutions of the RA is continuous and systematic. GBT people are kept in separate cells, which are in much poorer conditions than other cells in the same penitentiary system.

Communication with GBT people or any other kind of contact with them is deemed so unacceptable that anyone who **"greet" them, "share food" with them, or "communicate in close range" with them are sent back to their cell.**

The staff of the institution also state that the rest of prisoners and detainees refuse to **communicate with "such people" or use the same dishes as them.** Their food trays and serving utensils are separated from the others. According to the staff of the penitentiary, GBT people are transferred to separate cells on the basis of written requests, in which their sexual orientation/gender identity and inability to serve their sentences in the same cells as others are given as reasons for the transfer. Thus, they say it is a security issue.

GBT people are subjected to psychological pressure, and in some cases, sexual harassment and persecution by other prisoners. Both the prison administrators and other detainees call GBT people "homos", "faggots", or "abnormal", and treat them in a degrading manner²⁴.

²⁴ <https://hetq.am/en/article/102685>

They must do humiliating work for other prisoners, such as cleaning toilets and bathrooms, collecting garbage, and dealing with sewage.

Homosexual women are detained with other imprisoned women, which often causes problems. The director of the institution justified not separating homosexual women in order not to stigmatize them.

A Public Monitoring Group is actively operating in the RA, and oversees the penitentiary institutions and agencies of the RA. According to data²⁵ of the Monitoring Group, the Group received 21 emergency complaints from GBT detainees in 2016, 14 in 2017 and 13 in 2018.

The cells located on the lower ground floor of the "Nubarashen" Penitentiary Institution of the Ministry of Justice of the RA are in extremely poor condition²⁶.

In particular, boxes of food were found above the walls and ceiling containing large numbers of cockroaches. In other words, detainees are eating bread from boxes where cockroaches live, mold is growing from the moisture on the walls of the cells, and bed linens are wet. Dirty water flows openly near the cells, and as a result, the smell of sewage in the lower part of the facility is extremely strong.

According to the administration, the main reason for keeping people in this cell is that they belong to the most vulnerable group in the prison hierarchy.

On 29 January, 2018, the Monitoring Group appealed to the Ministry of Justice of the RA with a proposal to eliminate the discriminatory treatment of vulnerable groups²⁷.

On 7 April, 2018, three inmates in the "Nubarashen" Penitentiary Institution committed self-harm by injecting saliva into their bodies. The reason for this was the discriminatory attitude of a penitentiary officer in the institution. He informed people visiting the inmates about their sexual orientation²⁸. Although the institution's doctor said that he had examined them, the inmates told observers that necessary medical interventions had not been carried out.

On 9 April, 2018, the Group appealed to the Ministry of Justice of the RA with a proposal to conduct a command investigation regarding the cases mentioned above,



²⁵ http://pmg.am/images/2014-2015_PMG_Annual_report.pdf
[http://pmg.am/images/PMG_Annual-report_2017.pdf](http://pmg.am/images/%D4%B4%D5%AB%D5%BF%D5%B8%D6%80%D5%A4%D5%B6%D5%A5%D6%80%D5%AB_%D5%AD%D5%B8%D6%82%D5%B4%D5%A2-2016_%D5%A9-%D5%AB_%D5%A3%D5%B8%D6%80%D5%AE%D5%B8%D6%82%D5%B6%D5%A5%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%B0%D5%A1%D5%B7%D5%BE%D5%A5%D5%BF%D5%BE%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6.pdf)

²⁶ Inhuman detention conditions in "Nubarashen" Prison <http://pmg.am/hy/news/successful-cases/2017-01-12-09-48-02>

²⁷ No. 18-05 of the current report <http://pmg.am/images/E-18-05.pdf>

²⁸ No criminal case was opened in the "Nubarashen" prison regarding the suicides of three inmates, <http://pmg.am/hy/news/successful-cases/2018-04-27-11-01-25>

and to provide proper medical assistance to the people who injured themselves. On 17 April, 2018 an investigator of the "Nubarashen" Penitentiary Institution refused to open a criminal case basing his decision on the opinion that no crime took place.

