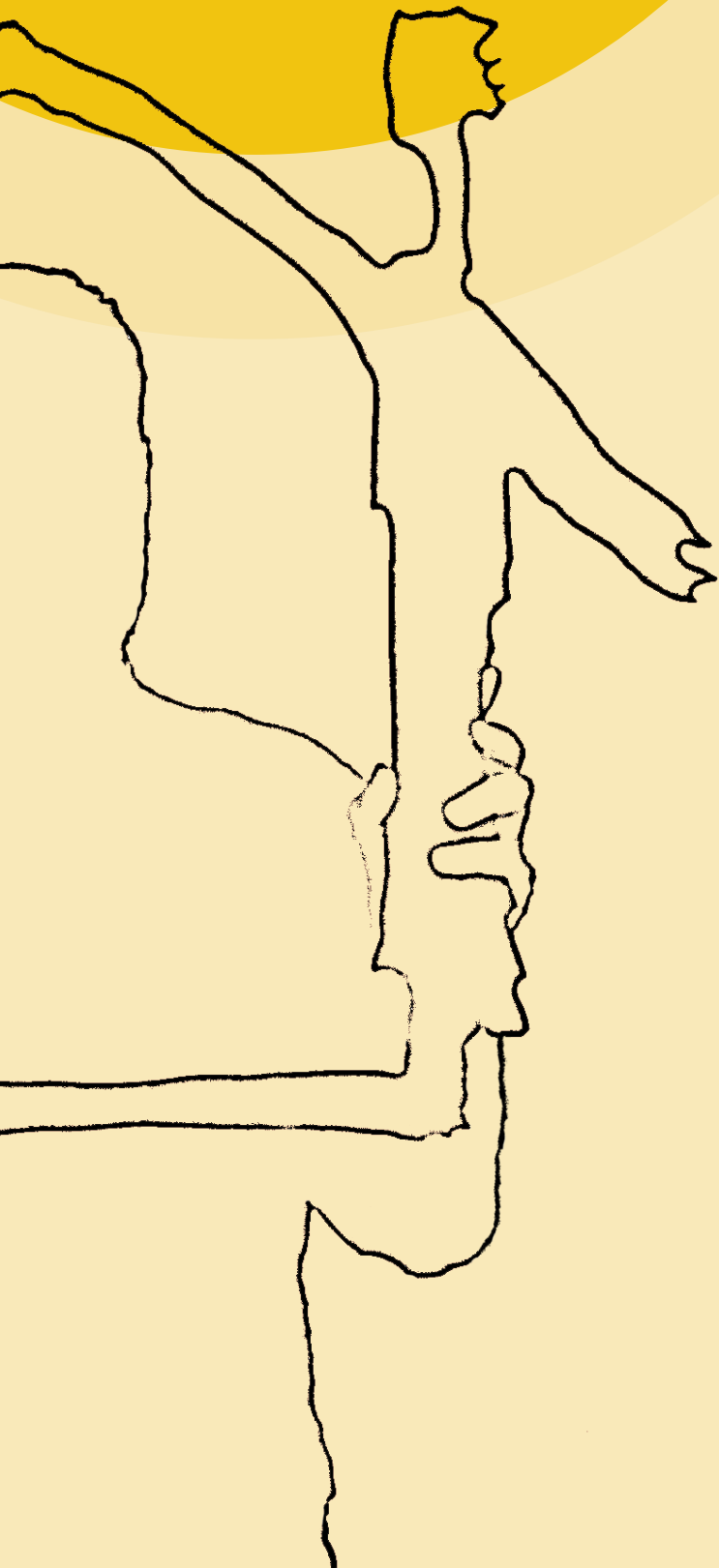




**HUMAN
RIGHTS
HOUSE**
Yerevan



ANNUAL REPORT 2019

ANNUAL REPORT



Human Rights House Yerevan, 2020
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INTRODUCTION

The report presents cases of violations against human rights defenders¹ as of November 1, 2019. The report is based on the results of monitoring conducted by the Human Rights House Yerevan, interviews with individual human rights defenders, and data published by sectoral NGOs.

The report was prepared in line with principles and norms set out in the Booklet "Rights of Defenders: Principles and Standards Protecting and Empowering Human Rights Work".² The report refers to 10 of the mentioned 16 principles and standards, which reflect the violations occurred.

The cases of violations against human rights defenders in the report are presented in a combination of the following two primary criteria: (1) the nature of public benefit of one's action aimed at protecting human rights and fundamental freedoms, ensuring the rule of law and democracy, and (2) being committed to human rights and fundamental freedoms, in particular respect for the human rights of all, the recognition of equality and the elimination of discrimination.

The report provides a summary of each of the mentioned principles and standards, cases of violations against human rights defenders, as well as recommendations to the State and other public entities. The international experience presented in the aforementioned Booklet was also taken into account when making the recommendations. Human Rights House Yerevan will persist for the recommendations made in this report to be taken into consideration in the process of developing human rights-related policies and laws and their implementation.

