
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Legal Report: Armenia

**by Human rights advocate and independent researcher
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A. Executive Summary

1. There is no specific legislation on the protection of rights and freedoms of LGBT persons as a particularly vulnerable group, nor for sanctioning discrimination against them. LGBT persons enjoy the same rights and freedoms as everyone else in Armenia. Aspects related to transgender status, change of gender and the like are not regulated by the Armenian legislation. However, Armenia has recently signed Council of Europe and United Nations human rights documents regarding protection of sexual minorities and orientation and one of these led to change of the Criminal Code in terms of decriminalising sodomy.
2. The Armenian Constitution sets forth a non-discrimination principle in Article 14 including 'sexor other status'.
3. No specific education or awareness-raising programmes have been initiated by the Armenian government.
4. In terms of freedom of association there are no legal barriers to LGBT persons forming associations. The law does not foresee a requirement for the organisations to be registered, however should associations wish to obtain the status of a public organisation as a legal entity, the registration in the Ministry of Justice of the Republic of Armenia is required.
5. There are no legislative barriers to freedom of assembly of LGBT persons.
6. In terms of the freedom of speech and expression there are neither legislative provisions discriminating nor protecting LGBT persons and also no provisions prohibiting discriminatory statements against vulnerable social groups. There are no known cases of state or private interference with LGBT activities including discrimination or interference on internet activities.
7. Hate speech related to homophobia/transphobia and/or discrimination on the ground of sexual orientation or gender identity is not criminalised in the Republic of Armenia. Moreover, crimes committed with a homophobic/transphobic motivation are not considered aggravating circumstances.
8. Same sex-marriages are not recognised and as unmarried couples cannot adopt a child, this is not possible for LGBT persons. On the other hand the law allows assisted reproduction for all couples or individual person and thus also for single lesbians.
9. There is no legislation on the prohibition of discrimination in relation to asylum and refugee issues and also no case law. There is also no specific legislation protecting LGBT couples in social matters and no practice on whether it is possible to receive or inherit each other's social benefit.
10. The school curriculum at all levels does not include sexual education. Several schools as well as civil society have, however, initiated education at their own initiative.
11. There is no particular legislation relating to LGBT persons in the field of employment nor housing. Inheritance among LGBT couples is only possible through a will.

12. LGBT persons do not benefit from particular health care allowances. Medication and gender reassignment surgeries are regulated in the Decision of the Government of the Republic of Armenia but are not provided free of charge.
13. A specific HIV/AIDS programme increases the involvement of homosexual men in projects on prevention of the disease. On the legislative level transgender persons are not considered a 'high-risk group'.
14. No cases are reported on media harassment of LGBT persons.
15. Armenian law does not provide transgender persons with a specific right to name- and gender change.

B. Findings

B.1. Overall legal framework

16. Armenia has become a member of the Council of Europe (CoE) on 25 January 2001, committing to a number of obligations aimed at assisting in the protection of human rights, construction of democratic political system and instating the rule of law. Armenia has ratified the main Council of Europe documents in the sphere of human rights. One of the commitments associated with the CoE membership was regarding LGBT persons,¹ in particular Article 116 of RA former Criminal Code that assumed criminal liability for “sodomy” (sexual intercourse of a man with another man). The mentioned article has completely excluded women, therefore no criminal prosecution was defined for women. The mentioned article was decriminalised by the new Criminal Code of the Republic of Armenia adopted on 18 April 2003, which entered into force on 1 August 2003.
17. According to the Constitution the Republic of Armenia is a sovereign, democratic, social state governed by rule of law.² The human being, his/her dignity, fundamental rights and freedoms are an ultimate value. The State shall ensure the protection of fundamental human and civil rights in conformity with the principles and norms of the international law. The State shall be limited by fundamental human and civil rights as a directly applicable law.³ The state governance in the Republic of Armenia is implemented in accordance with the Constitution and the laws based on the division and power balancing of legislative, executive and judicial wings of government. Laws are adopted by a unicameral parliament, which is comprised of 131 members. A three-stage judicial system exists in the Republic of Armenia – First instance Courts of General Jurisdiction, Courts of Appeal and the Court of Cassation, and specialised courts. The highest court instance in the Republic of Armenia, except for matters of constitutional justice, is the Court of Cassation, which shall ensure uniformity in the implementation of the law.⁴ The constitutional logic of the three-stage judicial system of general competency assumes that the possible shortcomings and mistakes of the main ring of the judicial system could be corrected by the means of appeal and cassation. The constitutional justice in the Republic of Armenia is implemented by the Constitutional Court.
18. As stated in the Report of Freedom House, the Constitution of the Republic of Armenia provides for fundamental political, civil, and human rights, but there are substantial barriers to protecting them effectively. These stem largely from the weak judiciary, which lacks independence. This has led to low public confidence in the capacity of the judicial system to protect the population from unjust treatment by the State.⁵ Among other things, Armenian judiciary system is also considered to be the most corrupt one amongst the government wings therefore people do not trust the judicial system and avoid using it as a mechanism for protection and restoration of violated rights and freedoms.
19. The Republic of Armenia does not have Antidiscrimination Law. However, according to the Constitution of the Republic of Armenia “Everyone, regardless of their race, sex, language,

