



**HUMAN RIGHTS HOUSE  
YEREVAN**

**Annual Report**

**2017**

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Yerevan, 2018



*HRH Yerevan extends its gratitude to all human rights defenders, including attorneys, journalists, environmentalists and active citizens, who have kindly shared with us the information available to them and their expert opinions.*

The report is prepared by the human rights defenders and researchers of HRH Yerevan's member organizations, Women's Resource Center, Pink Armenia and Socioscope. The report is based on primary fact-finding work and interviews conducted by HRH Yerevan, as well as reports found at arm-times.com, azatutyun.am, epress.am and hetq.am media outlets and publications by hahr.am, hcav.am, khosq.am, sut.am, ypc.am.

This document is not inclusive of all those cases of harassment and obstruction of work focusing on human rights and public interest and human rights defenders, wherein the persons harassed publicly forbade the human rights institutions to mention their names.

To further add information on pressures against defenders of human rights and public interest, all interested persons can contact HRH Yerevan at **hrhyerevan@gmail.com**.



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## Foreword

Observations and examination of incidents that involved human rights defenders and activists in 2017 in Armenia provide ample grounds to conclude that the overall environment in Armenia is not conducive to fully and safely defending the interests and rights of individual citizens and public groups. Key factors accounting for this situation include unequal treatment, institutional and other obstacles posed against human rights defenders, environmentalists, defense attorneys, journalists and mass media by the state and state-affiliated institutions (businesses, church, NGOs).

Having signed the UN Declaration on Human Rights Defenders,<sup>1</sup> the Republic of Armenia has a prime responsibility and duty not only to protect, promote and implement all human rights and fundamental freedoms, but also to take necessary steps to support the activities of individual human rights defenders, human rights groups and associations.

It is remarkable that human rights defenders and activists defending public interests face not only the obstacles posed by the dysfunctional judicial system and other institutions of governance (local governance bodies, law enforcement bodies), but are also subjected to discrimination, a culture widely encouraged by the ruling political parties. Their ideologies (“nation-army” militarist concept which glorifies masculinist power-based ethics, as well as the enhanced powers of the Armenian Apostolic Church to intervene in the activities of the state) take a toll on the already difficult task of human rights protection in Armenia.

In addition, the field of human rights is often depicted as an arena of geopolitical warfare wherein Russia’s anti-European propaganda is waged and wherein internal issues are easier to be ignored. This creates a fertile ground for the growth of anti-rights activists and NGOs advocating for the interests of businesses and political parties, which offset the human rights movement in Armenia. On the other hand, as part of their partnership with the government of Armenia, international formal institutions often retreat and compromise on the priority of enhancing human rights in Armenia and on persisting with implementation of their own recommendations.

Visible public actors and human rights defenders (particularly defenders of women’s and LGBT+ rights, political critics of the government or state bodies) become targets of discrimination, smear campaigns, hatred and hostility, are threatened and legally prosecuted. It is remarkable that these campaigns are led by state bodies, their representatives, the ruling Republican Party and its proxy mass media. As a consequence, anti-rights and corporate business promoting NGOs affiliated with specific parties and state politicians of Armenia and tacitly supported by the government of Russia have been burgeoning in recent years. These often act as progressive human rights defenders, however more often disseminate offensive language, smear, hate speech and threats against human rights defenders and promote the interests of the above-mentioned political forces in their own agendas at the expense of protection of the interests and rights Armenian citizens.

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<sup>1</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998.12.09), accessed from on 2018.13.03 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx>.

# Obstacles to the activities of attorneys

## Harassment during High Profile Trials and Cases with Large Public Resonance

In 2017, pressures against attorneys were observed in the Armenian courts, specifically in relation to the high profile trials of the “Sasna Tsrer” group and “Sefilian and others” that were accompanied by a public outcry. On June 13, the court officers of Shengavit District Court of First Instance attempted to “inspect” the attorneys of Zhirayr Sefilian, Nerses Poghosyan and others. Tigran Yegoryan, Nina Karapetyants, Tigran Hayrapetyan and Arayik Papikyan, defenders of some of the accused, stated that in reality the intention of the court officers was to search them, an unlawful act. They, accordingly, refused to be searched. It is noteworthy that according to the attorneys, the court officers demonstrated bias in this activity and “inspected” only the attorneys and none of the prosecutors and the judge. Several other attorneys of the 18 defendants of the total 32 of the “Sasna Tsrer” group were also treated in a similar manner. The court officers also arbitrarily chose to let in some of the attorneys without checking their belongings, while they tried to search attorneys Mushegh Shushanyan, Monika Margaryan and Inessa Petrossyan. The same pattern was observed during the trial on September 20, when Judge Artush Gabrielyan issued a court sanction against absent attorneys Arayik Papikyan and Mushegh Shushanyan. The judge sent a request to the Chamber of Advocates to initiate disciplinary proceedings. The reason for the absence of the attorneys from the court trial was that they were not allowed to enter the court building without having been searched. According to the Criminal Trial Code, without the presence of defense attorneys a court hearing was not to be held, it should have been suspended. The attorneys in the matter have stated that the intention of the court is to obstruct judicial defense by means of ungrounded sanctions.

Nina Karapetyants of the “Helsinki Association” voiced of additional indirect pressures against advocates. More specifically, the engagement of their organization’s attorney Arayik Papikyan in the politically charged high profile cases (“Sasna Tsrer” group, “Sefilian and others”) backlashed against his other cases in the form of retribution from the judicial system.<sup>2</sup> More specifically, Arayik Papikyan’s defendant Karen Kungurtsev, having been acquitted by the Court of First Instance in 2016, one year later, in July 2017 was sentenced to 7 years of imprisonment by the Court of Appeal. Arayik Papikyan has appealed this verdict to the Court of Cassation, the Court has accepted the case into proceedings.