PUBLICLY SUPPORT HUMAN RIGHTS DEFENDERS

Political leaders – as well as business, media, and religious leaders – must “acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law.”³



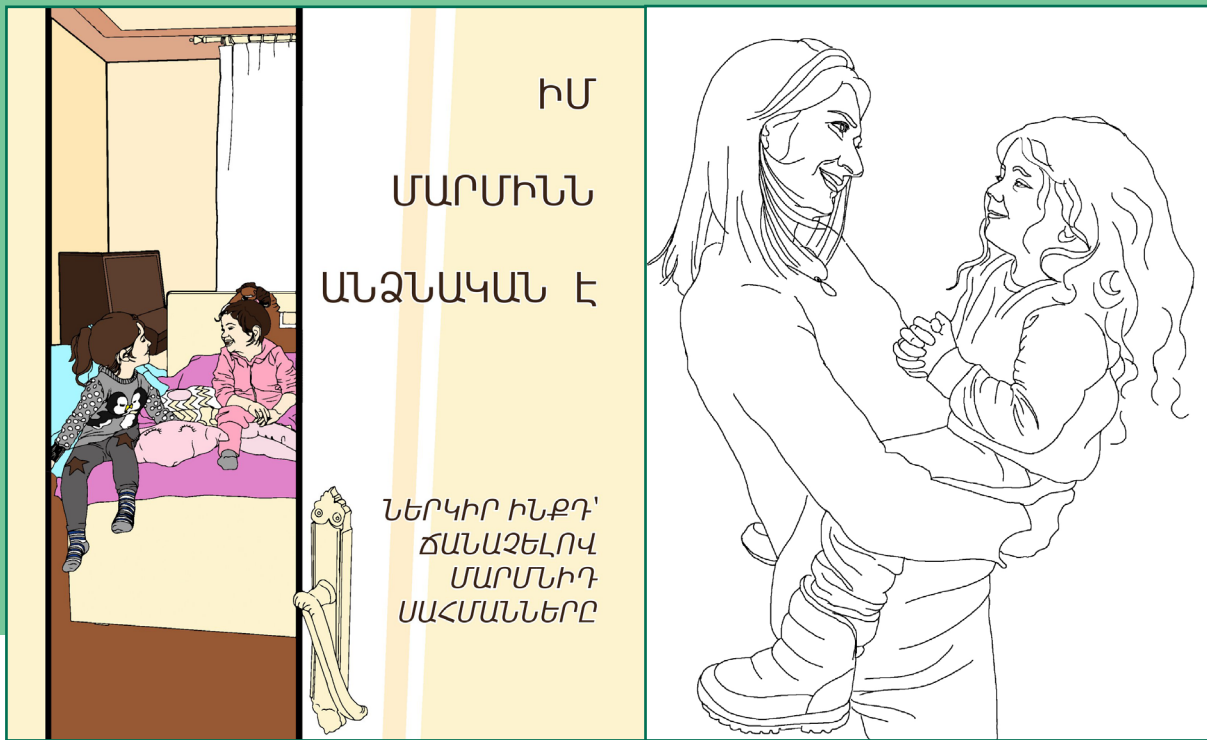
Summary: The results of the human rights monitoring in Armenia by Human Rights House Yerevan (HRHY) in 2019 allowed to report that the State, as well as other public figures, have largely failed to publicly support and protect the human rights defenders, especially women human rights defenders and LGBTI rights advocates. Moreover, in some cases, such as in the case of the NA “Prosperous Armenia” faction, the MPs themselves have targeted the human rights defenders of mentioned groups by making threats and calls for violence, discriminating and stigmatising them. Although there have been statements condemning cases of targeting and discriminating against human rights defenders by government officials and public figures, including the Prime Minister, however, they were episodic. They did not reflect the unified position of the State on issues of public importance.

In essence, this has impeded the adoption of a systematic approach to these issues through the formulation and adoption of public policies and legislative acts. Nevertheless, local and international NGOs, and in some cases, the international community - international and regional organizations, diplomatic missions and foreign delegations of other states in the RA showed a great deal of support and protection towards the targeted human rights defenders.

1.1.

On May 4, 2019, the Sexual Assault Crisis Center organised the presentation of the book “My Body is Private” hosted at the Bookinist (Book World) bookstore in Yerevan. The presentation of the book was forcibly stopped as a result of the intervention of around 20-25 persons who raised a commotion and started shouting at the participants. They claimed that the book was propagating perversion and was directed against the traditional Armenian family.⁴ Apart from the aforementioned incident, other pre-planned presentations of the book were cancelled.

- In defense of the Center and, in particular, the book “My Body is Private”, the Minister of Labor and Social Affairs of the Republic of Armenia Zaruhi Batoyan condemned the attempt to thwart the presentation in a Facebook post. The Minister posted the full book on her Facebook page



to show that nothing in the book promotes perversion, making it accessible to broader circles.⁵ After the Facebook post, the Minister herself became a target of hate speech.

- RA Prime Minister Nikol Pashinyan also touched upon the issue, noting that the commotion around the book also forced him to read it.⁶ The Prime Minister, in particular, cited statistics on child molestation in Armenia and emphasized the significance of giving sexual education to children, to which this book serves. The Prime Minister also emphasized the importance of non-governmental organizations whose work is likely to have had a decisive role in resulting in the reduction of the number of sexual offences against children.
- Several non-governmental organizations, including HRHY and Women’s Resource Center, addressed the public and State authorities with a statement. The statement urged, inter alia, the Government of the Republic of Armenia to take steps to prevent and punish attacks and hate speech against human rights organisations and individuals, and to ensure the unhindered activity of human rights defenders.⁷

1.2.

On April 5, 2018, the Standing Committee on Human Rights and Public Affairs of the National Assembly initiated a discussion on Universal Periodic Review of the United Nations. During the discussion, the president of the “Right Side” Human Rights Defender NGO - a transgender woman Lilit Martirosyan was subjected to discriminatory treatment at the Parliament. The speech erupted a further wave of targeting and stigmatization of LGBTI persons, and Lilit Martirosyan became subjected to threats of violence.⁸ No public statements in support of the human rights defender were not made by politicians and other public officials. Moreover, the human rights defender became targeted by them.