1 According to the PACE Opinion No 221 (2000) Republic of Armenia was obliged: to adopt, within one year of its accession, the second (specific) part of the Criminal Code, thus abolishing de jure the death penalty and decriminalising consensual homosexual relationships between adults.

2 *Constitution of the Republic of Armenia*, Article 1, Adopted in 2005.

3 *Ibid.* Article 3 Adopted in 2005.

4 *Ibid.* Article 92, Adopted in 2005.

5 Freedom House “Nations in Transit 2008” Country Report – Armenia, www.freedomhouse.org, accessed 1 October 2010.

belief, political or other views, ethnic or social origin, property or other status, are equal before the law, possess all the rights, freedoms and obligations prescribed by the Constitution and law, and without discrimination are equally protected by the law”.⁶ As it may be seen the mentioned article does not protect from discrimination on the grounds of sexual orientation and gender identity. At the same time a person discriminated against in such conditions may refer to the Case Law⁷ of the European Court of Human Rights, which is mandatory for the Armenian courts while investigating a case with similar factual circumstances as an interpretation of the European Convention on Human Rights (ECHR).⁸

20. The Republic of Armenia signed the UN statement against discrimination based on sexual orientation and gender identity.⁹

B.2. Freedom of assembly and association

Freedom of association

21. Pursuant to the Constitution of the Republic of Armenia “Everyone shall have the right to freedom of association with others, including the right to form and to join trade unions.”¹⁰
22. Public organisation is a type of not-for-profit, non-profit-sharing (non-commercial) social unification organisation, where physical entities, citizens of the Republic of Armenia, foreign citizens, people with no citizenship united together based on the commonality of interests, as prescribed by the law having aim to satisfy their religious spiritual or non-material requirements, to protect theirs and others’ rights and interests, to provide material and non-material assistance to the society and its certain groups, to implement other activities of public benefit.¹¹
23. Documents required for the registration of a public organisation (NGO) are submitted to the State Register of the Ministry of Justice of the Republic of Armenia. After making a corresponding record in the registration journal about the receipt of the required documents, the body of state registration is obliged to discuss the application about the state registration of the organisation within 21 calendar days and to register the organisation or to decline its registration.¹²
24. Public organisations (NGOs) may operate without a state registration though they will not have the status of a legal entity with implying rights and obligations. Over 4000 NGOs are registered in the Republic of Armenia and there are practically no problems related to registration besides the complaints concerning bribery during the registration process from some NGOs. In terms of the freedom of association there is not any legislative barrier preventing association of LGBT persons or discriminating against them. In November 2003 - GLAG, the first gay and lesbian Armenian group, was formed in Yerevan. Later, it was transformed into the first LGBT NGO called “We For Civil Equality” (WFCE), also known as “Menq”, was formally registered by the Ministry of Justice in July 2006. A second LGBT related NGO - PINK Armenia (Public Information and Need of Knowledge), was registered

6 Constitution of the Republic of Armenia, Article 14.1, Adopted in 2005.

7 E.B. v. France ECHR Judgment 22 January 2008.

8 Judicial Code of the Republic of Armenia, Article 15.4, Adopted in 2007.

9 UN General Assembly 18 December 2008.

10 Constitution of the Republic of Armenia, Article 28, Adopted in 2005.

11 *Law of the Republic of Armenia on Public Organisations*, Article 3.