## Lack of Protection from Threats

In 2017, threats were addressed at attorney Inessa Petrossian and her family on account of her professional activities. During one of her cases, the group being prosecuted (with one of the group members being related to a justice system colonel), demonstrated an aggressive conduct and addressed swearwords and threats against Petrossian. The attorney also received threats into her Face-

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<sup>2</sup> 7 years of Imprisonment by the Court of Appeal to the Young Man Earlier Acquitted (2017.07.18). Epress.am. accessed on 2018.03.13 at <http://epress.am/en/2017/07/18>.

book mailbox from a user with the fake name “Narine Arzumanyan.” In May 2017, Inessa Petrossyan turned to the Chief Prosecutor’s office of Armenia with a request to initiate an investigation and criminal proceedings in relation to the swearwords and threats addressed against her. A criminal case opened with Inessa Petrossyan being the injured party. According to the information available to her, pretrial investigation was still ongoing, however with no progress. Despite availability of many recordings during the court sessions when the threats were voiced and evidence provided by examined witnesses, the case did not advance from the stage of pretrial investigation throughout 2017.



# Obstruction to the Work of Journalists and Freedom of Speech

## Statistics on Acts of Violence and Harassment

According to the 2017 Annual Report of the Committee to Protect Freedom of Expression, 11 journalists were physically assaulted, 113 cases of harassment of mass media and journalists were recorded with 62 of them involving violation of the right to receive and disseminate information. During the parliamentary campaign period, three cases of physical assault against journalists occurred. On April 2, the day of parliamentary elections, 2 journalists were physically assaulted, another 8 journalists' work was obstructed. It is striking that the acts of violence against the journalists have remained unpunished. Of the 29 cases of assaults and obstruction of a journalist's work only 9 criminal cases were initiated, of which 5 were closed due to lack of substance of crime, whereas only 2 cases have reached the court.<sup>3</sup>

## Harassment of Persons Voicing Violations of Political Rights

In 2017, Tigran Sargsyan, Armenia's former Prime Minister and incumbent Chairman of the Eurasian Economic Committee's Plenary (seated in Moscow), filed suits against 5 media outlets based in Armenia (168.am, a1plus.am, epress.am, iravunk.com, tert.am) with a demand to retract published information. The information related to the statements made during a press conference on October 7, 2016 by businessman Ashot Grigoryan, head of the Armenian community in Slovakia, President of the "EU-ASIA Business Finance Center" Holding, that Tigran Sargsyan used his offshore bank accounts in order to lead Armenia's "Nairit" factory to bankruptcy. The original claim demanded also a monetary compensation from the media outlets, however during the court hearing on December 6, 2017, his representative dropped the monetary demand.<sup>4</sup> The court trial still goes on.

In 2017, Vahe Hakobyan, Marzpet (governor) of Syunik Marz, filed a lawsuit against Artur Grigoryan, an environmental activist (see in more detail on page 17), as well as the media outlets that covered the information provided by him, including aravot.am, epress.am and syuniacyerkir.am news websites. Hakobyan claimed that he was defamed and demanded 2mln AMD from Grigoryan, and retraction of the earlier published information from the media outlets. During the first court hearing in November 2017, it was disclosed that the plaintiff dropped the claim against aravot.am. Later it turned out that the issue was settled with aravot.am as the media outlet complied with the present demand.<sup>5</sup> The court trial is still in process. It is noteworthy that the materials substantiating the

<sup>3</sup> See the 2017 Annual report of the Committee to Protect Freedom of Expression (CPFE Report on the Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia, 2017), 2018.01.17. Accessed on 2018.03.13 at <http://khosq.am/en/reports/>.

<sup>4</sup> Tigran Sargsyan No Longer Demands Compensation from the Media, only Retraction of Information (2017.12.07). Epress.am. Accessed on 2018.03.13 at <http://epress.am/2017/12/07/>.

<sup>5</sup> "Aravot" News Outlet Slipped out of the Lawsuit Brought by Syunik Marzpet. (2017.11.30). Epress.am. Accessed on 2018.03.13 at <http://epress.am/2017/11/30/>.

case are not exclusive and were published by many other media outlets, however the plaintiff has sued only a few of them.

In 2017, 30 legal suits were filed against Daniel Ionnisyan, founder of sut.am website and Program Coordinator of the Union of Informed Citizens NGO. All the cases were in relation to the website's publication of March 24, 2017<sup>6</sup> disclosing systemic and large-scale abuses of the administrative resources by the ruling Republican Party, including exploitation of the school and kindergarten principals for the purpose of collecting vote pledges and passport details against the will of voters. All the 30 plaintiffs were demanding retraction of the alleged defamation against them and a compensation worth 2mln AMD for each. During the first court hearing they all dropped their suit.

2 days after sut.am reported the above-stated investigation, Daniel Ionnisyan's private and family-related information, only available to Armenian law enforcement bodies, was illegally disclosed. This act itself was again an abuse of the state resources as an attempt to discredit Ionnisyan and the activities of the "Union of Informed Citizens" NGO, to exert political and moral pressure, to obstruct protection of voters' right to free expression of political will. The disclosed data were protected under the RA legislation on protection of personal data, specifically Article 144 of the Criminal Code and under Articles 8 and 14 of the European Convention on Human Rights and were as such not liable to disclosure. Given that these data were managed by the state bodies, Ionnisyan applied to the Special Investigative Service with a request to initiate criminal proceedings, however the proceedings were initiated by the Investigative Committee.<sup>7</sup> On October 7, the case was closed with a claim that it was not possible to identify those who can be charged. On October 12, Ionnisyan appealed the decision of the Investigative Committee in the Chief Prosecutor's office. With their decision of October 26, the Chief Prosecutor's office rejected the appeal. On November 1, Daniel Ionnisyan turned to court with a request to reopen his case. The court proceedings are currently ongoing.

Gayane Abrahamyan, journalist and public figure, became a target of a wave of hate speech in relation to her article published in June 2017<sup>8</sup> on the "nation-army" militarist strategy promoted by the Armenian government. In September 2017, "Article 3" club headed by her was added to the target of harassment. "Ararat TV" media outlet affiliated with the ruling Republican party (the registration address of the TV outlet coincides with the Republican party's office address), dedicated a number of programs to "Article 3" club. According to Gayane Abrahamyan, "Article 3" was presented as a "preacher of perversion," "facilitator or fake pro-European debates", "grant-eater" with a clear aim to incite hostility and negativity among the public against the activities of the club and Abrahamyan. According to her, targeting of "Article 3" is linked to her criticism of the "nation-army" strategy and the club's involvement in discussions over anti-domestic violence legislation and gender equality.

