

New Generation Humanitarian NGO

ANNUAL LEGAL REPORT – 2018



**Yerevan, Armenia
2019**

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Norwegian
Helsinki Committee

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MAIN CONCEPTS / ABBREVIATIONS

SOGI	Sexual Orientation and Gender Identity
LGBT, LGBTI, LGBT+	Lesbian, Gay, Bisexual, Transgender and persons of other gender identity or sexual orientations
MSM	Men who have sex with men
WSW	Women who have sex with women
Transgender	Person whose sense of personal identity and gender does not correspond with their birth sex/biological sex. A transgender person lives in accordance with his / her preferred gender, and medical intervention is not a requirement.
Transsexual	Person who identifies psychologically as a gender other than the one to which they were assigned at birth. Transsexuals often wish to transform their bodies hormonally and surgically to match their inner sense of gender/sex.
Crossdresser	Person who dresses, at least partially, as a member of a gender other than their assigned sex for any one of many reasons, including relaxation, fun, and sexual gratification carries no implications of sexual orientation, should not be confused with transsexual people, crossdressers can have different gender identities.
Homosexual	Person emotionally, physically, and/or sexually attracted to people of the same sex/gender.
Intersex	Person born with both male and female biological attributes (primary and secondary sexual characteristics); a combination of chromosomes, gonads, hormones, internal sex organs, and genitals that differs from the two expected patterns of male or female.
Bisexual	Person emotionally, physically, and/or sexually attracted to people of their gender and another gender.
Heterosexual	Person emotionally, physically, and/or sexually attracted to people of the opposite sex/gender.
PWID	People who inject drugs
RA	Republic of Armenia

MoJ	Ministry of Justice
MoH	Ministry of Health
TEC	Territorial Employment Center
LSGB	Local Self-Government Body
CEI	Criminal Executive Institution
HC	Hospital for the Convicted
NGO	Non-governmental organization
NGNGO	New Generation Humanitarian NGO

GENERAL OVERVIEW

New Generation Humanitarian NGO (NGNGO) a non-governmental organization established in 1998 to promote the protection of human rights and advocacy of the society, access to health services and HIV Prevention, provide material and non-material assistance to private individuals and legal bodies, and carry out various effective social initiatives, including support in the implementation of the obligations assumed by the Republic of Armenia under 1975, Helsinki Final Act of Conference on Security and Co-operation in Europe, and 1948, UN Universal Declaration of Human Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and the international agreements accepted within their framework, as well as other international legal acts on Human Rights Protection.

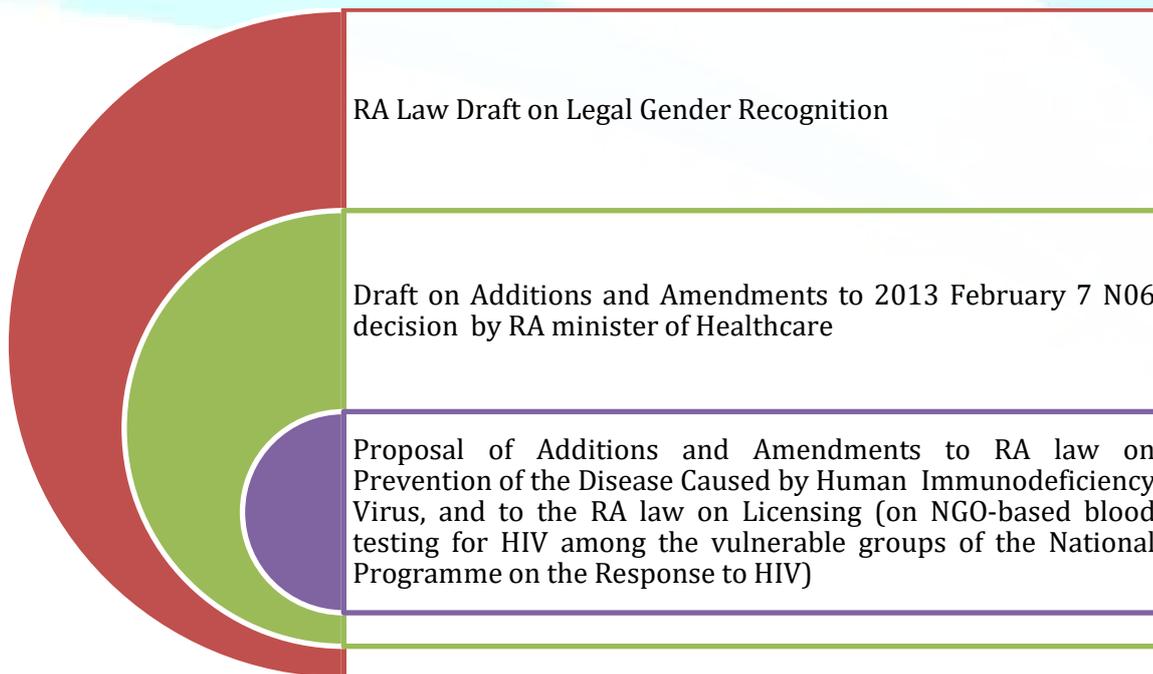
The Organization has a clearly defined structure, scope of activities and strategy.

In 2018 NGNGO provided their beneficiaries with 407 free of charge legal consultations and attorney's services, in particular on the following cases:

- Passport exchange: grounds and procedure of provision,
- Grounds for exemption from compulsory military service,
- Groups of people who have a right to state guaranteed free of charge medical assistance and service,
- Functions of judicial acts compulsory enforcement,
- Grounds for declaring the debtor bankrupt and signs of insolvency,
- Ensuring effective treatment of people living with HIV/AIDS,
- Procedure and conditions for compensation of damage caused to honor, dignity or business reputation,
- Possible legal protection in cases of SOGI-based discrimination and usage of hate speech,
- Launch of criminal case,
- Rights and obligations of the victim,
- Rights and obligations of the suspect, accused and defendant.

During 2018 the legal services were provided by the legal department of lawyers and attorneys specializing in different branches of law and having taken various requalification classes and trainings, having become familiar with the international practices with the support of New Generation Humanitarian NGO.