12 *Ibid.*, Article 12.5.

in December 2007. In May 2008, Armenian gay women group, the Women-Oriented Women's (WOW) Collective, was established.¹³

25. During its 23 September 2009 session, the Government of Armenia approved draft amendments to the Law of the Republic of Armenia on Public Organisations. More than 90 civil society organisations raised their voices in protest against the draft law. The Armenian NGO community criticised the amendments as some of their provisions could represent disproportionate interference with the work of civil society organisations by the State.. The debate is in process and civil society organisations demand from the Armenian government to withdraw the draft law on Changes and Amendments to the Law of the Republic of Armenia on Public Organisations from the National Assembly of Armenia.

Freedom of assembly

26. Pursuant to the Constitution of the Republic of Armenia everyone shall have the right to freedom of peaceful and unarmed assembly.¹⁴ Despite this constitutional norm there was no regulatory framework for this sphere in Armenia until 2004, that is why the organisation of demonstrations, marches were banned, often based on rather frivolous grounds referring to certain Soviet decrees.
27. On the 28 April 2004, the Law of the Republic of Armenia "On Conducting Meetings, Rallies, Marches and Demonstrations" was adopted. According to this law, for organising such an assembly, if the number of attendees is planned to be over 100 people, the organisers have to inform the head of community in writing about the place of conduct of a mass public event to ensure the security of the gathered public. The notification is considered to be lawful if it is submitted no later than three working days prior to and not earlier than twenty days before the date of planned event.
28. If the authorised body does not decline the conduction of the mass public event by 16:00 of the date following the receipt of the notification then the organisers are authorised to conduct the mass public event by the conditions of notification.
29. Conduction of meetings, rallies, marches and demonstrations may be banned by the authorised body if those are directed towards demolishing constitutional order by force, stir up national, racial, religious hatred, preaching violence or war.¹⁵
30. According to the law the organiser/s of a public event aiming to ensure the security of participants shall have a right:
 - to request the police to expel from the venue of the public event citizens who engage in unlawful activity or violate public order,
 - to create unarmed groups bearing special identification signs (hereinafter referred to as volunteer groups) that should help ensure public order and legitimacy [of the public event],
 - to turn to the police for issues related to protection of public order or safety of participants of the event prior to and during convention of the public event.¹⁶

¹³ Armenia Gay Guide, <http://gayarmenia.blogspot.com/2007/06/armenia-gay-guide.html>, accessed 1 October 2010.

¹⁴ Constitution of the Republic of Armenia, Article 29, Adopted in 2005.

¹⁵ *Law of the Republic of Armenia on the Conduction of Meetings, Rallies, Marches and Demonstrations*, Article 10, Adopted in 2004.

¹⁶ *Law of the Republic of Armenia on the Conduction of Meetings, Rallies, Marches and Demonstrations*, Article 6, Adopted in 2004.

31. Opposition parties and human rights groups always complain that whenever they organise public events where less than 100 people gather and there is no need to inform the head of community police disturbs the conduction of the event and demands to stop such an “unlawful” gathering, demonstration march and etc.
32. On the 20 January 2010, Human Rights Watch released its World Report on human rights situation and in the Armenian chapter of the report stated that “the authorities continue to restrict freedom of assembly by frequently denying requests to hold rallies, usually on technical grounds. Out of 84 opposition requests for demonstrations and rallies, only 28 were granted. Opposition parties and some NGOs allege particular difficulties in securing meeting venues for indoor events”.¹⁷
33. In terms of conduction of meetings, rallies, marches and demonstrations there is no any legislative barrier, which would limit the freedom of assembly of LGBT persons. As of 31 December 2009, there was not a single initiative to organise or no application to conduct gay pride parades or homophobic/transphobic demonstrations presented to the authorities in order to judge the potential action of the municipal authorities towards such an events.