- At the end of the speech, Chairman of the Standing Committee on Human Rights and Public Affairs of the RA National Assembly (Prosperous Armenia faction) Naira Zohrabyan, made a discriminatory observation, saying that the Martirosyan had violated the agenda of the session and thus showed “disrespect towards the Committee.”⁹ Referring to Lilit Martirosyan’s speech in one of her further interviews, Naira Zohrabyan qualified it as an indecent move and a slap to Parliament.¹⁰
- Referring to Lilit Martirosyan’s speech, Vardan Ghukasyan, another member of the same faction, proposed to burn the LGBT community representatives, adding that he was not afraid of being arrested.¹¹ Another MP from the faction, Gevorg Petrosyan, made expressly negative remarks to the opportunity the transgender woman had received to speak from the National Assembly’s floor and reinstated his intention to bring a legislative initiative that would ban LGBT propaganda.¹² The head of the same faction, Gagik Tsarukyan, referring to the speech and the events surrounding it, noted that it (nontraditional sexual orientation - HRHY) is a vice, and they will not allow it to spread.¹³
- RA Prime Minister Nikol Pashinyan also touched upon the issue, trying to put an end to political speculations as he assessed. He noted that the issuance of Lilit Martirosyan’s passport by the former authorities means that she has been granted all the rights of the RA citizen without exception. Underlining the fact that Lilit Martirosyan’s speech was delivered at the Human Rights Committee session, the Prime Minister considered the conduct of Naira Zohrabyan to be problematic, noting that such behaviour calls into question the human rights situation in Armenia.¹⁴
- The EU Delegation to Armenia and the EU Member States’ Embassies in Armenia made a joint statement on the incident. “The European Union Delegation and resident EU Member State Embassies are gravely concerned with a number of recent cases where serious threats, including death threats, have been made against minorities and human rights defenders in Armenia,” the statement reads¹⁵ In conclusion, the EU called on all in Armenia to condemn hate speech and on law enforcement agencies to take urgent steps to guarantee the physical safety of Armenian citizens.¹⁶
- A statement was also issued by the United Nations Office in Armenia, which expressed the UN’s “concern about the recent rise in hate speech and threats of violence against human rights and LGBTI activists”, and called upon the Armenian authorities to investigate and prosecute incidents of harassment and abuse against members of the LGBTI community in accordance with the law.¹⁷
- In response to the statement of several diplomatic missions accredited in Yerevan, the Spokesperson of the RA Ministry of Foreign Affairs came up with an answer on 10.04.2019.¹⁸ Underlining that the Armenian Government adheres to its commitments to protect and promote human rights, the Spokesperson mentioned, that human rights, generally, are effectively protected if they become part of a social consensus and are perceived as universal social and moral values.¹⁹ Therefore, in this context, according to the MFA Spokesperson, “international partners should demonstrate more respect and sensitivity towards the Armenian society and refrain from undue engagement in the public debate, even if they disagree with its tonality”.²⁰

The response of the RA MFA was received very negatively by the Armenian civil society.

- Jointly with the Helsinki Citizens' Assembly-Vanadzor Office and HRHY, Pink Human Rights Defender NGO submitted an application to RA National Assembly Speaker Ararat Mirzoyan. The organization demanded, inter alia, the formation of an ad-hoc committee to discuss the issue of finding a violation of ethics of MPs Naira Zohrabyan, Gagik Tsarukyan, Gevorg Petrosyan and Vardan Ghukasyan.²¹ The latter, however, was never carried out.

1.3.

A new wave of hate speech against a woman human rights defender Lara Aharonian was elevated because of her thoughts raised during the event "National Assembly-CSO cooperation platform to promote dialogue and proactive discussions on equal rights and opportunities for men and women" on March 8, 2019. The human rights defender particularly emphasized the need to consider the interests of all women without discrimination in policy-making.²² Following the speech mentioned above by the women's rights defender, threats were made to kill her, rape her and harm her family. "Those like her must be burnt on the fire of our intolerance and denial", Dr. Armen Haykyants, a doctor of law, said in his Facebook post.²³

- There were no statements condemning Lara Aharonian's targeting, calls for violence, hate speech and hostility by public and state officials. Referring to the above mentioned, Gohar Shahnazaryan, the co-founder of "Women's Resource Center" NGO says that despite the positive developments in the field of human rights protection, there is no adequate response to the cases of violations against human rights defenders by the state agencies.
- Unlike Armenian Government officials and public figures, hate speech, online attacks and hostility against Lara Aharonian have been condemned in statements by a number of local, regional and international organisations, including the Human Rights House Foundation (Oslo, Norway), urging the Armenian authorities to take the necessary measures to protect the rights of the human rights defenders.²⁴
- HRHY and the Coalition to "Stop Violence against Women" NGO also made a statement, among other things, making the following recommendations to the Armenian authorities: (1) The Government of Armenia should adopt an effective gender-sensitive policy aimed at the protection of human rights defenders with a clear gender perspective; (2) The Government of Armenia should ensure that effective protection of and cooperation with the human rights defenders is a prioritized issue within the framework of the protection of human rights in Armenia; (3) The Government of Armenia should act in the spirit of UN Resolution on Protecting Women Human Rights Defenders, acknowledge the essential and legitimate role of women human rights defenders in the promotion and protection of human rights publicly, address structural discrimination and violence faced by women human rights defenders of all ages and groups and take all measures to ensure their protection. In addition, the Government of Armenia should adopt an awareness-raising policy and promote the legitimacy and the work of human rights defenders.²⁵

1.4.

Zaruhi Mejlumyan, a journalist focusing on the issues of prisoners with whole-life orders, as well as practicing attorney, became a target of hate speech, insults and threats at the beginning of 2019. This flare-up was due to her motion to petition a pardon to her husband Mher Yenokyan, who was serving a life sentence. They were married yet in 2013. However, the fact of their marriage was made public in January 2019, in light of the motion to petition a pardon. Her preceding professional work of years aimed at raising the issue of prisoners serving a life sentence was called personally-motivated, while Zaruhi started this work yet in 2010.