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<sup>6</sup> The Republican Party Misuses the Administrative Resource at Schools and Kindergartens (114 audio recordings). (2017.03.24). Sut.am. Accessed on 2018.03.13 at <https://sut.am/en/archives/803>.

<sup>7</sup> Khachatryan T. (2017.04.26). Daniel Ionnisyan Surprised at Why His Case is Investigated by the Investigative Committee and Not the Special Investigative Service. Haykakan Zhamanak. Accessed on 2018.03.13 at <http://www.armtimes.com/hy/article/110327>.

<sup>8</sup> Abrahamyan G. (2017.06.14). Armenia. Nation-Army Plan Raises Concerns About Society's Militarization. Eurasianet. Accessed on 2018.03.13 at <https://eurasianet.org/node/8399>.

In 2017, Boris Murazi, editor of politik.am news website, became a target of threats and smear campaign sparked by the website's reposting from Facebook of a video made in 1990s, where incumbent president of Armenia, Serzh Sargsyan participates in a joint party with representatives of the criminal world. According to Murazi, he received many threats directly through Facebook messages and verbally mediated through his relatives. The threats also specifically featured that Murazi is Yezidi by his ethnicity. Those threatening and offending him were attempting to harass him by account of his ethnic identity, emphasizing the "unequal position" of a minority in engaging in media activities and criticizing political or state actors.

## **Swaying and Manipulating Public Opinion**

In 2017, Tehmineh Yenokyan, journalist and activist, was publicly smeared for her journalist coverage in July 2016, specifically when she video-recorded and covered the citizen protests and their crackdown by the police in "Sari Tagh" district of Yerevan and Khorenatsi street several days following the takeover of the police station by "Sasna Tsrer" Group. The video material later on became the substantial evidence based on which the state constructed its accusations against protest participants, as well as served as a ground for defense by defendants. The video materials clearly show that the police officers had video cameras and other recording materials too with which they were recording the events. The police never disclosed these materials, which according to Tehmineh Yenokyan allowed the investigative officers to manipulate and sway the residents of Sari Tagh towards accusing her for providing grounds to the police to criminally prosecute the young men participating in the protests. According to this swayed opinion, had Yenokyan not covered the event or had she at least blurred the faces on camera, their friends or relatives would not have been subjected to criminal prosecution. This kind of targeted accusations are continually voiced up until the date of publishing this report. Tehmineh Yenokyan felt compelled to turn to the "Media Ethics Observatory", a self-regulating media body, to request their assessment of the accusations she was receiving and of her professional duty. The media experts stated that Yenokyan did not violate any legal or ethical norm.<sup>9</sup> Thus, the investigative officers, instead of placing the burden of proof for illegally accusing the protesters on the legal system of Armenia, sway it towards the journalist who was carrying out her professional duty. The manipulative activities of the law enforcement bodies obstructed and continue to obstruct the journalist's follow-up work with the residents of Sari Tagh and her journalistic activities in general.

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<sup>9</sup> Expert opinion of the Media Ethics Observatory on the Appeal by Tehmineh Yenokyan [PDF], (2017.10.16). Accessed on 2018.03.13 at [http://ypc.am/wp-content/uploads/2015/10/October-16\\_2017\\_eng.pdf](http://ypc.am/wp-content/uploads/2015/10/October-16_2017_eng.pdf).

# Limitations to Human Rights Protection of LGBT Persons

## Institutional Homophobia

In July 2017, the organizers of the 14th Golden Apricot International Film Festival removed the scheduled out-of-competition rubric “Armenians: Internal and External Views” from the festival program as a response to the demand that their partners - the homophobically-disposed Union of Cinematographers of Armenia - had put forth for providing them a space for film screenings. Precisely, the Union demanded that the festival withdraw two LGBT-themed films from the program in exchange for the Union to provide its screening venue. “Listen to Me: Untold Stories beyond Hatred” documentary and “Apricot Groves” feature film both depict the problems faced by LGBT people in Armenia. “Listen to Me” was produced by Pink Armenia (Public Information and Need of Knowledge) human rights NGO. The NGO attempted to present the issues of LGBT persons to the public of Armenia, increase their public visibility, and enhance protection of their rights with the help of cinematic language and through an open screening. As a result, by their compromise to remove the entire section the films were part of, the Golden Apricot IFF caused substantial harm to the advocacy activities of Pink Armenia. The failure by the festival organizers to rearrange the screening of the declined films in alternative spaces indicates that even institutions with ambitions to achieve international fame, however cooperating with state structures, fail to be held up to their own values and policies declared publically- in this case nondiscrimination and presentation of the diverse experiences of various social groups.<sup>10</sup> The festival is supported by RA Ministry of Foreign Affairs and the Ministry of Culture, as well as by the Armenian Apostolic church noticeable for its increasingly greater interference with the state matters in recent years. While the first two institutions did not react to the incident despite calls from human rights activists to express their position, the Church demonstrated an explicit homophobic position, confirming that they had indeed urged Golden Apricot to retract the screening of the LGBT-themed films.<sup>11</sup>

Later on, Ara Zohrabyan, Chairperson of Armenia’s Chamber of Advocates touched upon the incident in an interview, expressing an attitude inconsistent with the professional conduct of lawyers and a position that downgrades and denies the need for protecting LGBT persons’ rights in the Armenian society.<sup>12</sup> A number of NGOs, including Human Rights House Yerevan, called upon the Chamber of Advocates as represented by its Board, to take necessary steps to investigate the Chairperson’s violation of code of conduct and to possibly initiate a disciplinary action.<sup>13</sup> Despite this call, the Board of the Chamber of Advocates did not react to Zohrabyan’s statement in a duly manner.

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<sup>10</sup> On the goals declared by Golden Apricot, see the website of the film festival. Accessed on 2018.03.13 on <http://www.gaiff.am/en/history>.

<sup>11</sup> The Mother See Called on “Golden Apricot” not to Screen the Films Featuring LGBT persons. (2017.07.13) Epress.am. Accessed on 2018.03.13 at <http://epress.am/2017/07/13>.

<sup>12</sup> Screening of films by and about perverts among minors is prohibited by law. (2017.07.13). Accessed on 2018.03.13 at <http://lawgroup.am/?p=7214>.