	2004	2005	2006	2007	2008
34. Number of demonstrations in favour of LGBT persons/ LGBT rights, gay pride parades, etc.	N/A	N/A	N/A	N/A	N/A
35. Number of demonstrations against LGBT persons/ LGBT rights	N/A	N/A	N/A	N/A	N/A
36. Number of planned demonstrations / public events organised by LGBT persons denied	N/A	N/A	N/A	N/A	N/A

B.3. Freedom of expression

37. Pursuant to the Constitution of the Republic of Armenia, everyone shall have the right to freely express his/her opinion. No one shall be forced to recede or change his/her opinion. Freedom of mass media and other means of mass information shall be guaranteed. The state shall guarantee the existence and activities of an independent and public radio and television service offering a variety of informational, cultural and entertaining programmes.¹⁸
38. During the last three years, violent actions were observed against the journalists of a number of newspapers, cases of obstruction to their professional activities, which are largely threatening the full realisation of the right to freedom of expression in Armenia. As stated in the report of Human Rights Watch “on 6 May 2009, two unknown assailants attacked Nver Mnatsakanyan, anchor for the private television station Shant, near his home after work. A week earlier, Argishti Kvirikyan, editor for the Armenia Today online news agency, was attacked in similar circumstances and hospitalised with severe injuries. On 17 November 2008, an unknown assailant attacked Edik Baghdasaryan, the editor of the online news magazine *Hetq* and chairman of the Investigative Journalists' Association. He was hospitalised with concussion. No conclusive investigations followed any of these incidents. In April 2009, the Organisation for Security and Co-operation in Europe (OSCE)

¹⁷ Human Rights Watch “World Report 2010”, Chapter Armenia, www.hrw.org, accessed 1 October 2010.

¹⁸ Constitution of the Republic of Armenia, Article 27, Adopted in 2005.

representative on the freedom of the media, Miklos Haraszi, urged the authorities to swiftly investigate the attacks”.¹⁹

39. In terms of the freedom of speech and expression, there is no legislative barrier, which would discriminate against LGBT persons. There is not any known case of state or private interference with LGBT activities including discrimination or interference on internet activities.
40. There are no provisions foreseen in the Armenian legislation prohibiting discriminatory statements against vulnerable social groups.

	2005	2006	2007	2008	2009
41. Number of court cases regarding violations of the rights to freedom of expression of LGBT persons	N/A	N/A	N/A	N/A	N/A
42. Number of convictions regarding violations of the rights to freedom of expression of LGBT persons	N/A	N/A	N/A	N/A	N/A
43. Range of sanction issued for the violations of the rights to freedom of expression of LGBT persons	N/A	N/A	N/A	N/A	N/A

B.4. Hate crime – Criminal Code

44. Hate speech related to homophobia/transphobia and/or discrimination on the ground of sexual orientation or gender identity is not criminalised in the Republic of Armenia.
45. Despite the fact that the Criminal Code does not distinctively refer to the Hate crime / hate speech as a crime, in a number of articles, committing a crime on national, racial or religious hate, religious fanaticism, as well as for the lawful engagement of other persons with motives of vengeance is deemed as circumstance aggravating liability and punishment.²⁰ This norm does not cover the sexual orientation and gender identity explicitly or implicitly through “other status” or “social group” definition.

	2005	2006	2007	2008	2009
46. Number of court cases regarding homophobic /transphobic hate speech initiated	N/A	N/A	N/A	N/A	N/A
47. Number of convictions regarding homophobic /transphobic hate speech	N/A	N/A	N/A	N/A	N/A
48. Range of sanction issued for homophobic/transphobic hate speech	N/A	N/A	N/A	N/A	N/A

¹⁹ Human Rights Watch “World Report 2010”, Chapter Armenia, www.hrw.org, accessed 1 October 2010.

²⁰ Criminal Code of the Republic of Armenia, Article 63, Adopted in 2003.

49. According to the Armenian Criminal Code, in cases where a common crime (murder, robbery, assault etc.) was committed with a homophobic/transphobic motivation it cannot be considered as circumstance aggravating liability and punishment.
50. No cases on hate speeches or hate crimes against LGBT persons in Armenia have been identified

	2005	2006	2007	2008	2009
51. Number of criminal court decisions in which homophobic/transphobic motivation was used as an aggravating factor in sentencing	N/A	N/A	N/A	N/A	N/A