In 2018 the following drafts of legal acts have been developed by NNGO:

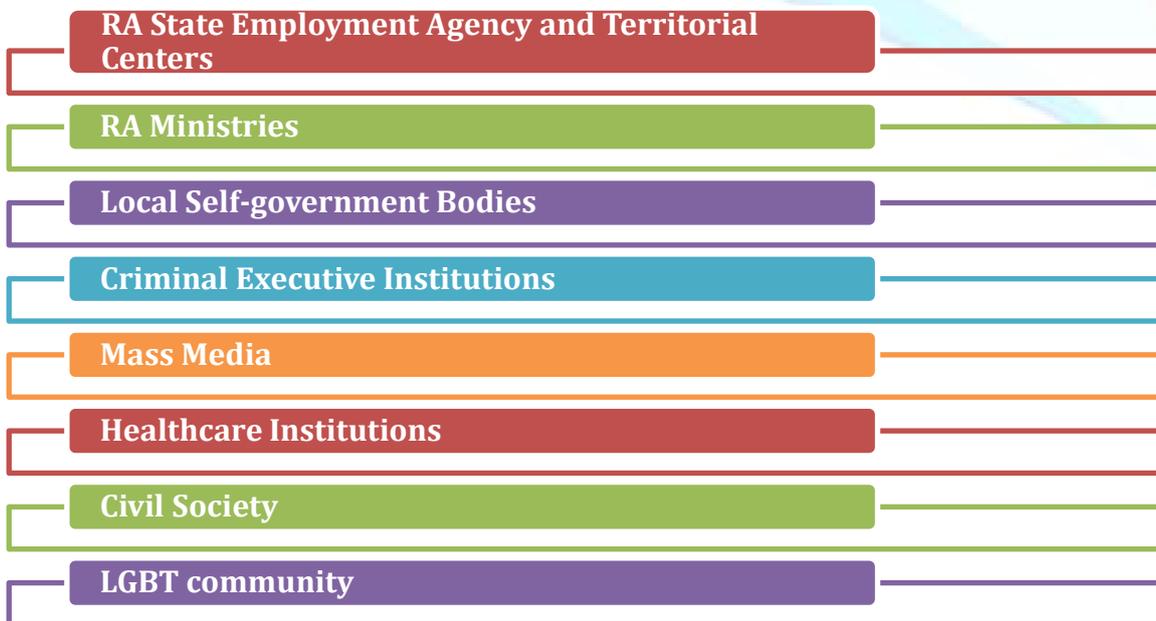


In 2018 NNGO provided attorney's pro bono services, including pretrial and court representation to **13 people subjected to discrimination and violence based on their sexual orientation and gender identity**. The criminal cases of these people are currently under preliminary investigation or court examination.

COOPERATION AND MEETINGS

New Generation Humanitarian NGO lawyers and attorney who are 6 had a number of local and international meetings and made new agreements for cooperation.

They conducted numerous trainings as legal and human rights experts for the representatives of



In 2018 NGNGO lawyers and attorneys participated in the following international meetings and conferences of legal importance:

- Situation Analysis of Discrimination Cases, Report Presentation, November 28, Yerevan
- Signing of Memorandum between NGNGO and Bavarian Youth Council (BJR) for youth exchanges between Armenia and Germany, October 17-24, 2018, Germany
- Working Meeting on Situation Analysis of Discrimination Cases, September 23-28, Czech Republic,
- Rights Sensitization Training, August 28-30, 2018, Kirgizstan,
- Exchange of Work Experience, Presentation of Youth Work and Youth Issues in Armenia, between NGNGO and BJR staff, July 22-26, 2018, Yerevan,
- How to Find a Way, two-day workshop, June 28-29, 2018, Yerevan
- Round-table discussion on Human Rights Protection, Manifestations of Discrimination, Human Rights Activities and Access to Healthcare in Armenia, June 22, 2018, Yerevan.

CASES

This section covers the most notable cases of legal consultations and attorney's services provided by NGNGO in 2018.

Case № 1



On August 18, New Generation Humanitarian NGO received information from citizen M. T. that at **around 5:00 am an armed young person approached 6 trans people near Beirut Street in Yerevan and threatened to cause harm to their lives and health.** The mentioned people were scared and fled to Shirak hotel, entered and hid there. The armed young man followed them. As a result, the people were turned out of the hotel. They applied to Kentron Police Station and described the situation. Two other trans people also approached them and started arguing with the flower-sellers standing near the police station and then also with the policemen. As a result of the brawl, not only the police officers, but also the mentioned trans people were injured.

A criminal case was launched. The charge was brought against trans people Z. H. and M. K.

The RA police published an article about this incident on their official website thereby violating Z. H.'s presumption of innocence. Through the efforts and cooperation between New Generation Humanitarian NGO and Human Rights Defender's Office of Armenia, the RA Police removed from their official website the video titled "Women at first sight but in reality, men in girls' clothes and their supporters broke into the police station", which had been published violating the right of a group of people to personal privacy and presumption of their innocence.

Z. H. was subjected to torture at Kentron police station. Criminal case was launched against trans person Z. H. under

1st part of Articles 258 and 316 of RA Criminal Code, (2 episodes).

Attorneys Ara Gharagyozyan and Anahit Mkrtychyan were engaged in the case by New Generation Humanitarian NGO.

Below you can see the information on the investigation progress of the criminal case.

- On October 15, 2018 the pre-trial detention imposed on Z. H. as preventive measure was prolonged by 2 months. When the attorney visited Z.H. in Nubarashen Criminal Executive Institution, he took from him an application of complaint on having been tortured at Kentron Police Station and filed a report on the crime to the RA Special Investigation Service. The Court made a decision to report to the Prosecutor's office on the case of torture as the case was raised during the trial session on detention.

- On October 24, 2018 the attorney and special services investigator visited Nubarashen Criminal Executive Institution where the investigator received Z. H.'s explanation and the complaint report on the crime.
- On November 5, 2018 Z.H. was recognized as victim by the Special Investigation Service on the case of beating at Kentron Police Station. Criminal case was launched under 4th clause, 2nd part, 309.1 Article of RA Criminal Code, i.e. torture perpetrated by a group of people. Z. H. was interrogated as victim.
- On November 27, 2018 after crime investigation procedure implemented with Z. H. at Nubarashen Criminal Executive Institution, RA Ministry of Justice, the end of pre-trial investigation was declared on the case.
- On December 3, 2018 confrontation between Z. H. and the policemen took place on the case of torture. But the fact of torture has not been proven as both Z.H.'s mentioned people and the policemen deny that policemen have beaten Z. H.
- At present the pre-trial investigation of the criminal case has finished, the case has been sent for judicial examination. The court has reconfirmed the detention as a preventive measure against which appeal petition will be made.
- The advocates of the 2 defendants filed a motion for speedy trial which was satisfied.
- On February 18, 2019 attorney Ara Gharagozyan presented in his defence speech, arguments for the absence of criminal elements in his defendants actions. Based on the speech, the court made a decision of not applying speedy trial but launch court examination on the case.

The Judge on this case was Mesrop Makyan and the prosecutor was S. Poghosyan.

Case № 2

After having used trans person E. A.'s sexual services, a visitor burned the latter's apartment and left. E. A. received severe body injuries and burns.

E. A. refused to use the services of his former lawyer and applied to "New Generation" Humanitarian NGO.

Attorney Ara Gharagozyan was engaged in the case by New Generation Humanitarian NGO. The attorney got acquainted with E. A forensic medical examination. It was stated in the examination report that E. A. had received severe body injuries.

