



REPORT

ABOUT CRIMES BASED ON DISCRIMINATION AND HATE COMMITTED IN 2016



This report was prepared by "New Generation" Humanitarian NGO in the scope of the "Human rights for diversity and equality" project with financial support of the Norwegian Helsinki Committee.

INTRODUCTION

“New Generation” Humanitarian NGO / hereinafter NG NGO/, highly evaluating the importance of struggling against discrimination acts, in this report represent the offences which have taken place on basis of discrimination and hate.

We should mention the fact that during its activities NG NGO faced up with such legal problems that proved the intolerant atmosphere existing within the society. Legal offences were initially committed against vulnerable groups of our society: as an illustration LGBTQI people, people with disabilities, etc.:

The citizens, who were subjected to discrimination, applied to NGO, got free legal assistance. Hence, there were given appropriate solutions to the problems. The majority of crimes were solved by court order, by applying to the competent authorities. However, discriminatory treatment of persons subjected to harassment is also provided in state bodies, particularly by law enforcement bodies: such as Police officers, investigators and other employees.

This report presents the nature of the crimes that have been committed on basis of evident hatred and have violated the main rights of the people and number of fundamental values protected by law: such as dignity, honor, identity, physical integrity etc.

It is well-known that the absence of the specific codification of legal concept discrimination rises lots of problems in practice, as a consequence we do not have an efficient protection of rights of people through Court and by trial mechanisms since majority of cases are not qualified in reality as crimes committed on basis of discrimination.

1. A DEFAMATION ACT AGAINST TRANSGENDER PEOPLE BY POLICE.

What happened? In Cavali Night club somebody robbed the telephone Samsung Galaxy J 5/the price is 120000AMD/ belonging to a transgender person. The victim called police and informed about crime. The Police told to the victim that the investigation would last from 3 months to 4 years so as to find the telephone. The victim was named 'homo addicted' and other similar abusing words by Police employees. As a result, the victim applied to NG NGO in order to protect their rights from violations of Police. The attorney of NG NGO sent proper documents to General Executor of RA to find solution out for the discrimination case based on sexual orientation of the victim.

Date, Time and Location of the Incident: January 2016, Yerevan.

Source of Information: Interview with the victim who applied for legal aid to NG NGO.

Type of Crime: Defamation.

Bias motivation: Sexual orientation of the victim.

Perpetrator(s): The RA police officer.

Brief Description of the Incident with Bias Indicators: The victim had changed her sex and, on that ground, someone caused damage to her property. She appealed to the police for protection but the police officer didn't act in the scale of his duties. The reason of such behavior was the sexual orientation of the victim and her gender identity.

Was the incident reported to the police? The police were informed about the case.

Response of Local Authorities: Police's in proper and no duly committed responsibilities.

Impact on the Victim(s) and the Community: Loss of trust in the authorities.

Gender of the victim(s): Trans*.

2. A DISCRIMINATION ACT AGAINST PERSON WITH DISABILITIES BY EMPLOYERS.

What happened? NG NGO organized a seminar about discrimination motives in Ijevan. Citizen L.X. who participated in seminar represented that her rights had been many times violated based on her disability status. The employers had refused to sign a contract and let her apply for certain jobs because of her disability. L.X. said that during seminar she acknowledged with the fact that the behavior of employers was a discrimination.

Hence, after seminar the victim had a confidential interview with the representative of NG NGO. The victim was told to be in contact with the NG NGO. The protection of the rights of the victim is in process.

Date, Time and Location of the Incident: June 2016, Yerevan.

Source of Information: Interview with the victim after a seminar in Ijevan organized by NG NGO.

Type of Crime: Discrimination by employer.

Bias motivation: Disability status of employee.

Perpetrator(s): The employer.

Brief Description of the Incident with Bias Indicators: The victim

Was the incident reported to the police? The incident was not reported to the police.

Response of Local Authorities: There was no interference of local authorities.

Impact on the Victim(s) and the Community: Loss of trust to find a job.