<sup>13</sup> Statement regarding the 13.07.2017 Interview by Ara Zohrabyan, Chairperson of the Chamber of Advocates. (2017.07. 20). Accessed on 2018.03.13 at <http://www.pinkarmenia.org/hy/2017/07/ara-zohrabyan>.

Earlier in 2017, Pink Armenia had already faced unlawful obstructions to their rights protection activity, this time by Yerevan Municipality. The Municipality's arbitrary actions of May 27 resulted in the dismantling of three LGBT-themed social ad billboards installed in downtown Yerevan. The billboard posters were commissioned by Pink Armenia. These ads aimed to signal the visibility of LGBT people and foster their protection. The posters were to remain installed in public areas from May 25 to June 24 in accordance with a duly signed contract. The ad company, nonetheless, removed the billboard posters after three days at the direct instruction of and under threats by Yerevan Municipality. Pink Armenia has filed a lawsuit against the Municipality of Yerevan in the Administrative Court with a claim to recognize the actions of the Municipality discriminatory, violating the plaintiff's right to free expression and overall unlawful, and to take steps to reinstall the billboard posters.

In 2017, Pink Armenia turned to the Ministry of Culture with a request to recognize the billboard posters and video clips promoting tolerance towards LGBT persons as public service announcement (PSAs). The Ministry of Culture rejected the proposal with the discriminatory justification that the public is already aware of the existence of persons with a "nontraditional" sexual orientation that the ads do not address any issue of social importance and do not contain any element of public awareness raising. This has compelled Pink Armenia to file a suit with the Administrative Court with a claim to recognize the action of the Ministry of Culture impeding the plaintiff's right to freedom of expression and being free from discrimination, overall unlawful and to oblige to recognize the ads as PSAs.

The municipality's interference with issues of protection of LGBT rights was also manifested on July 3 when, according to the representatives of "Right Side" NGO, they were attacked by their office neighbor, who introduced herself as a Municipality representative. According to these NGO members, the neighbor, Naira Nahapetyan, member of the Republican Faction in the Yerevan's Municipal Council and member of the party's board, threatened them and advised to quickly find another venue for their office, promising to otherwise create problems for them and their beneficiaries. The extent to which the city municipality as an institution is involved in the woman's initiative is not clear to HRH Yerevan.

## **Harassing and Threatening Human Rights Defenders of LGBT People**

The institutional impediments to protecting the rights of LGBT persons negatively affect the human rights defenders working in this field, as the impediments contribute to reinforcement of social stereotypes and spread of hate speech against these human rights defenders. NGOs and their staff members protecting LGBT rights, and more specifically Pink Armenia and its executive director Mamikon Hovsepyan, who are known to the public due to their active work in the field, regularly receive private messages on Facebook containing hate speech. The homophobic policies of the state governance institutions foster social replication and legitimization of such positions. Thus, after Yerevan municipality's arbitrary removal of the three billboard social ads promoting LGBT visibility in 2017, a smear campaign of hate speech spiraled in Facebook. Among the smears, certain Facebook users also publicly called to attack Pink's office. Among those that called for such acts was Tatev Hovhannisyan, the former employee of the German Saving Banks Foundation for International Cooperation (Sparkassenstiftung für internationale Kooperation e.V. Armenia), who publicly disclosed Pink Armenia's address normally not made public by the NGO. Hovhannisyan had earlier organized a meeting

for GIZ (International Cooperation Agency of Germany) staff members in Pink's office, which was the reason why she was informed of the NGO's address and had personally visited it. While Pink's office was not assaulted, the threats caused an emergency operation mode for all the staff members for 1 week.

# Limitations for the Protection of Women's Sexual, Reproductive and Other Rights

## Systemic Oppression

Defenders of sexual and reproductive rights are perceived by the state institutions and certain political groups as a threat to social norms based on stereotypes of gender inequality and discrimination. In the context of total militarist propaganda and politics, reproductive rights, including the right to abortion and planning of birthing, are completely ignored by the state institutions.

Active in the field of sexual and reproductive health and rights, «Women's Resource Center» NGO (WRC) states that it is frequently harassed by nationalist groups and the government of Armenia. In 2017, during almost all meetings on reproductive health and rights, WRC representatives had to voice about the international and national obligations of the state, to which the state officials reacted in an aggressive manner. State officials and institutions do not provide adequate response and often ignore the demands of the women's rights defenders during legislative drafting and policy enforcement and thus are obstructing due protection of women's rights in Armenia. As a point of matter, in 2017, during the public discussions of the draft law on domestic violence, a number of important issues remained ignored by the state, as a result of which the adopted version of the law does not comply with a number of international legal principles in this field and has many pitfalls.

## Harassing and Threatening Women's Rights Defenders

Human rights defenders working in the field of sexual and reproductive health and rights are extremely vulnerable in the public sector as well, as they are harassed by state institutions and reactionary groups promoting discriminatory culture. Lara Aharonian, co-founder of the Women's Resource Center and Maro Matosyan, founder of the Women's Support Center have become targets of hate speech and degrading statements many times in recent years as a result of their human rights activities. One of the many videos specifically targeting Aharonian and Matosyan was published on June 30, 2017 by an anti-rights and anti-European propaganda Facebook page allegedly under the tacit patronage of the government of Russia.<sup>14</sup> This page regularly posts notes, photos and videos about women human rights defenders full of hate speech. Aharonian and Matosyan are publicly known to be advocates of adoption of domestic violence law, elimination of discrimination against LGBT persons and protection of women's sexual and reproductive rights.

In November 2017, during the period of domestic violence prevention law adoption, reactionist discriminatory individuals and groups reactivated hate speech, offenses, practices of disseminating misinformation against the human rights defenders advocating for the adoption of this law. The smear campaign included dissemination of fake information about the mission and activities of

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<sup>14</sup> Adoption of Domestic Violence Law in Armenia Opposed by Pro-Russian Groups. Report (2016.12.24) Epress.am. Accessed on 2018.03.13 at <http://epress.am/en/2016/12/24>.