- There were no public statements to protect and support Zaruhi Mejlumyan by public and state officials.
- Moreover, according to the journalist-lawyer, after the reopening of the Soghomon Kocharyan case,²⁶ she had always been the target of the former authorities. Accordingly, Zaruhi assesses the current events around Mher Yenokyan as primarily organised manipulation waged by the same political forces against the present Government. As mentioned above, Zaruhi Mejlumyan has dealt with similar cases since 2010, and as she refers “in 4 out of 11 related to life imprisonment, she revealed new circumstances”.
- In defense of Zaruhi Mejlumyan, the Coalition to Stop Violence against Women issued a statement to which the Human Rights House Yerevan joined. The statement condemned the targeting of the journalist-lawyer, finding it unacceptable to intervene in a woman’s private life and targeting in the public arena.²⁷

1.5.

Anna Shahnazaryan, a member of the Armenian Environmental Front (AEF), environmental rights defender, was detained from the public area where fundraising was organised for Amulsar protectors. The detention on the grounds that she was suspected of financial fraud (the organization and conduct of the fundraising were considered fraudulent, HRHY). The police officers did not present the legal grounds on which they were detaining. A public outcry followed the incident, which was primarily discussed on Facebook. State officials also referred to the extent to which the actions of the police were lawful and proportional.

- In a Facebook post on July 8, 2019, Lena Nazaryan, Deputy Speaker of the National Assembly (My Step Alliance) cast doubt on the grounds for the existence of fraud and the demand for the documents and permission. She wrote: “I am puzzled why such a known fact is not understandable at the police and why are citizens taken and kept [at the police stations] for activities not prohibited by law”.²⁸
- In their statement released on July 7, 2019, AEF called the actions of the police illegal and stated that they would take steps to ensure that “such a grave intervention into the lawful activities of environmentalists be published”.²⁹

The monitoring results of the situation of attorneys in the reporting period and in 2018 allow us to state that attorneys carrying out public interest cases are targeted the most. This is mainly due to the misunderstanding of the role of the attorney by the general public, as well as the identification of the attorney with their defendants. While in the past, the targeting was carried out in the online space, in 2019 one of the attorneys – Arsen Mkrtchyan, was persecuted physically, his freedom to move was obstructed, and his property was damaged.³⁰ The persecution of the attorney caused the reaction of the attorneys' community. The issue was also addressed by the Prime Minister of Armenia.

- A meeting was summoned on January 14, 2019, at the Chamber of Advocates of Armenia, where the attorneys expressed their concern over the safety of their fellow attorneys: According to attorneys, the incident was a threat to justice.³¹
- Prime Minister of Armenia Nikol Pashinyan spoke of the inadmissibility of associating an attorney with their defendants and stressed the significant role of attorneys in achieving justice.³²

Recommendations

To the MPs of the RA National Assembly, the RA Prime Minister and members of the Government, the mass media, and other persons carrying out public activities:

- Publicly condemn all cases of violence and discrimination against human rights defenders through public statements, policies and/or laws;
- Publicly acknowledge the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law.

END ALL FORMS OF REPRISALS

This standard refers to all forms of reprisal, intimidation, pressure, smear campaigns, and all negative acts directed to intentionally harm human rights defenders, whether from State or non-State actors³³



Summary: 2019 was remarkable with an organized campaign against civil society organisations. The primary target of the campaign was Open Society Foundations-Armenia (hereinafter, Foundation) and its beneficiaries. The campaign first started online, when separate groups and individuals pursuing political and narrow personal interests associated with the former authorities began spreading information on Facebook, as well as through affiliated media about the funds provided to individual NGOs, initiatives, and individuals, including the amount of funding, goal, brief project descriptions, etc.

- The targets were specifically the “Restart” Student Civic Initiative, “Women’s Resource Center”, “Pink” and a number of other NGOs and individuals. Several currently high-level officials that had previously been involved in various NGOs were also targeted. In relation to this, the current legislative, civic and political work of these officials was being presented as anti-national, anti-state and serving the interests of the Foundation.
- Among other statements, the individuals and NGOs that had received grants from the Foundation were labelled “sorosists”, “being sold”, “servants of Soros”, and their activities were presented as against Armenian national and traditional values and in the destruction of the Armenian family and society.
- Remarkable is the case of “Restart” student initiative accused of having received large amounts of grants, having used that funding for intervening in the life of Yerevan State University, however, as it turned out later, the university was a recipient of the Foundation’s funding itself for numerous times.
- The harassment campaign against the civil society and the Foundation, in particular, soon after being waged online transferred into the physical space. The so-called “Veto” movement members held protests in front of the office of the Foundation and in effect blocked its entrance. The protests started on May 31, 2019, and intermittently lasted until June 11.

- These protests disrupted the routine operation of the office, the free access of the staff to the office facilities. Intrusion into the Foundation’s office facilities was only blocked due to police presence.³⁴
- In defense of the Foundation, a number of civil society organizations, more specifically, 66 signatories issued a joint statement.³⁵ In support of the Foundation, they stated that the targeted nature of the actions by “several citizens” near the Foundation’s office, their provocations against police officers maintaining public order on the site, threats spelt out against the Foundation’s staff, explicit manifestations of hate speech and calls for violence under the pretense of national interest are unacceptable from the perspective of human rights. In conclusion, the organizations that issued the joint statement called on Armenia’s law enforcement bodies to take measures for maintaining public order, to safeguard the unhindered movement of the Foundation’s staff and visitors, and to prevent possible future infringements upon the life, health and property of people. No other condemning statements were issued.