The attitude towards LGBT inmates in penitentiary institutions of the Ministry of Justice of the RA is contrary to the 9th Jogyakarta Principle. According to this principle, the government must ensure that all prisoners participate in decisions regarding the place of detention appropriate to their sexual orientation and gender identity; ensure the protection of all prisoners who may be vulnerable to violence or abuse on the basis of their sexual orientation and gender identity; and, so far as reasonably practicable, ensure that such protective measures involve no greater restriction of their rights than is experienced by the general prison population.

Although there is no general policy of discrimination in prisons, there are also no policies in place to combat homophobia or to ensure the confidentiality of the sexual orientation and gender identity of inmates. In addition, victims are the ones being isolated, which is justified by the prison administration by the need to ensure their safety. Meanwhile, criminals are not isolated from the main population criminals.

Article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulates that each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

Despite the requirements of the Convention, the Department for the Execution of Punishments of the Ministry of Justice of the RA has repeatedly refused invitations to participate in retraining courses on the rights of vulnerable groups organized by the **Humanitarian NGO "New Generation"**.

The Committee for the Prevention of Torture stressed that the training of law enforcement officers is of great importance.

The main criteria for selecting law enforcement officers is the ability to communicate with people with a focus on the development of interpersonal communication based on respect for human dignity.

Obtaining such skills can often enable a police officer or employee of a penitentiary institution to protect the interests of all those concerned and defuse situations that might otherwise result in violence in police stations, prisons, or penitentiary institutions.

Following questions put forth to Armenia in 2016, amendments and additions were made to the Law of the RA "On the penitentiary service" on 23 March, 2018 that establish the authority of the Penitentiary Service. Among other powers, Article 8 of the law provides that the penitentiary service:

- Ensures the rule of law in penitentiary institutions, and guarantees the rights and freedoms of inmates;
- Ensures the safety of individuals detained in penitentiary institutions, the staff of these institutions, as well as other people within them;
- Continuously carries out monitoring on the situation in penitentiary institutions, takes urgent measures in cases of emergency situations to stabilize the situation and avoid further negative consequences, carries out internal checks or investigations to ascertain and analyze the reasons for such situations, and develops and implements measures to avoid such situations in the future.

3. Proposed Questions to the State

- 1) What steps is the government taking to enact a comprehensive antidiscrimination law that necessarily mentions sexual orientation and gender identity as protected grounds?
- 2) What steps is the government taking to harmonize the legislation of the RA with ICD-10 and issues related to sexual orientation?
- 3) What steps is the government taking to resolve issues related to the organization of humane and non-degrading gender reassignment surgeries for trans people?
- 4) What steps is the government taking to address issues related to the investigation of cases of torture on the basis of sexual orientation and gender identity, and to the punishment of perpetrators?
- 5) What steps are being taken by the government to counteract hate speech on social media, incitement to hatred, and to impose responsibility for homophobia and transphobia?
- 6) What steps are being taken by the government to introduce trainings about discrimination on the basis of sexual orientation and gender identity into the curricula of training programs for law enforcement agencies?
- 7) What steps is the government taking to ensure justice for LGBT people who report cases of rights violations in penitentiary institutions, and, in particular, to create effective protection mechanisms that will eliminate the risk of being doubly stigmatized and ensure the safety and confidentiality of individuals?
- 8) What steps is the government taking to develop internal policies on combating discrimination and on maintaining the confidentiality of data about the sexual orientation and gender identity of prisoners in penitentiary institutions of the Ministry of Justice of the RA?
- 9) What steps is the government taking to improve the detainment conditions of LGBT people and to eliminate the practice of isolating them from other inmates in penitentiary institutions of the Ministry of Justice of the RA?