Women's Resource Center NGO. In one of Facebook posts, the user is calling for the interference of the national security service to examine and "take necessary measures" against the alleged attempts of the NGO "to destroy the state and intrude into the families of citizens". Lara Aharonian's photos, co-founder of WRC, are attached to this Facebook post, with arrows and other pinpointing graphics as an attempt to personally identify and target her.<sup>15</sup>

Yet in 2012, WRC was compelled to file a suit with the Administrative Court of Armenia in relation to smears with a claim to compensate for the damage done to its public reputation. Despite the fact that the organization's claim was satisfied, the state has not taken practical steps to support women's rights defenders, to institute functional mechanisms allowing full exercise of their rights to be free from discrimination and violence. With a confidence of impunity and having the tacit support of the law enforcement bodies, reactionary groups organized in recent years continue to target human rights defenders in Armenia.

Swearwords and calls for threats are regularly made against NGOs in relation to their provision of legal, psychological and other type of assistance to women. The staff members of the "Women's Support Center" (WSC) NGO, are regularly targeted, threatened, pressured by husbands, partners and family members of their beneficiaries who are women subjected to domestic violence. WSC staff (mostly women human rights defenders, lawyers, social workers, psychologists) constantly operate in an environment risking their lives and health; however, the Police of Armenia do not take practical steps on this situation. On the contrary, their actions often seem to back the husbands of victims of violence, to tolerate acts of violence and to demonstrate inadequate response to the needs of women.

A vivid example is the case of WSC's beneficiary, Naira Smbatyan's husband Ara Khachatryan, who in May 2017 had blocked the car of WSC staff members, when they were accompanying Naira Smbatyan out of the building of the court, after the court hearing of her divorce case.<sup>16</sup> The human rights defenders alarmed the police, however before the arrival of the police, special police officers from the Chief Department of Organized Crime arrived at the call of Khachatryan, who had taken WSC's car in siege (they were called at the notification that a person wanted by the police has been found. This was allegedly Naira Smbatyan, who was declared missing.). The police officers who arrived later accompanied the human rights defenders and their beneficiary Naira Smbatyan to Malatia Police Department, where Smbatyan wrote a request to abandon the decision to search for her. Khachatryan, who followed the women to the Police Department, refused to enter the building and write an explanation, continued to remain in the vicinity of the police building blocking the WSC car and threatening the organization's staff. For hours, the head of Malatia Police Department refused to take action against the threatening behavior of Khachatryan and instead chose to accompany the staff and their beneficiary through the backdoor and to provide a police car to transport them.

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<sup>15</sup> Z. Khojabaghyan, [zakar.khojabaghyan], (2017.10.13). As a citizen of the Republic of Armenia, I am drawing the attention of the National Security Service and other relevant structures. [Facebook post]. Accessed on 2018.03.13 at <https://web.facebook.com/zakar.khojabaghyan/posts/1679251902094228>.

<sup>16</sup> 'Police Are Not Private Guards:' Armenian Law Enforcers Have 'No Mechanisms' to Protect Woman From Abusive Husband. (2017.05.26) Epress.am: Accessed on 2018.03.13 at <http://epress.am/en/2017/05/26>.



Individual feminist activists and/or public figures advocating for women's rights and issues also become frequent targets of threats. In 2017, many of the participants of the March 8 march, including publically active feminists, became targets of a new wave of threats. More specifically, various threats, sexual swearwords, offensive language, labels such as "enemies of the nation" circulated on Facebook towards the participants of the march, after the event. During the march itself, a number of men articulating outwardly nationalistic viewpoints attempted to attack the transgender women participating in the march. Zaruhi Hovhannisyan of the Coalition to Stop Violence against women has also stated that in 2017 she continued receiving private messages on Facebook containing hate speech and swearwords.

# Threats to Life and Health as Well as Retribution in Relation to Voicing Legal Offences Committed by Officials

## Violations of the Right to Fair Trial

A criminal case against Marina Poghosyan, head of “Veles” human rights NGO, first opened and closed in 2015, then reopened in 2016 and was accompanied by many violations. In 2017, her case was tried by the first instance court of Arabkir and Qanaqer-Zeytun districts despite the complaints of Marina Poghosyan’s attorney about the illegality of hearing the case in this court. From January to May 2017, Human Rights House Yerevan initiated local and international observation of the hearings of the case and found that the trial by Arabkir Court was illegal. The decision to have the trial court changed was made possible as a result of the motion of Marine Poghosyan’s attorney and under the pressuring presence of observers. During their observation, Human Rights House Yerevan expressed their concern about appointing trial hearings without proper notifications to the defendant and her representative. Despite the fact that Human Rights House Yerevan have completed observation of Poghosyan’s case, the House follows media publications, which point to continuation of illegalities during the trial procedures and violation of her right to presumption of innocence.

## Obstruction of Protection of Citizens from Harassment

On June 2, 2017, Arthur Sakunts of Vanadzor Helsinki Assembly, received a death threat under one of his Facebook posts from a user by the name of “Ashot Avanesyan.” Sakunts’s Facebook post was a criticism of Armenia’s government for having failed to investigate the killings of March 1, myriads of illegalities, injustice and repression of citizens who are against the regime. The death threat was followed by another threat from another Facebook user. On June 5, Sakunts filed a notification to the Chief Prosecutor’s office in relation to receiving threats. Sakunts was later recognized as an injured party, while the Facebook user was found impossible to be identified, despite the necessary steps allegedly taken by the Investigative Committee of Armenia. Sakunts publically stated that he was not satisfied with the process of the investigation. There are no developments in relation to this criminal case, the pretrial process is ongoing, it has been transferred from Yerevan to the Lori branch of the Investigative Committee. So far, the measures taken by the enforcement bodies to investigate the death threats against the human rights defender are ineffective, which has its negative impact both on the safety of Sakunts’s activities and human rights defenders in general.

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<sup>17</sup> Human Rights House Yerevan [HRHYerevan]: (2017.02.20). On February 17th, at 9:23am Marina Poghosyan, head of «Veles” human rights NGO, was notified by phone that the second trial hearing of the criminal case instigated against her will take place at 10am on the same day [post on FB]. Accessed on 2018.03.13 at <https://web.facebook.com/HRHYerevan/posts/1222043111164176>.

<sup>18</sup> The identity of the Facebook user threatening Artur Sakunts is not found yet. (2017.07.14). Accessed on 2018.03.13 at <http://hcav.am/events/14-7-17-5/>.