- On July 3, 2018, the attorney and E. A. got acquainted with the examination report of the victim in Investigative Department of Kentron and Nork-Marash administrative districts. The report was related to damage caused to the victim's phone. Forensic commodity examination was assigned. According to the conclusion, the IPone 7 mobile phone was not subject to usage and caused damage was equal to AMD 235,000 (two hundred thirty-five thousand).
- On October 18, 2018, a lawsuit was filed to the Court of General Jurisdiction of Yerevan city on the criminal case for compensation of damages caused as a result of the crime,. Compensation sum amounted to AMD 690.000 (six hundred nine thousand).
- On October 22, 2018 the Court of General Jurisdiction of Yerevan examined the victim's case. The defendant's lawyer filed a motion for holding a closed-door court

session. The court satisfied the motion taking into account the circumstance that the sexual integrity of the parties should be examined.

- On November 21, 2018, materials of E.A's criminal case were sent to the court.
- The case is under trial. A forensic psychiatric examination has been assigned.

The judge was Marine Melkonyan and the prosecutor was S. Poghosyan:

Case № 3

Still in 2017, a criminal case was filed against S.P. on the grounds of Article 258 (4) of RA Criminal Code.

Hooliganism - brutal violation of public order which is manifested in obvious disrespect and accompanied with violence in relation to citizens or a threat to use it, committed with a weapon or another item used as a weapon.

The latter, as a detainee, is kept in Nubarashen Criminal Executive Institution. On May 14, 2018, as a sign of protest against the conditions of detention and wrong pre-trial detention in Nubarashen CEI, S.P. injected saliva into his leg, swallowed a screwdriver, spoon. The latter had been imprisoned for 2 (two) weeks in the penitentiary and did not receive necessary medical care. S.P. applied to NGNGO requesting assistance.

- On May 14, 2018, Sergey Gabrielyan, NGNGO President, human rights defender, Anahit Mkrtychyan, NGNGO lawyer and Arman Sahakyan, coordinator on the issues of most vulnerable groups / human rights activist, using the certificates issued by the Ministry of Justice, visited S.P at Nubarashen Criminal Executive Institution under the RA Ministry of Justice. Seeing his bloodshed and severe condition they urged the head of Nubarashen CEI to transfer the prisoner hospital for the convicted under RA Ministry of Justice. The CEI met their demand and transferred S.P. to hospital for the convicted.
- On June 4, 2018, the NGNGO was informed of the fact that S.P. and A.S. were regularly humiliated by the employees of Nubarashen CEI based on their sexual orientation and gender identity. S.P.'s mother visited Nubarashen CEI. During her visit Nubarashen CEI officer told his mother in front of other people that the boy was in the cell of homosexuals. The latter attempted suicide. Attorney Ara Gharagozyan filed a complaint to RA General Prosecutor against the decision of L. Ghazaryan, Nubarashen CEI Investigator.
- The prisoner had tried to reported about this attitude by injecting saliva into the feet. The investigator prepared materials and refused to initiate a criminal case on suicide.
- On June 4, 2018, a complaint was filed to the General Prosecutor against the decision of the investigator and with a request to abolish the decision and initiate a criminal case.



- The complaint was rejected by the General Prosecutor. The General Prosecutor's decision was appealed to the court. The Court satisfied the motion. An appeal was filed by the prosecutor's office of Erebuni administrative district in Yerevan.

The judge was Mesrop Yerjanik Makyan.

Case № 4

On June 3, 2018, K.H. applied to the NGNGO for attorney's services. The latter had talked to a S.P at one of the social networks and had sent his naked photos to the latter. S.P. soon began to threaten to publish the naked photos of K.H if the latter did not pay him AMD 600.000 (six hundred thousand).

Attorney Ara Gharagozyan was involved in the case by the NGNGO. The crime was reported to the RA Police based on which a criminal case was initiated on grounds of extortion.

- On June 4, 2018, Ararat and Vayots Dzor District Court of First Instance examined the criminal case against victim K.H. on charges of extortion. Three witnesses were interrogated on the case. The defendant pleaded guilty.
- On January 22, 2018, a visit was made to Ararat Department on K.H's criminal case for the purpose of investigating the case of extortion. The newly involved investigator again interrogated the victim and made a recording of the victim's and defendant's Facebook account. In the current period the accused committed two other crimes, on which a criminal case was instituted.
- On January 30, 2018, K.H.'s attorney on the criminal case visited Artashat Investigation Department where the investigator finished the preliminary investigation and introduced the materials of the criminal case.
- On February 8, 2018, K.H.'s attorney on the criminal case filed a motion to Ararat and Vayots Dzor District Court of General Jurisdiction to make the data on the criminal case on Datalexs.am private, as the public materials on the case could lead to the disclosure of the victim's gender identity.
- The motion on making the data on the criminal case private on Datalexs.am was met by the Court of General Jurisdiction of Vayots Dzor Marz on February 14, 2018 and the data of the criminal case on Datalexs.am was made private.
- On November 21, 2018, K. H.'s materials on the criminal case were sent to court.
- The court made an accusatory verdict and recognized defendant S.A. guilty of committing an offense under Article 182 (2) (3) of the RA Criminal Code and sentenced him to 3 years of imprisonment without property confiscation.
- Defendant SA was given amnesty.

The judge was Grigor Hovhannisyan, and the prosecutor was H. Davtyan.

Case № 5

Parents learned about A.H.'s sexual orientation and gender identity. In anger they tore A.H.'s documents - military service record book, biometric passport, birth certificate, and threw A. H. out of the house. A.H. applied to the NGNGO for legal advice and recovery of the mentioned documents.

- On May 14, 2018, NGNGO lawyer Anahit Mkrtychyan provided legal advice on the procedure for restoring the mentioned documents.

- On May 15, 2018, an application was made and submitted by the lawyer on restoring the military service record book to Gurgen Grigoryan, lieutenant colonel of the Shahumian military commissariat of the RA Ministry of Defense. The application was satisfied.

Case № 6

Transgender women A.A., S.P. and A.S. were at Zakyan Street in Yerevan **when A.Z. approached them in black BMW car. R.H., who was on the passenger seat, took photos of transgender women A.A., S.P., and A.S. The latter asked them to stop photographing but R.H. continued to take photos. Then R.H. swore at the defendants, who also responded with swearing. A. Z got out of the car and hit S.P., then attacked A.S. and tried to choke R.H. Afterwards A. Z. and R.H drove away.** Later police officers arrived at the place. A.Z. showed trans people to the police and accused them. On September 22, 2017 criminal case was launched against trans people by Article 258 (4) of RA Criminal Code.

Hooliganism - brutal violation of public order which is manifested in obvious disrespect and accompanied with violence in relation to citizens or a threat to use it, committed with a weapon or another item used as a weapon.

"New Generation" Humanitarian NGO engaged attorneys Ara Gharagozyan and Hayk Hayrapetyan to protect the accused in this case.