Recommendations

To RA Police and other Law-Enforcement Bodies:

- Refrain from any act of reprisals against human rights defenders;
- If such actions are conducted by non-state entities, take all measures provided for by law to ensure the protection of rights, the legitimate interests and security of human rights defenders.

END ARBITRARY DETENTION AND ARREST

Human rights defenders should not be arbitrarily detained or arrested for “exercising their human rights and fundamental freedoms, such as the rights to freedom of expression, or peaceful assembly and association.”³⁶



Summary: In 2019, no arbitrary arrest and detention cases of human rights defenders were recorded, except for the case of environmental activist-human rights defender Anna Shahnazaryan being detained without sufficient grounds.

Interference with a person’s personal freedom by bringing to the police station is less severe than the arrest or detention. Still, given the circumstances of the case and the possible negative consequences, such as obstruction to freedom of peaceful assembly and unnecessary interference with the activities of human rights defenders, the incident is reprehensible and has received a respective response from the human rights community, which is addressed in the first section of this report – “Publicly Support Human Rights Defenders”. The circumstances of the incident were investigated by the RA Police. In addition, the Human Rights Defender (Ombudsman) also made a legal intervention.

- The Ombudsman initiated a procedure of discussion on his initiative, and later Anna Shahnazaryan also filed a written complaint to the Ombudsman. The Ombudsman addressed a letter to the RA Police requesting appropriate clarifications and specific questions on the issues raised.³⁷
- The police officers who impeded the fundraising and brought Anna Shahnazaryan to a police station without sufficient grounds were subject to a disciplinary penalty for failing to perform their duties.
- According to Anna Shahnazaryan, she was informed of disciplining the police by the Ombudsman’s Office in response to the above letter. She did not receive any message from or an “official apology” from the RA Police. She is also unaware of the exact disciplinary penalty imposed on these police officers. Despite the Ombudsman’s Office assurances that measures would be taken to determine the details of the disciplinary action, Shahnazaryan did not receive any information.



Recommendations

To RA Police and other Law-Enforcement Bodies:

- Conduct comprehensive, thorough and impartial investigation of human rights defenders' persecution cases, in pursuit of determining the circumstances of the case and bringing the perpetrators to justice;
- Conduct separate reporting and monitoring of cases of human rights defenders' persecution.

FACILITATE PEACEFUL PROTESTS

States should ensure that "human rights defenders can perform their important role in the context of peaceful protests."³⁸



Summary: On August 19, 2019, during a peaceful demonstration in support of Amulsar protectors, the police used disproportionate force against the protesters, the freedom of assembly of those protesting was restricted by the use of disproportionate force on several persons. Among others, the disproportionate force was used against human rights defender Zaruhi Hovhannisyan and Radio Liberty journalist Gayane Saribekyan.

- This case of disproportionate use of force by the police and the restriction of the right to freedom of assembly did not receive the criticism of the current authorities. There was no political assessment of what happened, and no question of holding anyone responsible was raised.
- Human rights defender Zaruhi Hovhannisyan has sharply criticised the police's behaviour herself, though she has refused to resort to legal remedies.³⁹



Recommendations

To the RA Police, other law enforcement bodies, and the Mayor of Yerevan:

- Refrain from disproportionate use of force by law enforcement during peaceful protests;
- Facilitate access to public spaces and ensure the smooth conduct of demonstrations without the inappropriate use of force by law enforcement.

FIGHT AGAINST IMPUNITY, SHOW ACCOUNTABILITY

States must “combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights.”⁴⁰



Summary: Criminal cases are generally not instituted by law enforcement agencies, especially in cases of threats against human rights defenders, and the criminal cases initiated are dismissed mainly on the grounds of lack of corpus delicti. And so, according to the law enforcement authorities, the threat to murder, to inflict heavy damage to one’s health or to destroy property, envisaged in the RA Criminal Code Article 137, lacks the requirement provided by the Criminal Code and by the case-law of the Court of Cassation of Armenia for threats to be “real” and “specific”.

5.1. [REDACTED]

In the cases of threats described above against Lara Aharonian, the woman human rights defender has repeatedly reported to the RA law enforcement bodies to identify the authors of threats and bring them to criminal responsibility. Gohar Shahnazaryan (Women’s Resource Center NGO) told us that at the time of writing this report, the preliminary investigation into the criminal cases initiated based on several reports was ongoing and that the persons threatening had not yet been identified. According to law enforcement verbal statements, identifying those who have made threats is difficult since such threats are mainly made through fake accounts, which makes it difficult to detect them. The response to the inquiries made to Facebook social media company to clarify the Internet Protocol Address (IPA) is overdue.

5.2. [REDACTED]

The journalist, attorney Zaruhi Mejlumyan reported to the police demanding investigation over a number of offences against her involving crimes against human life and health, constitutional rights and freedoms, as well as the illegal collection, storing, usage or dissemination of private or family life information (RA Criminal Code, Article 144). A criminal investigation for all these instances was denied. In a conversation with us, Zaruhi stated that these decisions were appealed in a court. The first instance court did not overturn the decisions of the investigative body. Zaruhi contends that

they will eventually turn to the European Court of Human Rights. The final decisions of these cases are not available at the time of writing.

5.3. 

The criminal investigation into the forceful termination of the book presentation by the Sexual Assault and Crisis Center and especially for the egg thrown at event participants has also been dismissed on the grounds of lack of corpus delicti. The decision has been appealed in court; the examination of the appeal continues at the time of writing.

Recommendations

To National Assembly, Government, Police of Armenia and other Law-Enforcement Bodies:

- Diligently and adequately investigate the attacks and threats against human rights defenders;
- Provide protections and guarantees to human rights defenders and adequately protect victims of attacks during judicial proceedings, such as by expressing support for defenders and publicly condemning the attacks.