B.5. Family issues

52. Pursuant to the Constitution of the Republic of Armenia, men and women of marriageable age have the right to marry and found a family according to their free will.²¹ As may be seen from the constitutional norm, this is gender specific. According to the Family Code of the Republic of Armenia the legal provision of family relationship is carried out by the principle of voluntarism of a man's and woman's marital unity, which as a marriage is recognised by the state only in the case of registering the marriage at the Department of record of the acts of civic status.²² Regardless of the fact that State recognises only marriages registered at the mentioned Department, the "Armenian Apostolic Holy Church" (followed by over 85 percent of Armenia's population) also provides marriage certificates to those couples who got married through the Church. The certificates provided by the Church do not have validity but have significant symbolic essence. The "Armenian Apostolic Church" does not recognise same-sex marriage, because according to the doctrine of the church homosexuality is considered as a grave sin.
53. According to the Family Code of the Republic of Armenia, marriages between the citizens of the Republic of Armenia and those of other countries, or those having no citizenship, registered outside of the Republic of Armenia, in compliance with the legislation of the country where the marriage took place are valid in the Republic of Armenia together with the consular validation. As to the marriages between foreign citizens registered outside the Republic of Armenia, those are valid in Armenia together with the consular validation if the legislation of a country where the marriage was registered remained unchanged.²³ The point mentioned above would allow recognising same-sex marriages in the Republic of Armenia in those cases when they are registered in such countries where the law allows it, however, another article of the Family Code the Republic of Armenia prohibits the use of foreign country norms of the family law in cases when such an application contradicts with the legal framework of the Republic of Armenia. In this case the legislation of the Republic of Armenia is applied.²⁴
54. There is no law regulating recognition of transgender/transsexual persons in Armenia in their new and/or preferred gender. There is no legislation or case law on this issue. Also there is no legislation on family law regulating the situation of transgender/transsexual persons.

²¹ *Constitution of the Republic of Armenia*, Article 35, Adopted in 2005.

²² *Family Code of the Republic of Armenia*, Article 1, Adopted in 2004.

²³ *Ibid.*, Article 143, Adopted in 2004.

²⁴ *Ibid.*, Article 152, Adopted in 2004.

Adoption by LGBT persons

55. Pursuant to the Family Code of the Republic of Armenia non-officially married persons are not authorised to adopt the same child together.²⁵ As it was already discussed, from the standpoint of the family legislation of the Republic of Armenia, marriage is the voluntary unity between man and woman hence, according to the legislation of the Republic of Armenia, homosexual or lesbian couples may not adopt a child.
56. Child adoption is carried out by the court based on the application of the person (persons) willing to adopt the child. Cases on the approval of child adoption are examined by the court in the mandatory presence of the board tutorship trustees and the person willing to adopt. The opinion of the Regional Administrations of Armenia is required for child adoption regarding the justification of adoption and the compliance of the adoption with the interests of adoptee by mentioning the information about the fact of personal contacts between the adoptee and adopter (adopters).²⁶ From the standpoint of law there is no barrier for adoption of a child by a homosexual or lesbian individual. Considering the fact that the court relies upon the conclusion of the authorised body there is reason to believe that in the case of an openly homosexual or lesbian individual, the conclusion will be negative. In general, it is rather difficult to adopt a child in practice even for heterosexual couples and individuals. In this case it is hard to imagine a homosexual or lesbian in the role of adopter to be approved by the court.

Assisted reproduction

57. On 11 December 2002, the National Assembly of the Republic of Armenia adopted a Law on Human Reproductive Health and Reproductive Rights, which is in effect since 7 July 2003. According to the law, husband (wife) only based on mutual agreement with wife (husband) in marriage properly registered as prescribed by the legislation of the Republic of Armenia have a right to benefit from auxiliary technologies of human reproduction, man or woman not in marriage properly registered as prescribed by the legislation of the Republic of Armenia have a right to benefit from auxiliary technologies of human reproduction according to their will. So both married and unmarried couples may have access to assisted reproduction. The only difference is that married couples should have the mutual agreement of a wife/husband while an unmarried person would have an access to assisted reproduction based on his/her will.
58. The use of the following auxiliary technologies of human reproduction is allowed in the Republic of Armenia: artificial insemination by the husband's or donor's seed, artificial (external fertilisation) insemination by the husband's or donor's seed and by implanting the foetus, implantation of donor foetus in a surrogate mother's uterus.
59. According to the law, women of the age of 18 to 35, who have passed a medical-genetic examination and as a result of which no contra-indications were identified for becoming a surrogate mother, have the right to become a surrogate mother. Women of reproductive age (starting from 18) who wish to bear a pregnancy with the foetus provided by relatives, have passed medical-genetic examination and as a result of which no contra-indications were identified for becoming surrogate mother also have the right to become a surrogate mother.
60. The woman who has contra-indications for becoming a surrogate mother approved by the authorised body of public administration of the Republic of Armenia is not eligible for becoming a surrogate mother.