Gender of the victim(s): Female

3. AN OFFENCE AGAINST TRANSGENDER.

What happened? Taking into account the discrimination acts and assaults against LGBTQI citizens, G.A was granted a lawyer by NG NGO. The Police was informed about facts of the case. Due to investigation it was evident that at the street Italy, the employees of National Security of RA and other two people beat G.A. by causing physical harm. The medical expertise was indicated. After the investigation the case was replaced to Special Investigation Service of RA. During the pre-trial process the victim refused from legal aid as they wanted to protect their rights by their own.

Date, Time and Location of the Incident: June 2016, Yerevan.

Source of Information: Interview with the victim.

Type of Crime: Offence against person and physical integrity.

Bias motivation: Sexual orientation and gender identity.

Perpetrator(s): The employees of National Security of RA.

Brief Description of the Incident with Bias Indicators: The employees of National Security of RA violated rights of a trans* person by committing a crime against them and by causing harm to the body and health.

Was the incident reported to the police? The Police were informed.

Response of Local Authorities. Undertaking an investigation process.

Impact on the Victim(s) and the Community: Fear and hesitation to protect rights against violations of representatives of State.

Gender of the victim(s): Trans*.

4. A DISCRIMINATION ACT BY COURT.

What happened? G.M. have been previously married with A.M. During their marriage relationship they had a son. Due to family instability they had divorced by Court. The Court had decided that G.M. had no right to see their son after divorce. G.M. stated that the restriction defined by the Court was because of marriage with a transgender person. Within the case the legal advice was provided, the documents were properly formed for sending the case to court in order to recover the violated rights. However, in incomprehensible circumstances, the case had not been continued because of disappearance of the person.

Date, Time and Location of the Incident: July2016, Yerevan

Source of Information: Interview between the lawyer and the victim.

Type of Crime: Battery, offence against dignity and honor.

Perpetrator(s): The RA citizens.

Brief Description of the Incident with Bias Indicators: The spouses were divorced, as a result of which one of the spouses' right to meet with their child was violated because of their sexual orientation. They applied to the court for protection of their right with support and counseling from the organization representing his interests. However, they suddenly disappeared.

Was the incident reported to the police? The incident was not reported to the police.

Response of Local Authorities: Unknown

Impact on the Victim(s) and the Community: Unknown

Gender of the victim(s): Trans*

5. A DISCRIMINATION ACT BY CITIZEN AND POLICE.

What happened? L.M. gave their mobile phone to repair center situated in Saryan Street in Yerevan. The employee demanded 8000AMD so as he could fix the defect and return mobile in two days. But after two days L.M. went to take the telephone while the mechanic told to L.M. that it was impossible to repair the telephone. L.M. affirmed that the mechanic harmed more the telephone on purpose. L.M. reported to the police, but being aware of the fact that L.M. is a transgender the Police did not act and committed official inactivity. Addressing to the NG NGO L.M. wanted to obtain legal assistance. Hence, L.M. was provided by the lawyer. The lawyer visited several times to the police in order to prevent the violations of law. The criminal case was prepared and filed to a civil suit Erebuni / Nubarashen District Court of First Instance.

Date, Time and Location of the Incident: July2016, Yerevan

Source of Information: Interview between the lawyer and the victim.

Type of Crime: Intentional damage to property, official Inactivity.

Perpetrator(s): The RA citizen, the Police of RA.

Brief Description of the Incident with Bias Indicators: L.M. had a defect in his telephone and went to mechanic so as he provide services to L.M. meanwhile the mechanic violated L.M.'s rights to his property /telephone/. L.M. could not receive restitution because of inactivity of state bodies.

Was the incident reported to the police? The incident was reported to the police.

Response of Local Authorities: Local Authorities such as the Police of RA did not commit duly and violated the right of person to protect their interests through state bodies.