UPHOLD RESPONSIBILITY OF BUSINESS

Environmental human rights defenders often highlight inconvenient truths for States and businesses, and for this can suffer from violence or other actions by both State and non-State actors. Environmental human rights defenders often highlight inconvenient truths for States and businesses, and for this can suffer from violence or other actions by both State and non-State actors.⁴¹



Summary: “Lydian Armenia” private mining company started suing environmental activists still in 2018 and continued with more suits in the reporting period for alleged slander and staining of the business reputation of the company.⁴² Anna Shahnazaryan, a member of the Armenian Environmental Front civic initiative, states that in the context of environmental work they conduct, this can be viewed as an infringement upon environmental activists’ freedom of speech. Moreover, this can be considered to be a persecution of environmentalists given the current condition of the justice system in Armenia (added by HRHY, being clear from bias and subjectivity). According to environmentalist Levon Galstyan, these defamation cases are also a means to exert psychological pressure on them, and they also take much of their time. At the same time, the lack of financial means to cover attorney costs places them in an even more difficult circumstance.⁴³ In addition to court suits, the environmentalists are also harassed online.

- Starting from June 2018, Lydian Armenia⁴⁴ filed nine civic suits, of which eight were related to defamation and staining business reputation. Lydian has sued both activists and Jermuk residents, namely, Levon Galstyan, Ani Khachatryan, Hayk Grigoryan, Nazeli Vardanyan, Shiran Buniatyan and Edmond Aghabekyan, as well as Sergey Bagratyan, a member of the Parliament. It shall be noted that the cases are not only related to public statements but also posts by activists and residents in social media. The company is demanding compensation in the amount of 1mln AMD in each eight suit and public denial of their statements. In addition to this, for some of the cases, the courts have satisfied motions for the injunction, that being in the form of limiting expression of statements that may be defamatory and seizure of property.
- In addition to these 8 cases, a collective suit was brought against 28 citizens, including Tehmine Yenokyan, with a demand to compensate a loss of 80,000 USD. The claim was returned by the court due to incompliance with the law and not eliminating the defects in due timing.⁴⁵

- In a statement on fake profiles and pages in social media, Levon Galstyan specifies that the problem became more persistent starting May 2018, when newly created and non-identifiable users and pages started spreading fabricated and defamatory information about Amulsar protectors and activists. These users and profiles also disseminated fabricated videos “with an attempt to stain the environmentalists’ struggle”.⁴⁶

Recommendations

To RA National Assembly, RA Government, RA Police and other law-enforcement bodies:

- Adopt relevant policies and laws to hold companies accountable for involvement in threats or attacks against human rights defenders;
- Respect, promote and strive to protect the human rights and fundamental freedoms of all persons, including human rights defenders.

To Non-State actors, including transnational corporations and other business enterprises:

- Refrain from and avoid being complicit in attacks, reprisals or acts of intimidation against human rights defenders, including those exercising their rights to freedom of expression, association, assembly, and protest against the business or its interests;
- Respect, promote and strive to protect the human rights and fundamental freedoms of all persons, including human rights defenders.

PROTECT WOMEN HUMAN RIGHTS DEFENDERS

“Respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights.”⁴⁷



Summary: In the reporting period, Lara Aharonian, representatives of the Sexual Assault Crisis Center, practicing attorney and journalist focusing on the issues of prisoners with whole-life orders Zaruhi Mejlumyan, and others were mainly targeted as women human rights defenders. The detailed description of these cases, the response of the State and public actors, the international community and the human rights community are detailed in Section 1 of this report - Public Support to Human Rights Defenders. Lara Aharonian, in particular, notes that she was targeted for being a woman herself, as that is always the case.

Lara Aharonian believes that such threats aim to silence her, as “in patriarchal and conservative society a woman is not allowed to express her opinion about various topics”. Speaking about the harassment she faced, Zaruhi Mejlumyan says: “All this has to do with my human rights work and being a woman”. However, according to the journalist-attorney, her case was not adequately assessed by law enforcement bodies during the investigation of criminal cases.



Recommendations

To RA National Assembly, RA Government and other State Agencies:

- Take all necessary measures to ensure women's protection and integrate a gender perspective in their efforts to create a safe and enabling environment for the defense of human rights;
- Tackle impunity for violations against women human rights defenders and ensure the participation of women human rights defenders in the development of effective policies and programs related to their protection.

PROTECT HUMAN RIGHTS LAWYERS

Lawyers play a “critical role in upholding human rights” and should be able to “discharge their functions freely, independently and without any fear of reprisal.”⁴⁸



Summary: In the first section of this report – “Public Support to Human Rights Defenders”, we presented the general description of the situation concerning attorneys. Targeting of the attorney Arsen Mkrtchyan, in particular, became the basis for a motion once again to be brought to criminalize defamation, insult, explicit disrespectful attitude towards attorneys, as well as threats to their family members. The draft law, however, was not accepted allegedly because the criminalization of insults towards specific groups would entail criminalization of insult in general.

Recommendations

To the RA National Assembly, RA Government, RA Police and other State Agencies:

- Take effective legislative, law enforcement and other appropriate measures to guarantee the independence of lawyers and enable them to carry out their professional functions duly;
- Take extra measures to ensure the protection of lawyers who are at greater risk due to their dual role: as legal professionals and as human rights defenders.



To leaders in all sectors of society and mass media:

- Publicly acknowledge the important and legitimate role of human rights lawyers in the promotion of human rights, democracy and the rule of law, and avoid stigmatization of human rights lawyers.