²⁵ Ibid., Article 116.2, Adopted in 2004.

²⁶ *Labour Code of the Republic of Armenia*, Article 113, Adopted in 2004.

61. Pursuant to the legislation of the Republic of Armenia there is no legal barrier for a single lesbian mother to be assisted in reproduction as a surrogate mother.
62. As for family reunification, the legislation of the Republic of Armenia envisaged that the spouse of a refugee granted an asylum in the Republic of Armenia shall also be considered as a refugee obtained asylum in Armenia if she/he cohabits in the Republic of Armenia with the person granted the asylum.²⁷ The notion of “spouse” cannot be extended to same-sex spouses in cases where the marriage between same-sex persons has been validly contracted in a foreign jurisdiction. The obstacle for this is the Family Code of the Republic of Armenia which states the conditions for a marriage conclusion in the Republic of Armenia are the mutual voluntary consent of a man and woman and the marital age of them (17 for women and 18 for men).²⁸ As stated above the Family Code of the Republic of Armenia prohibits the use of foreign country norms of the family law in cases where such an application contradicts with the legal framework of the Republic of Armenia.
63. The legislation of the Republic of Armenia does not foresee any legal barrier for a single lesbian mother to be assisted in reproduction as a surrogate mother. There is no data about the implementation of legislation in this regard.

B.6. Asylum seekers and refugees

64. In the Republic of Armenia, issues related to refugees are mainly regulated by the law of the Republic of Armenia on Refugees and Asylum and the UN Convention relating to the Status of Refugees (1951), ratified by Armenia in 1993.
65. According to the law, the refugee, a person who is not a citizen of the Republic of Armenia, who is outside the country of his/her citizenship due to a well-founded fear of being persecuted for reasons of belonging to a racial, national, religious or certain social group or for political views and is not able or does not wish to take advantage of the protection of that particular country or having no citizenship of any other country and being out of the country of his/her previous residence is not able or does not wish to return to that country.²⁹ According to the law of the Republic of Armenia on Refugees and Asylum sexual orientation and gender identity cannot be grounds for asylum applicants and refugees, but they can apply under the definition of “membership of a particular social group”.
66. In the Republic of Armenia a foreign citizen takes advantage of the rights defined by the norms of international law and by the rights and freedoms prescribed by the Armenian legislation. Foreign citizens are obliged to observe the laws of the Republic of Armenia, respect the national customs and traditions of its people.³⁰
67. The provisions of Law of the Republic of Armenia on Foreigners applies also to persons without citizenship who happen to be in Armenia if the legislation does not prescribe anything else. This law in no ways limits or discriminates against LGBT persons.
68. On the legislative level there is not a special procedure established in order to receive LGBT persons in asylum centres in a way that ensures their protection against discrimination. However, the legislation guarantees that all rights of refugees and asylum seekers foreseen by the Law of the Republic of Armenia on Refugees and Asylum, as well

²⁷ *Law of the Republic of Armenia on Refugees and Asylum*, Article 7, Adopted in 2008 (exact title and date – verify, check) This is the exact title of the Law which was adopted in 2008.

²⁸ *Family Code of the Republic of Armenia*, Article 10, Adopted in 2004.

²⁹ *Law of the Republic of Armenia on Refugees and Asylum*, Article 6, Adopted in 2008.