- Within the framework of the criminal case against the accused, the investigator filed a petition to impose detention as preventive measure. The Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan satisfied the petition on October 7, 2017.
- NGNGO attorneys Ara Gharagozyan and Hayk Hayrapetyan lodged appeals, which resulted in the decision to cancel detention as preventive measure against A.P. and replace with a bail. The bail amounted to AMD 1,000,000 (one million). The decisions taken against others remained in force.
- After the cancelation of detention, NGNGO attorney Ara Gharagozan applied to the RA Court of Appeal to reject the mediation on extension of detention terms of A.A. and S.P. and to replace their detention with a bail but the court rejected the petition.
- Then confrontations were arranged between the accused, the victims and the witnesses with the legal support of NGNGO attorneys Ara Gharagozyan and Hayk Hayrapetyan.
- The motion for extending the terms of detention was satisfied by the Court of First Instance of Kentron and Nork-Marash Administrative Districts of Yerevan. NGNGO attorney Ara Gharagozyan appealed the court's decision to the RA Court of Appeal, then to the Court of Cassation and the ECHR.
- The European Court of Human Rights registered and numbered the complaint regarding A.S., as violation of Article 5 of the ECHR (European Convention on Human Rights).
- In March 2018, defendants S.P. and A.S. attempted suicide by injecting saliva in the Nubarashen CEI. Attorney Ara Gharagozyan submitted to the RA General Prosecutor the report on driving the person to suicide on grounds of hatred.

- On December 11, 2018, the Court of General Jurisdiction of Yerevan satisfied the petition filed by attorney Ara Gharagozyan, applying a bail of 5,000,000 (five million) AMD. S.P. had been detained for around one year and six months. S.S. was charged with Article 258 (4) of the Criminal Code of the Republic of Armenia, hooliganism committed with the use of weapons or objects used as weapons.

The judge on the case was Hovik Manukyan and the prosecutor was R. Hovhannisyan.

Case № 7

V.M., a bisexual man met an unknown person near Republic Square at 1:30 am, on June 5, 2017. Then, there was a sexual intercourse between them, which was accompanied by violent acts of sexual nature. During the time spent together the person who used violence against V.M., had been telling him about himself, had asked to call with the latter's phone and tried to gain the victim's confidence. On the same day, at about 05:00 am near an intersection of Nar-Dos Axyusagorts street, the same person used violence against V.M. in a crowded area. The person brutally hit V.M.'s on the head and back. After using violence, according to preliminary data, the person also took away V.M.'s cell phone.

The victim applied to his neighbors for help but the latter threatened with violence and demanded to leave.

On June 5, 2017, the victim applied to NGNGO for help. The organization immediately responded to the request and provided the applicant with legal assistance.

- NGNGO attorney Hayk Hayrapetyan provided legal advice to the applicant, in particular, that he had the right to apply to the Investigative Committee to report a crime, also to file a suit against that person for compensation for property damage.
- After clarification, V.M. and NGNGO attorney Hayk Hayrapetyan went to Erebuni Police Department on June 5, 2017, where they reported on the incident.
- On June 6, 2017 V.M. applied for a forensic examination based on the decision of the investigator to assess the damage caused to the victim.
- NGNGO attorney Ara Gharagozyan taking on the protection of the victim submitted an application to receive the decision on initiation of the criminal case.
- V.M. was recognized as a victim of the case. After the attorney's mediation the victim's phone was found but the person who committed the crime was not disclosed and detained.
- NGNGO attorney Ara Gharagozyan filed a petition to the RA General Prosecutor requesting a cancellation of the decision on suspension.
- Investigation of the damage caused to V.M.'s health continues and necessary investigative actions are being taken.

The case is under preliminary investigation. The person who committed the crime has not been found yet.

Case № 8

M.T. is a trans woman. On December 2, 2016 the latter was near the Caucasian Tavern restaurant complex and was subjected to violence by the police, in particular, one of the policemen hit the victim in face causing her physical pain. The person applied to the police for the protection of her rights but the police showed intolerant attitude and inaction.

M.T. applied to NGNGO for attorney's services. Attorney Ara Gharagozyan was involved in the case.

- On December 8, 2016, M.T. together with attorney Ara Gharagozyan participated in the proceedings at the Central Division of the Police of the Republic of Armenia,. The latter gave a written explanation to the investigator about the case of being subjected to violence by the police.
- Finishing the explanation, the victim M.T. reported the crime together with NGNGO attorney Ara Gharagozyan.
- On December 12, 2016, the prosecutor of Kentron and Nork-Marash Administrative Districts Prosecutor's Office launched a criminal case No. x by Part 2 of Article 309 of the RA Criminal Code based on the materials provided in M.T.'s report the and sent to the RA Special Investigation Service.
- On December 16, 2016, Mr. Dohoyan, the investigator of the Special Investigative Service of the Republic of Armenia, made a decision on recognition of M.T. as a victim.
- On January 13, 2017, NGNGO attorney Ara Gharagozyan and M.T. participated in the interrogation of the victim at the RA Special Investigative Service. As a victim M.T. gave details on the case. According to attorney Ara Gharagozyan, he stated in his testimony that the police had beaten him and illegally deprived of his liberty because of his sexual orientation and gender identity.
- On March 1, 2017, M.T. took part in a confrontation, as a result of which he recognized the police officers who had used violence against him. The police confirmed the fact that they had detained M. T. but denied using violence against the victim.
- The investigator made a decision to terminate the criminal case. This decision was appealed to the prosecutor by NGNGO Attorney. The prosecutor rejected the attorney's appeal. The prosecutor's decision was appealed to the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun administrative districts. The court rejected the appeal. The court's decision was appealed to the RA Court of Appeal.
- On February 22, 2018, Judge Danielyan was given M. T.'s case in the Court of Appeal, but the case was transferred to Judge Sahakyan due to the former judge being sick.
- On June 11, 2018, attorney Ara Gharagozyan filed a cassation complaint on M.T.'s case against the decisions of the body conducting the criminal proceedings, the Court of First Instance and the Criminal Court of Appeal.
- On November 1, 2018 the Court of Cassation made a decision to reject the trial of M.T.'s case.
- Cassation Court decision will be appealed to ECHR by the attorney within 6 months.
- The judge was Marina Melkonyan and the prosecutor was Dokhoyan.

Case № 9

On April 11, 2018, the Police of Yerevan city brought B.K to detention ate Mashtots Police Department without explaining what the person was suspected in. B.K.'s phone, chain and belt were taken.

B.K. was beaten and tortured to admit his guilt in committing the crime of stealing. The person was not granted any procedural status.

On April 12, 2018 B.K. applied to New Generation Humanitarian NGO for legal advice.

- Anahit Mkrtchyan, lawyer of New Generation Humanitarian NGO provided legal advice to the victim.
- Then attorney Ara Gharagozyan was involved in the case.
- Ara Gharagozyan made a verbal inquiry at the HRD of Armenia to find out B.K.'s procedural status.
- The HRD informed that B.K. was involved in a criminal case as a suspect.