PROTECT DEFENDERS OF MINORITIES

States should “ensure that legislation, policies, and practices do not undermine the enjoyment by such persons of their human rights or the activities of civil society in defending their rights.”⁴⁹



Summary: Individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs or views” should not face “stigmatisation and discrimination.⁵⁰ According to data by Pink Human Rights Defender NGO, in 2019, cases of offences on the basis of sexual orientation and/or gender identity increased to 36 in comparison to the 25 reported cases in 2018. According to Mamikon Hovsepyan - the Executive Director of the NGO - this can be somewhat explained by the inadequate response of the law enforcement bodies to such incidents. More specifically, in relation to the Shurnukh case, the law enforcement bodies did their best to make sure the case was “closed”. Perhaps the most problematic of the cases of violence, threats, discrimination and stigma against persons belonging to minorities or civil society representatives protecting them was the case of discrimination and stigmatization against transgender woman Lilit Martirosyan, Chairwoman of the “Right Side” NGO. We have discussed the matter in detail in the first section of this report – “Public Support to Human Rights Defenders”. Below we elaborate the threats against Lilit Martirosyan, including threats against her life, her further targeting and stigmatization.

- Social and mass media started disseminating a video featuring a member of an alleged suicide killers’ guerilla group called “Atsiv-30 Ararat” which called for a large-scale offensive against transgender persons, made a death threat presumably keeping in mind Lilit Martirosyan with the following statement: “If we beat one of those transgender people to death, don’t make a murderer out of us”.⁵¹ At another event, a plenary meeting of the “Union of War Veterans (Yerkrapah Volunteers) where elections of President were taking place, union member Ararat Khandoyan made a motion to include the topic of “exterminating the LGBT community members” in the meeting agenda.⁵²
- The online backlash against Lilit Martirosyan’s speech on April 5, 2019, moved from the internet space to physical life in a short period of time. A number of people, including clergymen organised protests in front of the National Assembly against Lilit Martirosyan’s speech and demanded a meeting with the secretariat of the National Assembly. Several of the above-mentioned MPs of the Prosperous Armenia party also joined them.⁵³ Priest Ter Ghazar, a participant of the protests, made remarks that Lilit’s speech was aimed at polluting people,

training them to profanity, profaning them. He called for fumigating the National Assembly's dais.

- During the protests against the April 5 speech, Aysor.am media outlet published an interview with a participant of protests who was making murder threats to LGBT persons. This person picked out a knife and emulated beheading as a symbolic statement of his readiness to "dispose of sexual minorities". Even though a report was filed with the Arabkir police station, a criminal investigation was denied due to lack of criminal conduct.⁵⁴
- Another protest was organized on April 12, 2019, in front of the Public TV and Radio Company by an initiative called "Will Initiative in Defense of Armenian Values". The protest aimed to receive clarification from the administration of the Public TV and Radio Company regarding the broadcasting of the transgender woman's speech from the National Assembly's floor on April 5. Continuing their protest, the participants marched to the UN and EU offices in Yerevan to voice their protest against their alleged attempts to intervene into Armenia's internal affairs.⁵⁵

Recommendations

To the RA National Assembly, the RA Government and other state agencies:

- Express public support and take a firm stand in rejection of acts of violence against the defenders of minorities;
- Adopt targeted and deliberated measures to protect the defenders of minorities and make it safer for them to carry out their activities.

PROTECT FAMILY MEMBERS OF HUMAN RIGHTS DEFENDERS

More than just protecting human rights defenders, States should "refrain from, and ensure adequate protection from, any act of intimidation or reprisals against their family members and associates."⁵⁶



Summary: Two cases of intimidation and reprisals against family members and associates of human rights defender were reported. It is noteworthy that both cases are linked with female human rights defenders – a woman human rights defender Lara Aharonian and journalist, lawyer Zaruhi Mejlumyan.

10.1. [REDACTED]

In the case of Lara Aharonian, in addition to threats made against the woman human rights defender,⁵⁷ mostly fake users in online platforms also target her family, and spread false and abusive information about her children.

10.2. [REDACTED]

There were also threats in the case of Zaruhi Mejlumyan. In her interview, the journalist-attorney notes that her family has “been subjected to unprecedented hatred, calls for violence and threats in the history of newly independent Armenia”. Such an approach, according to Zaruhi Mejlumyan, has been in place for the past five years, but in 2019 it reached alarming levels with any positive shift in the case of her husband, Mher Yenokyan.⁵⁸



Recommendations

To the RA National Assembly, the RA Government and other state agencies:

- Adopt an adequate legal framework to protect family members of human rights defenders and closely monitor its implementation.

REFERENCES

1. In this report, the term “human rights defender” is used broadly and includes NGOs, activists, journalists covering and protecting human rights, as well as human rights defender attorneys.
2. The Booklet (Rights of Defenders: Principles and Standards Protecting and Empowering Human Rights Work), was prepared by Human Rights House Foundation (HRHF) in 2018 and aims to increase understanding of international standards that protect and support human rights defenders. Hereinafter, the Booklet, available at: <https://humanrightshouse.org/wp-content/uploads/2018/08/Rights-of-Defenders.pdf>. See, Booklet, pg. 3.
3. Booklet, pg. 7.
4. See, “My Body is Private” Book Sparks a Scandal, Azatutyun.am (2019), available in Armenian at: <https://www.azatutyun.am/a/29924856.html>.
5. See Zaruhi Batoyan’s Facebook page, available in Armenian at: <https://www.facebook.com/zarhibatoyan/posts/2312962335426729>.
6. See Prime Minister Nikol Pashinyan’s full statement “Nikol Pashinyan has read the scandalous “My Body is Private” book and is happy with the work of the NGO”, 2019, available in Armenian at: <https://youtu.be/G-KToRxgX9Y>.
7. Full text of the Statement available in Armenian at: <https://bit.ly/3erVLsq>.
8. See the “Protect Defenders of Minorities” section of this report.
9. Full speech available with English subtitles at: <https://youtu.be/f73wO3rCuv4>.
10. See the full video in Armenian at: <https://youtu.be/JQYSbAGkJY8>.
11. See the full material in Armenian at: <https://youtu.be/iNQP6NWs0Fg>.
12. See the full material in Armenian at: <https://youtu.be/Rqolr-lccccg>.
13. See the full material in Armenian at: <https://factor.am/139643.html>.
14. See the full material in Armenian at: <https://youtu.be/FHIB44zKydg>.
15. See the full material in Armenian at: <https://www.azatutyun.am/a/29870459.html>.
16. Ibid.
17. See the full text of the statement at: <http://www.un.am/en/news/845>.
18. See the full text at: https://www.mfa.am/en/interviews-articles-and-comments/2019/04/10/comment_spokesperson/9362.