# Repressions against Environmentalists and Limitation of their Activities

## Setbacks for Institutional Activities and Implementation of *actio popularis*

The pressures against environmental activists that had begun yet in 2016 persisted through 2017. The purpose of such repressions was to create impediments to their activities at policy and decision-making levels. In particular, Artur Grigoryan, environmental activist and head of “EcoRight” NGO, reports that Zangezour Copper-Molybdenum Combine (ZCMC) mining company<sup>19</sup> and Vahe Hakobyan, Marzpet (Governor) of Syunik Marz, affiliated with the mining company, obstruct his and his other environmentalist colleagues’ activities in the frames of the Multi-Stakeholder Group (MSG) (where they represent the interests of civil society) that coordinates the Extractive Industries Transparency Initiative (EITI). EITI sets international standards of transparency and accountability to the mining industry. As Grigoryan holds, the evidence he has at hand and partly published facts are sufficient to prove that Syunik’s Marzpet Vahe Hakobyan holds personal and business ties with both ZCMC and Civil Voice NGO, as well as the Charitable organization called “Public Diplomacy” (same as Paradiplomacy, known with its high-budget para.tv website). According to Grigoryan, through these BONGOs the EITI MSG’s work is paralyzed as they attempt to push out actors known for their long-standing environmental efforts from the MSG working group by attributing to them alleged bargain relations with ZCMC and thus mimicking a conflict of interest on their part. In reality, as Grigoryan maintains, Paradiplomacy NGO is headed by Elisabeth Petrosyan, Marzpet Vahe Hakobyan’s wife, whereas prior to being appointed Marzpet, Vahe Hakobyan had been the administrative CEO of ZCMC and first deputy of the company’s chief executive director. Shortly after taking up the governor’s post, Hakobyan declared about transferring the funds of the publicly owned “Syunik Development and Investment Foundation” to the private foundation under ZCMC, an act implicating suspicions of abuse of power. In addition, in his end-of-year statement in 2016, while holding his position of Marzpet, Hakobyan stated of chairing ZCMC-affiliated foundation’s Board of Trustees. According to the environmentalist, pressure is being exerted upon the civil society sector, specifically environmentalists, by means of directly involving the administrative resources of Syunik Marzpetaran, a state structure and ZCMC’s financial resources. Allegations against Artur Grigoryan and Inga Zarafyan (both EITI MSG members) were disseminated still in 2016 when an animation video was circulated in an unidentifiable Facebook group. The police declined to initiate an investigation and identify the authors of the animation on the grounds that relevant mechanisms were lacking.<sup>20</sup>

In July 2017, Artur Grigoryan filed a notification to the Chief Prosecutor’s office with a request to investigate the affiliation of Syunik Marzpet Hakobyan with the above-mentioned NGOs and creation and dissemination of an animated video containing libel of individuals.<sup>21</sup> This file also con-

<sup>19</sup> 60% of shares belong to the Germany-based “Cronimet Mining”.

<sup>20</sup> Human Rights House Yerevan [HRHYerevan]: (2017.08.14). Statement: Law Enforcement Bodies Refuse to Investigate Environmentalist Artur Grigoryan’s Request [Facebook note]. Accessed on 2018.03.13 at <https://www.facebook.com/notes/human-rights-house-yerevan/1389905507711268/>.

<sup>21</sup> Chief Prosecutor Asked to Investigate whether the Campaign against the Environmentalists is Organized by Syunik Marzpet (2017.07.31). Epress.am. Accessed on 2018.03.13 at <http://epress.am/2017/07/31>.

tained information regarding potential financial abuse by Syunik Marzpet by means of illegal financial transactions between the two foundations controlled by him, "Syunik Development and Investment Foundation" and "ZCMC Charitable Foundation." The Chief Prosecutor's office declined to initiate a criminal investigation based on the notification,<sup>22</sup> to which Grigoryan responded by appealing the decision in court.<sup>23</sup> According to Artur Grigoryan, the decision of the Chief Prosecutor's office is outright cronyism in an environment where systemic repression is applied against environmentalists. One such manifestation of repression is organization of smear campaigns against persons who raise sensitive issues related to corruption and irresponsibility in the mining sector.

In 2017, in response to the Grigoryan's appeal in the Chief Prosecutor's office, Marzpet Hakobyan filed a lawsuit against Grigoryan, as well as media outlets aravot.am, epress.am and syuniacyerkir.am that had covered the information provided by Grigoryan. Hakobyan alleges that he was libeled and demands 2mln AMD from Grigoryan and retraction of the information about his person from the rest of defendants. In November 2017, during the first court hearing of the case it became clear that the plaintiff had dropped his claim from aravot.am, as the latter satisfied the demand of retracting the published information from its website, a fact disclosed later.<sup>24</sup>

On August 30, 2017, Judge Karen Zariqyan of the Administrative Court of Armenia, deprived environmental NGOs "EcoRight" and "EcoEra" of the right to act as plaintiffs disputing the Amulsar mining project at the Administrative Court. Prior to this decision, since April 2015, EcoRight and EcoEra, together with 12 residents of Gndevaz community, had been disputing the permit of Amulsar gold mine exploitation, given to Lydian Armenia LLC. The decision by the judge to remove the NGOs from the list of plaintiffs after 2 years of hearing the case was made in satisfaction of Lydian Armenia representative's motion who had referred to the restrictions of the new law on NGOs.<sup>25</sup> The new Law on NGOs entered into force in 2017, which in compliance with the recommendations of the Aarhus Convention's Compliance Committee should have clearly set forward the right of NGOs to access of justice in relation to environmental issues (in compliance with the principle of *actio popularis*). Despite the fact that this right was not overtly prescribed by law, the NGOs, by means of power of case law, had succeeded to become a party of the dispute. As for the law on NGOs adopted in 2017, it was supposed to strengthen the right of environmental NGO access to justice, whereas in reality, the law prescribed multiple new constraints, which were arbitrarily interpreted by Judge Zariqyan and served a ground for his decision. Artur Grigoryan, head of EcoRight NGO, communicated the issue of deprivation of environmental NGOs of standing in court to the Aarhus Convention's Compliance

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<sup>22</sup> Human Rights House Yerevan [HRHYerevan]. (2017.08.14). Statement: Law Enforcement Bodies Fail to Duly Investigate the Request of Artur Grigoryan [Facebook note]. Accessed on 2018.03.13 at <https://www.facebook.com/notes/human-rights-house-yerevan/1389905507711268/>.