As a result of judicial proceedings, the criminal case was dismissed.

Case № 10

G.T. and Y.S. have actively participated in 2018 April velvet revolution meetings. During these days the latter suffered from the special means used by the police.

Victims G.T. and Y. S. applied to New Generation Humanitarian NGO for attorney's services.

Attorney Ara Gharagozyan was involved in the case.

- On 30 August 2018, attorney attended the victim's interrogation at the Special Investigation Service on the case of special means usage by the police. G. T. was recognized as victim in this case.
- On October 22, 2018, NGNGO and Protection of Rights Without Borders NGO submitted a joint application to the European Court of Human Rights on grounds of ineffective investigation of torture cases.

The case is under the proceedings of the Special Investigation Service.

Case № 11

Transgender woman K.K. was stabbed in her apartment at 2:30 pm, April 15, 2018. They met after having got acquainted on the Internet. The stranger abused K.K's trust, entered her apartment, they drank, chatted and had sexual intercourse. Fearing that someone could know about his and trans women's sexual relations, the person tried to get rid of K.K. When victim K.K turned with her back to the stranger, the latter pulled her hair and stabbed her neck with a knife. The knife was stuck into K.K's throat. The stranger left the house, taking the phone of the transgender woman (Iphone 7), Mitsubishi car keys and a man's jacket. Transgender woman K.K. exhaustedly managed to pull the knife from her throat and crawled up to next door. The neighbors urgently responded, called an ambulance and helped the wounded before the doctors approached. K.K. was taken under intensive care at Erebuni Medical Center where she was operated on at 06:20 am. doctors demanded about AMD 300,000 (three hundred thousand) for their medical intervention. The victim's friends applied to New Generation Humanitarian NGO. The organization immediately took steps by applying to the Ministry of Health and then to Erebuni Medical Center, presenting sufficient arguments to provide free medical care. Due to NGNGO's intervention the victim's medical assistance was fully provided free of charge.

New Generation Humanitarian NGO provided transgender K.K. with a lawyer.

A criminal case was initiated.

The criminal case was dismissed because of the suicide of the accused.

Case № 12

On November 2, 2018, 2 cars persecuted the car where NGNGO staff members were through the whole way from Aghveran to Yerevan. The mentioned staff members of the organization noticed and captured the cars persecuting them and the identity of the persons in the mentioned car. On the same day Sevan Aghajanyan, one of the persecutors, made the following note on his Facebook page:

"According to our information, several participants are in Armenia from abroad and will participate in the LGBT Forum. At this moment we are following them."

- New Generation Humanitarian NGO, considering the incident a crime, reported to the relevant department of RA police..
- On the same day, the RA Police officers took the explanation on the incident from the persecuted staff members of the organization.
- The central division of Yerevan City Police Department gave the following response to 02.11.2018 application of New Generation Humanitarian NGO on the persecution of the employees of the organization by Sevan Aghajanyan and his friends:
- "We state that your application submitted on 02.11.2018 to the Central Police Department was received and examined.
- We state that no evidence of offences or crime has been identified as a result of the investigation of the facts mentioned in your application.

At the same time we state that we had prophylactic talk with Sevan Aghajanyan, exhorted to keep the rules of coexistence and refrain from offences."

Case № 13

On December 23, 2018, a transgender woman H.D. applied to New Generation Humanitarian NGO stating that the Clinic of Modern Surgery, CMS, had requested a certificate on transsexuality to conduct a nasal plastic surgery.

- NGNGO lawyer Anahit Mkrtychyan contacted the Director of the Clinic of Modern Surgery and then also with the relevant employee of the RA Ministry of Health.
- The latter mentioned that there is no need for a certificate of transsexuality; it is only necessary to present a conclusion by a psychiatrist or psychologist on the mental state of the patient. The need for such conclusion arose after H.D. noted of taking some hormonal and psychotropic drugs for a certain period.
- The terms of the agreement between both parties were clarified, their rights and responsibilities were explained, after which the surgery was done without any obstacles.

Case № 14

New Generation Humanitarian NGO planned to host 11th LGBT Christians Forum of Eastern Europe and Central Asia (EECA) in Yerevan on November 15-18, 2018, where LGBT Christians from all over the world were to participate. The Forum of LGBT Christians of Eastern Europe and Central Asia (EECA) has been held since 2004, every year in different cities of former Communist states. In recent years, the Forum has collected from 40 to 80 participants from all over the EECA regions. Members of Christian communities, activists, clergymen interested in Christianity, take part in it - all those for whom it is important



to participate in the dialogue. The forum was going to be held in the format of discussion, private gathering and did not intend public ceremonies and/or parades.

On October 1, 2018, information on the Forum was sent to the RA Prime Minister N.Pashinyan, RA Head of Police V. Osipyan including invitation to participate in the

event and ensure the safety of the event participants.

Yet for several months before the forum, some mass media outlets, political forces and civic unions began speaking and publishing materials about the LGBT Christian Forum that was to take place in Armenia, in November 2018. They blamed New Generation Humanitarian NGO for:

- Endangering the statehood of Armenia,
- Planning parades on the territory of RA,
- Planning editions of the Bible,
- Destroying the Armenian family,
- Reducing the birthrate in Armenia,
- Destroying the army of Armenia
- Perverting children and other untrue intentions.

They called to bring the president of New Generation Humanitarian NGO to criminal responsibility and/or expel from the Republic of Armenia.

Several persons, NGOs and initiatives acting under the wing of political and non-political forces and individuals availed of the created situation to spread hate speech, threats and calls for violence, stigma and discrimination against LGBT people and human right defenders and CSOs dealing with their issues.

New Generation Humanitarian NGO and their staff members assisting the Forum in organization matters, and consequently LGBT community activists found themselves in the crosshairs of all this.

Thus, after the series of threats and hate speech towards New Generation Humanitarian NGO and their staff members, the organizers and participants of the protest actions against the Forum, took to the implementation of the following activities:

- Events against LGBT Christian Forum were created on the social websites,
- Press Releases were held by various mass media outlets, during which several former parliamentary members, CSO heads and activists made threats of assassinating NGO staff members,
- Marches and demonstrations were held against the LGBT Forum,
- Materials and calls violating the rights and infringing the dignity of LGBT community and New Generation Humanitarian NGO were published and disseminated,
- The social network and press was flooded with false and one-sided information,

- Persecution of the NGO staff members took place on November 2, 2018. Two cars persecuted the NGO staff members on the whole way from Aghveran city to Yerevan. Sevan Aghajanyan was in one of the persecuting cars which he confirmed on his Facebook page. This person is famous for his hate inciting activity against LGBT people and CSOs and human rights defenders dealing with their issues.