Impact on the Victim(s) and the Community: Unknown

Gender of the victim(s): Transgender

6. A DISCRIMINATION ACT COMMITTED BY POLICE OFFICERS AGAINST SEXUAL MINORITIES.

What happened? On November 25, at 07.20 pm, in front of the "Caucasus Tavern" restaurant one of the Police officers struck on foot twice in the face of M.T. causing physical pain while they were taken to the Police station. The prepared documents about M.T. were sent to Central Police Department of RA. M.T. reported about the crime and gave a written explanation about the violations committed by Police officers. The Prosecutor initiated a criminal case /N 13205416/ and filed it to Special Investigation Service of RA. The investigator Doxoyan made a decision about recognizing M.T. as a victim. On January 13, 2017, M.T. had been interrogated and told that the Police officers beat them for their sexual orientation: The case is in process.

Date, Time and Location of the Incident: In front of Kovkas Pandok restaurant, November, 25 at 7.20, Yerevan.

Source of Information: Interview with the lawyer of NGO.

Type of Crime: Battery, hate speech, offence against the victim's dignity and honor.

Bias motivation: Hatred of sexual minorities.

Perpetrator(s): Police officer.

Brief Description of the Incident with Bias Indicators: The victim's name is Maxim. During arrest, one of the policemen hit Maxim on face twice and insulted him. The reason of such behavior was the fact that Maxim is homosexual. The fact was clearly visible. During the detention Maxim was cruelly treated in the Police station. The Police officers did not tell him anything about the reason of his custody for three hours. All that time the victim was badly treated and the Police officers insulted his honor and dignity because of his sexual orientation. During those three hours, nobody told the victim in what kind of crime he was suspected. Afterwards, the Police officers did everything to conceal any information about this case.

Was the incident reported to the police? The incident was reported to the Police.

Response of Local Authorities: Evident preconception of the Police; cruel treatment to the victim on the grounds of SOGI.

Impact on the Victim(s) and the Community: The case is in process.

Gender of the victim(s): Trans*

7. A DISCRIMINATION ACT COMMITTED IN ARMY.

Date, Time and Location of the Incident: November, 2016.

Source of Information: Interview with the victim.

Type of Crime: Offence against dignity and honor, violations of military regulations.

Bias motivation: Preconception based on the victim's sexual orientation.

Perpetrator(s): Army officers.

Brief Description of the Incident with Bias Indicators: The victim graduated from the Military Aviation Institute after Marshal Armenak Khanperyants and then he went to serve in army. After sometime he told his chief about his sexual orientation and was sent to hospital. The hospital gave the conclusion that he could continue serving in army. However, this made him vulnerable for attacks from other officers. Particularly, the chief disclosed the information about his orientation and the other officers began insulting the victim. The victim was sent to hospital again for his protection and after the second analysis he was dismissed from the army.

Was the incident reported to the police? Unknown

Impact on the Victim(s) and the Community: Psychological damage of the victim and loss of trust in local authorities.

Gender of the victim(s): Male

CONCLUSION

As a result of the resolution of up mentioned legal problems numerous cases of violations of human rights were identified. Violations were committed by administrative bodies, physical and legal persons. Registered cases show that the presence of the nihilistic atmosphere make people do not want to go through the restoration of violated rights. The mistrust and fear trigger people to inactivity and they refuse from the continuation of the process so as to restore their violated rights. The main reason is that people do not acknowledged with their own rights and duties and have low legal way of thinking and

This document is formed by New Generation Humanitarian NGO

social-legal conscience. That's why the value of human rights is rising day by day and discrimination is becoming one of the targeted problems.

All in all, approximately 30 and more legal advice cases have been stated. During the resolution of legal problems the LGBTQI people's rights have been mostly violated because of their sexual orientation and gender identity. The worst fact is that they had no chance to protect and get restitution because of absence of Law of Prohibitory Discrimination in Armenia.

It is a must fact that European Court of Human Rights in Article 14 states that the concept of discrimination should include any treatment in non-equal conditions on basis of those motivations:

- Age
- Disability
- Equal Pay/Compensation
- Genetic Information
- Harassment
- National Origin
- Pregnancy
- Race/Color
- Religion
- Retaliation
- Sex
- Sexual Harassment



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