<sup>23</sup> In January 2018, the Court of Appeal declined Grigoryan's claim against Syunik Marzpet Hakobyan. A detailed account of this to be provided in HRH Yerevan's 2018 report.

<sup>24</sup> "Aravot" News Outlet Slipped out of the Lawsuit Brought by Syunik Marzpet. (2017.11.30). Epress.am. Accessed on 2018.03.13 at <http://epress.am/2017/11/30>.

<sup>25</sup> Court Interdicted NGOs to be Part of the Court Proceedings on Amulsar Gold Mine Project (2017.08.30) Epress.am. Accessed on 2018.03.13 at <http://epress.am/2017/08/30>.

Committee once again<sup>26</sup> and demanded stricter measures against the government of Armenia. In addition, EcoRight and EcoEra both appealed the decision of the judge at the Administrative Appeal Court. The court trial goes on.

### **Insults and Harassment of a Woman Environmentalist**

Ani Khachatryan, member of the Armenian Eco Front, has been harassed many times during her environmental struggle. Even Armenia's Ministry for Nature Protection has addressed insults towards her. In response to Ani Khachatryan's questions on Facebook regarding Amulsar gold mine project, the Ministry, as represented by Artsrun Pepanyan, head of Public Relations Department, refused to properly answer, and instead made a sexist (discriminatory on the grounds of gender) comment "to dress up," only after which the Ministry would respond to her questions.

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<sup>26</sup> Comment of representative of Armenian environmental NGO "Ecological Right" Artur Grigoryan during the 6th Meeting of the Parties of the Aarhus Convention [PDF]: (2017.09): Accessed on 2018.13.03 at [http://www.unece.org/fileadmin/DAM/env/pp/mop6/Statements\\_and\\_Comments/MOP-6\\_7b\\_ECORIGHT\\_comment\\_on\\_the\\_compliance\\_mechanism.pdf](http://www.unece.org/fileadmin/DAM/env/pp/mop6/Statements_and_Comments/MOP-6_7b_ECORIGHT_comment_on_the_compliance_mechanism.pdf).

# Evaluation and Demand for Changes

## **Overall Assessment**

Human Rights House Yerevan establishes that the government and state institutions of Armenia, in violation of their obligations towards Armenia's citizens and international partners, not only do not promote protection of human rights in Armenia, but on the contrary, they systematically impede human rights protection through the judicial, local and central governance and non-governmental institutions.

The state structures have increased pressures particularly against independent lawyers (attorneys), journalists (media) and environmentalists. At the same time, it seems to be a common practice that human rights defenders and activists are regularly targeted and threatened (as an attempt to silence political critics, to promote anti-rights propaganda against LGBT and women's rights defenders under the tacit instruction of the government of Russia).

All the above-stated obstacles and smears come as an additional proof of the dire need for human rights work in Armenia. These malicious actions do not push the human rights defenders out of their fields. However, remaining unpunished, obstructers and smear campaigners are able to eventually jeopardize the effectiveness of human rights work and the safety of the life and health of human rights defenders.

Human Rights House Yerevan urges the government and state institutions of Armenia to openly promote safe implementation of human rights work and to take effective measures to combat existing obstacles.

## **Assessment of the Cases**

Human Rights House Yerevan finds that the courts and prosecutors trying cases against human rights defenders and human rights work committed many illegalities in 2017. Therefore, the rights of human rights advocates to fair trial and fair investigation of the issues brought up by them are not safeguarded.

Human Rights House Yerevan finds the arbitrary searches of attorneys defending high profile and political cases while they are entering court buildings to be a blatant violation of the principle of equality and an attempt to pressure particularly those attorneys who are handling political and publicly high profile cases. Human Rights House Yerevan expresses its suspicions that the courts make biased decisions in relation to the other cases belonging to attorneys with high-profile and political defendants as a possible measure of reprisal.

HRH Yerevan is gravely concerned about the decision of the Administrative Court of Armenia depriving environmental NGOs of the right to represent public interest in relation to mining issues in court (*actio popularis*). This decision may serve as a precedent in terms of restricting the opportunities of

NGOs in the future to protect public interest by judicial means from environmental abuse and illegalities.

HRH Yerevan is anxious about the low speed, ineffectiveness, inadequate will and efforts demonstrated by law enforcement bodies during the pretrial proceedings and/or investigation of offenders in relation to all those cases that concern:

- attorneys (see page 5),
- representatives of mass media (see page 7),
- human rights defenders (see page 10, 13, 16),
- environmentalists (see page 17),

and their requests and demands. HRH Yerevan estimates these acts as practical impediments to human rights work in Armenia. HRH Yerevan criticizes the inaction and factual rejection by law enforcement bodies to investigate issues raised by human rights defenders and activists, all the facts and instances of evidence provided by them, to conduct comprehensive and objective investigation of their requests.

HRH Yerevan holds that many state and state-affiliated institutions promote a discriminatory culture based on ethnic/religious discrimination, deny women's equality and manifest homophobic conduct. They commit acts that are in violation of Armenia's Constitution and the international law. State and governance bodies often sponsor individuals, groups and media that are explicitly against women's equality or proliferate gender stereotypes on reproduction and family roles, that try to silence women activists, as well as human rights defenders who voice about violation of women's and LGBT rights.

In relation to this:

- HRH Yerevan establishes that Yerevan's Municipality demonstrated a biased, discriminatory and unlawful conduct by supporting the removal of posters promoting visibility of LGBT persons. As such, it violated the requirements of Armenia's constitution and international law, promoted proliferation of homophobia in Armenia, obstructed the work of PINK Armenia NGO protecting the rights of LGBT persons. In addition, the council member of the municipality obstructed "Right Side" NGO's work.
- HRH Yerevan criticizes the inability of "Golden Apricot" IFF to hold up to principles of non-discrimination and equality and finds the homophobic position of the Union of Cinematographers and its governing staff intolerable.
- HRH Yerevan condemns Ara Zohrabyan's, Chairperson of the Chamber of Advocates, homophobic public statements regarding the "Golden Apricot" film festival's incident.
- HRH Yerevan condemns Armenia's Ministries of Foreign Affairs and Culture for their silence in publicly condemning the decision of Golden Apricot International Film Festival (with which they were partnering) to remove LGBT-featuring films from its 2017 festival program. This

indifferent position of authorized ministries promotes discrimination in the field of arts and culture more broadly, restricts the right to free expression and expression of cultural diversity, and constrains the combat against homophobia in Armenia.