The Global Fund to Fight
AIDS, Tuberculosis and Malaria

theglobalfund.org

Global Health Campus
Chemin du Pommier 40
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7 November 2018

HE Arsen Torosyan
Ministry of Health of the Republic of Armenia
3 Government building
Yerevan, 0010
Armenia

Subject: Crucial contribution of the Global Fund subgrantee “New Generation Humanitarian NGO” to the HIV program

Dear Dr Torosyan,

I am reaching out to you in my capacity of Fund Portfolio Manager for Armenia of the Global Fund to Fight AIDS, Tuberculosis, and Malaria to thank you for your strong commitment and leadership in the fights against tuberculosis and HIV/AIDS.

We have been informed that the Global Fund subgrantee New Generation Humanitarian NGO has been working in an increasing difficult environment, and we would like to share with you our concerns that this may hinder its crucial contribution to the fight against HIV and AIDS in Armenia.

New Generation Humanitarian NGO is one of the principal and key NGOs in Armenia delivering prevention, including HIV testing, among men who have sex with men, and has been demonstrated so far excellent performance. This organization is exemplary in terms of implementation and the Global Fund values its work and its essential contribution to the HIV program currently in place in Armenia.

As a key implementer of the HIV program, it would be essential that a safe, respectful and peaceful environment be ensured so that the New Generation Humanitarian NGO can continue to provide prevention activities among men who have sex with men without facing any risks. Any interruption of services would prevent us from reaching successful targets in the perspective of our common goal to fight HIV/AIDS.

Thank you for your consideration.

Yours sincerely,

Valeria Grishechkina

Valeria Grishechkina
Fund Portfolio Manager
Eastern Europe and Central Asia Team



The President

Mr Paruyr HOVHANNISYAN
Ambassador
Permanent Representative of Armenia to the Council of Europe
40, allée de la Robertsau
67000 Strasbourg
armenia.coe@mfa.am

Strasbourg, 15 November 2018

Dear Ambassador,

I was informed that for security reasons, the European Forum of LGBT Christian Groups, a member of the Conference of INGOs, and the “New Generation” Humanitarian NGO based in Yerevan were forced to cancel the ‘Forum of LGBT Christians of Eastern Europe and Central Asia’ which was to take place in Yerevan from 15 to 18 November 2018. It appears “that political violence, death threats and vandalism directed at LGBTI people are constituting a genuine threat to the safety” of participants (about 65 persons were to participate in this event).

As announced in the copy of the communiqué attached, the Armenian organisation, partner or European Forum of LGBT Christian Groups, had to suspend its activities and their director was forced to find a temporary safe place.

The state plays an important role and has an obligation under the European Convention on Human Rights to prevent discrimination. In this case, from the point of view of our member, there was a lack of “sufficient support from the side of the Armenian authorities and the Yerevan police force”.

I would like ask you to convey my concerns to your government as well as my hope, and expectation, that Armenia may ensure the necessary protection of the leaders and members of “New Generation” Humanitarian NGO, as well as other NGOs acting in your county to protect the rights of LGBTI persons in Armenia.

If these concerns persist, the situation of LGBTI+ persons and the NGOs which represent and support them in Armenia will certainly be the subject of discussion during the next plenary session of the conference of INGOs. I am aware that in the context of democratic transition, the political agenda of the government is loaded. However, the protection of minorities and LGBTI persons and their freedom of association and assembly should be a priority for the Armenian public authorities and institutions.

I thank you in advance for taking action without delay. As always, I am at your disposal for any further information, assistance and discussion regarding this issue.

Yours sincerely,

Anna RURKA



NEW GENERATION
Humanitarian NGO



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Web: <http://www.euroforumlgbtchristians.eu>
Facebook: www.facebook.com/LGBTChristiansEurope
Twitter: @ChristiansLGBT

Web: <https://www.ngngo.net/>
Facebook: www.facebook.com/newgenerationngo
Twitter: @NGNGOArmenia

6 November 2018
Amsterdam / Yerevan

FOR IMMEDIATE PUBLICATION:

Organisers forced to cancel LGBT Christian Forum in Yerevan, Armenia amidst violence and death threats

The European Forum of LGBT Christian Groups and the “New Generation” Humanitarian NGO (Yerevan, Armenia) are forced to announce the cancellation of this year’s Forum of LGBT Christians of Eastern Europe and Central Asia that was due to take place in Yerevan on 15-18 November 2018. We are deeply distressed and disappointed that political violence, death threats, and vandalism directed at LGBTI people are constituting a genuine threat to the safety of our participants.

Background to the event

The Forums (conferences) of LGBT Christians of Eastern Europe and Central Asia have taken place since 2004 in various countries of the region (Ukraine, Russia, Estonia, Moldova, Romania). The event brings together around 60-70 LGBTI persons of faith, activists, church ministers, and psychologists for several days of intensive networking, discussions, sharing, and prayer. In September 2017 Yerevan, Armenia was chosen as the host city for the 2018 edition.

Violence and death threats against the Forum

However, during the last several days, there has been a wave of extremist and homophobic acts in Armenia, targeted at the event. In order to maximise their chances at the upcoming elections, the political parties that have been in opposition since the Revolution of April 2018 have mobilised and radicalised right wing conservatives in the country against the group of activists that was coming to Yerevan for the Forum.

These extremists have access to resources that go beyond anything we could have expected. The “New Generation” Humanitarian NGO was forced to suspend its activity, its director’s car was vandalised, and its members are being followed by aggressors hoping to find out the venue of the Forum. Forum participants have received death threats, both from politicians and from armed extremists aspiring to become “heroes of the nation” by murdering LGBTI people. Several foreign tourists were beaten up one week ahead of the Forum after being mistaken for participants. Those in the local LGBTI community are afraid for their safety and that of their loved ones. The protection offered by the police is insufficient.

In light of the information above, the European Forum and the “New Generation” have decided to cancel this year’s conference despite the meticulously hard work of the organising teams, both the local and international ones, for which we are immensely grateful. We wish to express our deep regret and grief over being forced to take this decision. Our events have always been peaceful and safe spaces and we have never sought involvement in local elections and partisan politics. Our only advocacy concern has been the host country’s track record of safety and observation of human rights.

Inadequate response from Armenian government

Besides calling for a swift and transparent investigation of the crimes of hate speech, inciting for and committing violence of the Armenian right wing radicals, we also would like to express our profound disappointment with the current government of Armenia. The recent Revolution of Love and Solidarity brought with it promises of genuine democratisation. Yet the government has taken no steps to put the

human rights of minorities on its agenda. Currently, it has offered no authentic support to the Forum and has prioritised its local political agenda over protecting this peaceful networking event. Thus, it can be seen as complicit with the evil experienced by us.

Call for respect for human rights

There is a long path of democratic changes ahead for Armenia, a country that is a member of such human rights institutions as the Council of Europe, and we call on its rulers to remember that the respect and protection of all its citizens is a condition *sine qua non*. We believe in the wisdom and kindness of the people of Armenia and stand in solidarity with them in their battles. We also want to remind everyone, especially in Armenia that rightfully bears the name of the first Christian country in the world, that violence is not among the true Christian values, while acceptance, love, respect, diversity, and solidarity are.