19. Ibid.
20. Ibid.
21. See, "Inciting Hatred Towards LGBT Persons is a Crime", available in Armenian at: <https://www.pinkarmenia.org/news/hatred-crime/>.
22. See, "We are also Lesbian and Bisexual Women... The National Assembly Applauds (video), Lurer.com (2019), available in Armenian at: <https://lurer.com/?p=314691&l=am>.
23. See, "Police looking for those who threatened Lara Aharonian", Infocom.am (2019), available in Armenian at: <https://infocom.am/?p=730&l=am>.
24. Full text of the statement available at: <https://humanrightshouse.org/letters-of-concern/armenian-authorities-urged-to-address-growing-hate-speech-against-defenders/>.
25. Full text of the statement available at: <http://coalitionagainstviolence.org/hy/6850/>.
26. Veteran of the Artsakh war with second degree of disability, intelligence officer, Soghomon Kocharyan was sentenced to capital punishment in 1995. He was charged for murder of Iraj Pur Mirza-Bek, a national of Iran with Azerbaijan ethnicity. See more in Armenian at: <https://hetq.am/hy/article/54439>.
27. Full text of the statement in Armenian at: <https://www.aravot.am/2019/01/14/1009156/>.
28. Lena Nazaryan's full post available in Armenian at: <https://www.facebook.com/lena.nazaryan.5/posts/2615243445173540>.
29. Full text of the statement available in Armenian at: <https://www.facebook.com/armecofront/photos/a.581249625248439/3082976508409059/>.
30. On January 11, 2019 after the trial hearing of Manvel Grigoryan's case, the protestors gathered at the court building blocked the road and obstructed Arsen Mkrtychyan's car's exit from the area, thus impeding the free movement of the attorney. Besides, some of the protestors sprayed his car with paint and then spat in his direction while he was driving. This incident was triggered by the court's decision on December 21, 2018 to release Manvel Grigoryan on bail, which subsequently caused the discontent of a segment of society.
31. See, "Chairperson of the Chamber of Advocates and Attorney of Manvel Grigoryan find the Pressure against the Court and Attorneys Unacceptable", Armeniasputnik.am (2019), available in Armenian at: <https://armeniasputnik.am/society/20190114/16750981/manvel-grigoryani-pastabani-het-kapvac-mijadepy-anynduneli-e.html>.
32. The speech is covered in detail in HRHY 2018 Annual Report, *ibid*.
33. Booklet, pg. 17.
34. See, for example (in Armenian): <https://youtu.be/x3JImFMaWLw>.

35. Full text of the statement available in Armenian at: <https://bit.ly/2z85Fil>.
36. Booklet, pg. 19.
37. See the Ombudsman's statement dated on July 8, 2020, available in Armenian at: <https://www.facebook.com/Armenianombudsman/posts/1136172246570238/>.
38. Booklet, pg. 25.
39. Ibid.
40. Booklet, pg. 27.
41. Booklet, pg. 29.
42. See Human Rights House Yerevan 2018 Annual Report.
43. Press Conference of environmental activists available in Armenian at: <https://www.facebook.com/armecofront/videos/341094046590967/>. Besides the civil cases, there are also administrative cases lodged by Lydian Armenia. Two cases were lodged against the Police of Armenia, with one of which a decision is in force and according to which the RA Police is obliged to open criminal cases against persons blocking the roads to Amulsar for offenses of the Criminal Code related to hooliganism and arrogation. See details at: <https://www.lydianarmenia.am/index.php?m=newsOne&lang=eng&nid=220>.
44. Full name – Lydian Armenia Mining Company
45. See datalex.am judicial information system.
46. Levon Galstyan makes an interesting remark that one of the Facebook profiles spreading defamation about him is also disseminating supportive messages for Armenia's second President Robert Kocharyan. See details in the video of the press conference above.
47. Booklet, pg. 31.
48. Booklet, pg. 33.
49. Booklet, pg. 35.
50. Ibid.
51. See the video material in Armenian at: <https://yelaket.am/?p=49829&l=am>.
52. See, "Yerkrapah should make sure that these dirties are exterminated: Khandoyan about LGBT topic", Analitik.am (2019), available in Armenian at: <https://analitik.am/news/view/470183>.
53. See the full material in Armenian at: <https://factor.am/139669.html>. See also, <https://factor.am/139718.html>:
54. See the full material in Armenian at. <http://www.panarmenian.net/arm/news/267490/>.

55. See the full material in Armenian at: <https://factor.am/141114.html>.
56. Booklet, pg. 37.
57. We have covered the process and results of investigation thereof in "Fight against Impunity, Show Accountability" section of this report.
58. See more in Section 1 of this report: "Public Support to Human Rights Defenders".



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