- HRH Yerevan criticizes Armenia’s Ministry for Nature Protection and its head of Public Relations Department, Artsrun Pepanyan, for demonstrating a sexist (discriminatory based on gender) behavior towards the questions of a woman environmental activist, instead of responding them.
- HRH Yerevan condemns the discriminatory policies of the Armenian Apostolic Church and all discriminatory interventions to public life and calls upon the Church to reconsider its expression and propagation of hate speech towards specific groups of people.
- HRH Yerevan also alerts of the fact that international and European organizations and their local offices employ misogynic and homophobic staff members, whose activities have a negative impact on the overall situation of human rights and protection of human rights defenders in Armenia.

## **Demands of HRH Yerevan**

Given the above-stated remarks, HRH Yerevan demands that:

- ▶ **Armenia’s courts** ensure, within law, the right of human rights defenders to fair trial, due examination of their claims, conditions for unrestricted and independent work by attorneys, discontinuation of searches and inspections of attorneys in court buildings and attempts to punish them through disciplinary actions, the right of environmentalists to file lawsuits based on *actio popularis*;
- ▶ **Armenia’s Ministry of Justice and Armenia’s Parliament** initiate legislative changes aimed at ensuring functioning legal grounds for unrestricted and independent operation of attorneys, as well as unhindered and unambiguous implementation of *actio popularis* by defenders of public interest and human rights defenders.
- ▶ **Law enforcement** bodies are sensitive to claims and suits of public and political importance, such as environmental cases, inform the public of all the details pertaining to environmental cases representing public interest and ensure protection of the work of environmentalists from possible tacit interventions by state, state-affiliated and corporate entities.
- ▶ **Law enforcement bodies** duly investigate the claims of human rights defenders who are harassed and threatened, demonstrate genuine will and make efforts to identify harassers, not let go of the organizers of smear and threat campaigns unpunished (including harassers of women’s and LGBT defenders, vilifiers of environmentalists), take measures to prevent any targeting and threatening of a human rights defender, ensure the protection of human rights defenders.



- ▶ **Law enforcement bodies and former and present high officials** stop moral harassment and discriminatory practices against defenders of human rights and public interest for reasons of political reprisal, stop attempts to jeopardize their safety and protection of private life, legal-political persecution (including of media).
- ▶ **All state bodies, as well as state-affiliated entities** reconsider conduct based on gender stereotypes, misogyny and homophobia, as well as discrimination against ethnic and religious minorities, by adopting non-discriminatory policies.
- ▶ **Ara Zohrabyan, Chairperson of the Chamber of Advocates** holds himself accountable for the public and political implications of his statements and reconsiders his homophobic position, and complies with requirements of international law.
- ▶ **Yerevan Municipality** stops its homophobic practices and obstruction of the work of LGBT+ rights organizations. Instead, the municipality should promote the work of human rights defenders and equality of all the residents of Yerevan.
- ▶ **Armenia's Ministry of Foreign Affairs and Ministry of Culture** stop demonstrating a negligent conduct towards LGBT rights and comply with Armenia's constitution and norms of international law.
- ▶ **Armenian Apostolic Church** reconsiders its own discriminatory policies and ensuing interventions into public life, hate speech and propaganda of hate towards certain groups of people.
- ▶ **International organizations and their local offices** exert maximum persistence in prioritizing enhancement of human rights in Armenia and demand that Armenia's government fully comply with its international obligations. In addition, in their recruitment practices they should prioritize selection criteria emphasizing candidate's non-discriminatory and non-homophobic positions.



## HUMAN RIGHTS HOUSE YEREVAN

HRH Yerevan's mission is to protect, empower, and support human rights defenders and human rights organizations in Armenia. It is committed to be a safe and collaborative platform for human rights defenders, activists, civil society organisations, movements, and civic initiatives in Armenia, who are often targeted for the work they do.

Human Rights House Yerevan became a member of Human Rights House Network in 2012 and registered in Armenia in 2014. Currently it unites 4 human rights organizations.

### Member Organizations

#### Real World, Real People NGO



Real World, Real People NGO was founded in Armenia in 2003. The organization's mission is to increase the quality of life of people living with HIV (PLHIV) and their families, to strengthen the idea of self- and mutual help within the community, to unite the community by providing direct psychological, social and legal services as well as to advocate for universal access to HIV/AIDS treatment, care, support and testing. The main goal of "Real World, Real People" NGO is to improve all elements of the quality of life of PLHIV.

#### Women's Resource Center NGO



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WRC ARMENIA

The Women's Resource Center Armenia was founded in 2003. WRCA is the first resource center created in the post-soviet Armenia for young women. WRCA is working in the area of women's human right, reproductive and sexual rights, sexual violence and women's role in the conflict resolution and peace building. WRCA is the first NGO addressing the issue of sexual violence in Armenia against women and establishing a volunteer-based hotline and crisis center since 2007 with a referral mechanism. The Women's Resource Center is a feminist organisation working with and for women.

## **Public Information and Need of Knowledge NGO (PINK Armenia)**



PINK Armenia was established in Armenia, in 2007. The organization aims to create a safe space for LGBT people by promoting legal, psychological, social protection and well-being. In the sphere of human rights protection PINK Armenia promotes the ideas of equality and acceptance of vulnerable groups towards HIV and LGBT people.

### **“Socioscope”**

#### **Societal Research & Consultancy Center NGO**



Socioscope was founded in 2008 by a group of young social scientists. Currently, among other topics, research at Socioscope focuses on civil society processes and public dissent, culture of respect for human rights and democratic institutions, sexuality and LGBT+ issues, discriminatory conservatism and related issues, particularly its reflection in the media and public perception. Along with research activities, Socioscope initiates educational activities for NGO members, public advocates, students, and regional youth, aimed at increasing their critical thinking and empowering their public activism.



HUMAN RIGHTS HOUSE  
YEREVAN

**“Human Rights House Yerevan”  
Human Rights Defender  
Non-Profit Organizations’ Union**

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