Working for a better future

Despite the regrettable cancellation of the event, we will continue to care for LGBTI persons of faith in Eastern Europe and Central Asia and firmly restate our commitment to having a presence in those regions most dangerous for LGBTI people. The conference will take place next year in an as yet unspecified country. Our fight for a better world for people of every sexual orientation and gender identity will go on and our community of rainbow people of faith will continue to flourish united in the love of God and striving for acceptance and respect of human dignity and rights everywhere.

Support our protest and pray for our siblings

We call on all democratic and human rights institutions to vocally support our protest against this situation and make it known to the government of Armenia.

We also call on all churches, religious communities, and believers to devote a special time of prayer on 18 November 2018, the closing day of the now cancelled Forum, to pray for the LGBTI persons in Armenia, their safety, freedom and rights.

About the European Forum of LGBT Christian Groups

The European Forum of Lesbian, Gay, Bisexual and Transgender Christian Groups is an ecumenical association of LGBT Christian groups in Europe. The European Forum aims to achieve equality and inclusion for LGBTI people within and through Christian churches and other religious bodies and multilateral organisations. With around 40 member groups from more than 20 countries in Europe, the European Forum works for freedom of religion for LGBTI people, for human rights, for the dignity of LGBTI people and for an affirmative discourse on human sexuality. The European Forum enjoys participatory status with the Council of Europe since July 2018.

About the “New Generation” Humanitarian NGO

The “New Generation” Humanitarian NGO (NGNGO) is a non-governmental organisation established in 1998. Its mission is to promote equality of rights, justice, diversity, dignity and well-being through protection of human rights and advocacy. Its activities are aimed at promoting the protection of human rights and advocacy of the society, promotion of healthcare, access to health services and HIV Prevention, providing material and non-material assistance to private individuals and legal bodies, and carrying out various effective social initiatives.

For press enquiries and further information:

- Misha Chemiak, Programme Officer of the European Forum of LGBT Christian Groups, programme@euroforumlgbtchristians.eu, +48-518-546-488
- Arman Sahakyan, Office Manager of the “New Generation” Humanitarian NGO, asahakyan.ngngo@gmail.com, +374-60-47-89-89



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NEW GENERATION
Humanitarian NGO

Republic of Armenia
Yerevan

November 2, 2018

ANNOUNCEMENT

Dear Colleagues,

Hereby we inform you that New Generation Humanitarian NGO temporarily ceases its normal working process as there have recently been observed cases of persecution of our staff members.

On November 2, 2018, on the whole way from Agveran city to Yerevan 2 cars had been following the car where the staff members of the organization were. The mentioned staff members of the organization noticed and captured the cars persecuting them and the identity of the persons in the mentioned car. All this has been confirmed personally by Sevan Aghajanyan who has made the following publication on his Facebook page:

“According to our information, several participants from abroad are already in Armenia and are going to participate in the LGBT forum. At this moment we are following them.”

New Generation Humanitarian NGO regards this incident as crime and it has already been reported to the relevant department of RA police.

New Generation Humanitarian NGO calls to refrain from any illegal actions and immediately stop the persecution and pressure on the organization.

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NEW GENERATION
Humanitarian NGO



“According to our information, several participants from abroad are already in Armenia and are going to participate in the LGBT forum. At this moment we are following them.”



STATEMENT ON CANCELLATION OF the Forum of LGBT Christians of Eastern Europe and Central Asia

Republic of Armenia

Yerevan

November 6, 2018

Discrimination on different grounds has always been observed in the Republic of Armenia, however what happened in the country within the last few months was unprecedented in its immensity.

The target for discrimination in this case was the person's sexual orientation and gender identity.

The Velvet Revolution which was called the revolution of love and solidarity, came to break the rooted way of working and stereotypes, to make the Republic of Armenia a safe place with equal opportunities for everybody. Everybody had their participation in the revolution.

The time for new Armenia came but it only led to the worsening of the situation of LGBT people and human rights organizations and defenders engaged in the protection of the rights of LGBT people.

Thus, yet a few months ago several mass media outlets, political forces and civic unions began speaking and publishing materials about the LGBT Christian Forum that was to take place in Armenia, in November 2018. They blamed New Generation Humanitarian NGO for:

- Endangering the statehood of Armenia,
- Planning parades on the territory of RA,
- Planning editions of the Bible,
- Destroying the Armenian family,
- Reducing the birthrate in Armenia,
- Destroying the army of Armenia
- Perverting children and other untrue intentions.

They called to bring the president of New Generation Humanitarian NGO to criminal responsibility and/or expel from the Republic of Armenia.

Several persons, NGOs and initiatives acting under the wing of political and non-political forces and individuals availed of the created situation to spread hate speech, threats and calls for violence, stigma and discrimination against LGBT people and human right defenders and CSOs dealing with their issues.

New Generation Humanitarian NGO and their staff members assisting the Forum in organization matters, and consequently LGBT community activists found themselves in the crosshairs of all this.

Thus, after the series of threats and hate speech towards New Generation Humanitarian NGO and their staff members, the organizers and participants of the protest actions against the Forum, took to the implementation of the following activities:

- Events against LGBT Christian Forum were created on the social websites,
- Press Releases were held by various mass media outlets, during which several former parliamentary members, CSO heads and activists made threats of assassinating NGO staff members,
- Marches and demonstrations were held against the LGBT Forum,
- Materials and calls violating the rights and infringing the dignity of LGBT community and New Generation Humanitarian NGO were published and disseminated,
- The social network and press was flooded with false and one-sided information,
- Persecution of the NGO staff members took place on November 2, 2018. Two cars persecuted the NGO staff members on the whole way from Aghveran city to Yerevan. Sevan Aghajanyan was in one of the persecuting cars which he confirmed on his Facebook page. This person is famous for his hate inciting activity against LGBT people and CSOs and human rights defenders dealing with their issues.

Due to the created situation that endangered the safety of NGO staff members, New Generation Humanitarian NGO was forced to temporarily cease their normal working process and draw the attention of local and international institutions on this great issue.

We – the undersigned human rights defenders, representatives of local and international organizations and diplomatic missions

CALL UPON

The RA Government:

- To follow the Constitution of the Republic of Armenia
- To put into action the responsibilities assumed by the Republic of Armenia under international treaties, conventions and other documents and to add the sexual orientation and gender identity as protected grounds of discrimination in the draft law on Equality of Rights,
- To issue STATEMENT on condemning all kinds of illegal and antidemocratic steps on grounds of sexual orientation and gender identity,
- To bring on the agenda of relevant committees the pressing issue of legal protection of LGBT people and security of CSOs dealing with their issues, which requires urgent solution,

Diplomatic Missions and international organizations in RA

- To make statements condemning the created situation
- To cancel and not to provide visas for entry to European countries and USA to those persons that have carried out or contributed to activities against the democratic values and realization of human rights,
- To introduce Armenia as unsafe country for LGBT community and civic unions dealing with their issues to the European countries and USA.

The RA police:

- To ensure the safety of LGBT people and organizations engaged in the protection of their rights,
- To undertake necessary steps to bring to responsibility the persons who have made attacks or such attempts against LGBT people and representatives of NGOs engaged in the protection of their rights,
- To ensure due accompanying and guarding of any assembly organized and held as provided for by law.

The Consequences of the Created Situation:

- ✓ Out of safety of employees NGNGO temporarily suspended its regular operation.
- ✓ On November 6, 2018, NGNGO officially announced the cancellation of LGBT Christians Forum of Eastern Europe and Central Asia (EECA).
- ✓ On December 3, 2018, NGNGO issued a written claim to Armine Ohanyan, the editor-in-chief of Hraparak.am website to refute the article entitled "LGBT FORUM WILL HOWEVER BE HELD".
- ✓ On February 8, 2019, NGNGO lodged a complaint against Hraparak.am to the First Instance Court of General Jurisdiction of Yerevan on Refutation of Defamatory Facts and Compensation for Damage. The lawsuit was initiated.
- ✓ On August 14 and October 15, NGNGO sent letters to the RA Police, which provided reports of crimes. August 14 letter was related to MP Gevorg Petrosyan's and the October 15 letter to former MP Aragats Akhoyan's dangerous behavior against LGBT people (threats, hate speech). The Police of the Republic of Armenia did not reply to the NGNGO letters in duly manner and timeframes as provided for by law. On November 29, 2018, NGNGO sent another letter to the RA Police demanding to provide written information on August 14, 2018 and October 15, 2018 letters.
- ✓ On February 25, 2019, NGNGO filed a lawsuit against the Police to the RA Administrative Court with a claim " on Obligation to Provide Information as provided for by law". The lawsuit was initiated.

Case № 15

During the period of violent criticism and threats of violence related to EECA Forum of LGBT Christians, in the evening of October 27, 2018, at about 23.30 to 00.30 an unknown driver crushed into KIA car belonging to the New Generation Humanitarian NGO parked at the address of



41 Tumanyan st. and then it also hit another car and left. The car had been provided to NGNGO by Mission East Humanitarian AID organization.

NGNGO president Sergey Gabrielyan drove home late at night not noticing the damage on the car. The next morning NGO president noticed the car damage in daylight and after watching the office camera recordings it became evident that the driver intentionally hit the NGNGO car and immediately fled. On October 29, 2018, NGO President, Sergey Gabrielyan reported the case to the RA Traffic Police.

The camera recordings show that an unknown driver intentionally hit the car belonging to the NGNGO, then the car parked in front of it and drove away. The video shows that traffic police arrived at the place.

The above-mentioned recordings were provided to the RA Traffic Police.

NGNGO didn't manage to receive any information on the case investigation process despite the visit of Traffic Police.

NGNGO applied to the RA Traffic Police on January 29, 2019, requesting information on the case. The RA Traffic Police didn't respond in duly manner and timeframes as provided for by law.

The NGNGO is planning to file a complaint against the RA Traffic Police with a request on "Obligation to Provide Information as provided for by law" to the Administrative Court of the Republic of Armenia.

SITUATION IN CRIMINAL EXECUTIVE INSTITUTIONS



"New Generation" Humanitarian NGO has been a member of the Public Monitoring Group for Public Oversight of Penitentiary Institutions and Agencies of the Ministry of Justice since 2012.

The NGNGO, in particular, carries out the monitoring of the most vulnerable detainees, who are affected by discrimination and torture. It should be noted that the cases of discrimination, bad attitude and torture against GBT (gay, bisexual, transgender) persons are periodic and it is a systemic problem.

These individuals, both in the former regime and after the velvet revolution, are kept in the cells special for homosexuals, which differ from the other cells of the same penitentiary institutions:

- Unfavorable cell conditions, humidity, illumination problem, not repaired, peeling paint on walls, anti-hygienic bathrooms,
- Availability of insects and small reptiles,
- Heating and power-related malfunctions tear-off wires, faulty sockets, non-operating heating boards,
- Absence of bedding, household goods and clothing not provided by the penitentiary institution.

In the penitentiary institutions, GBTs are discriminated against both by the penitentiary administration and by other convicts and detainees. Generally, they do all kinds of unpaid, "degrading honor and dignity" jobs as claimed by their own requests. They can not afford to use common kitchens in prisons as they are unacceptable to other detainees. Their food is provided for themselves with special notes on dishes. They have shower separately from the other convicts and detainees.

GBTs are considered to be a reputed and vulnerable group in penitentiaries. Individuals who often violate "unregistered criminal law" are considered equal to GBT persons and punished and stored in their cells.

The issue of their health care in the penitentiaries is alarming. The NNGO has repeatedly received alerts from GBT prisoners in connection with their first medical aid, medication, and transfer to the Penitentiary Hospital.

CONCLUSION

The growth of hate and discrimination against LGBT community members was evident in 2018. The Internet and media were flooded with misinformation and hate speech. Many people have been interrogated without criminal charges, many have left Armenia and have settled in safer countries. However, there are still LGBT people who continue to live in the Republic of Armenia and are struggling daily for their rights and freedoms.

In 2018 LGBT people's rights have also been violated at state level through hate speech and propaganda. Many have concealed their sexual orientation and have been scared to apply to law enforcement agencies as they have been subjected to torture or cruel, inhumane treatment thereby numerous times. In 2018 many groundless criminal charges have been brought against the representatives of vulnerable groups. Despite the fact that LGBT community representatives were victims in some cases, they were charged with criminal cases because of the discriminatory attitudes of the prosecuting authorities. There has also been a differentiated attitude by judges against LGBT people and they often violated the principle of competition.

Cases of violence against LGBT people registered in 2018, restriction of their right to freedom of movement and right to gatherings, hate speech against LGBT people used even in the National Assembly or seeing the issue of this people as propaganda or headache prove that Velvet Revolution, which propagated love and tolerance, leads only to even more restrictions and segregation.

The calls for hatred, violence and threats against LGBT community representatives once again reaffirm that our society is still unable to exercise the rights and freedoms of individuals on the basis of equality, which is a prerequisite for forming a democratic society.

As we know, the fight against discrimination and hatred is distinguished with difficulty of the disclosure of victims due to their vulnerability, the low level of public awareness, their legal awareness, nihilism and other factors. Consequently, measures should be taken and implemented to identify victims, establish a special order for their protection, raise public awareness and widen the scope of public oversight on state government.

One of the primary factors contributing to discrimination is lack of appropriate legislation, discriminatory terms and restrictions in existing laws. In such a situation, the best solution should be to seek legislative changes and to engage in multilateral discussions with different layers of society.