³⁰ *Law of the Republic of Armenia on Foreigners*, Article 5, Adopted in 2006.

as other legislation and international documentations ratified by the Republic of Armenia are respected by all state and private bodies.³¹

69. The issue of healthcare is regulated by Article 23 of the Law of the Republic of Armenia on Refugees and Asylum which says that any refugee granted an asylum in the Republic of Armenia among other privileges shall have a right to access, free of charge, medical aid and services guaranteed by the legislation of Armenia for the citizens of the Republic of Armenia. Individuals seeking for asylum and once not granted refugee status have equal rights with citizens of Armenia to receive free of charges medical aid and services guaranteed by the legislation of Armenia if they meet the requirements of the legislation regulating the present field.³²

	2005	2006	2007	2008	2009
70. Number of persons benefiting from asylum/subsidiary protection due to persecution on the ground of sexual orientation or gender identity	N/A	N/A	N/A	N/A	N/A

B.7. Social security, social care and insurance

71. As stated above the Constitution of the Republic of Armenia proclaims that Armenia is a social state governed by rule of law.³³ Pursuant to the Constitution everyone shall have the right to social security during old age, disability, loss of bread-winner, unemployment and other cases prescribed by the law. The extent and forms of social security shall be prescribed by the law.³⁴
72. According to the law “On State Pensions” the minimum monthly earnings for contribution purposes are paid by employer for employee and self employed persons for himself/herself. The contributions of insured persons also finance sickness and maternity, work injury, and unemployment benefits.³⁵
73. Benefit is a monetary gratis aid to citizens provided by the State upon certain conditions and situations. Benefits can be of a lump-sum type or periodical ones depending on situation and necessity. The social security system in the Republic of Armenia includes the following kinds of benefits.
74. Temporary unemployment benefits, which in the case of a paid employee is composed of different kinds of benefits;
- sickness benefit (benefits in the case of temporary unemployment provided as a result of working injuries);
 - prosthetic benefit (benefits in the case of temporary unemployment provided as a result of prosthetics)
 - health care benefit (benefits provided as necessity of treatment at a resort)
 - sick family member benefit (benefit provided in the case of temporary unemployment of a family member out of injury or disease)

³¹ *Law of the Republic of Armenia on Refugees and Asylum*, Article 31, Adopted in 2008.

³² *Law of the Republic of Armenia on Refugees and Asylum*, Article 23, Adopted in 2008

³³ *Constitution of the Republic of Armenia*, Article 1, Adopted in 2005

³⁴ *Ibid*, Article 37, Adopted in 2005

³⁵ *Law of the Republic of Armenia on State Pensions*, Adopted in 2003, www.sif.am, accessed 1 October 2010, and www.social.am, accessed 1 October 2010.

- pregnancy and birth benefit (benefits provided in the case of temporary unemployment as a result of pregnancy and maternity);
75. Kinds of temporary unemployment benefits provided to self-employed persons are as follows:
- sickness benefit;
 - prosthetic benefit;
 - pregnancy and birth /delivery/ benefit;
 - healthcare benefit.
76. State benefits, which are as follows:
- family benefit;
 - lump-sum child-care benefit;
 - up to two years child-care benefit.
77. The decision on paying or terminating a specific kind of benefit such as unemployment benefits or funeral grants is adopted by respective state agency in charge of retirement payments. Provision of sick leave is regulated by the labour code of the Republic of Armenia and it might be provided to a worker in case need of medical assistance, for example, for surgeries.

Social security

78. Mandatory social security from the cases of temporary incapacity for work is one of the main components for state programmes directed to social security of the population which assumes provision of social payments in accordance to the cases and procedures foreseen by current law to reimburse missed income caused by temporary incapacity for work.³⁶
79. Those social payments are made from the state budget in accordance with the procedure foreseen in the current law.
80. Social security from temporary incapacity for work is applicable:
- Employed physical entity (employee);
 - Self-employed persons, notaries.
81. Employed physical entities may receive the following types of social payments:
- Sickness causing temporary incapacity for work;
 - Prosthetics causing temporary incapacity for work;
 - Treatment in medical boarding house causing temporary incapacity for work;
 - Pregnancy and child delivery causing temporary incapacity for work;
 - Provision of care for a sick family member causing temporary incapacity for work;

³⁶ Law of the Republic of Armenia on Mandatory Social Security From The Cases of Temporary Incapacity for Work, Adopted in 2005.

82. Social payment may be given to a paid employee considering the duration foreseen in the current law, however it may not exceed the duration of the labour contact.
83. The types of social payments for self-employed persons are as follows:
- Social payment in case of sickness;
 - Social payment in case of prosthetics;
 - Social payment in case of pregnancy and child delivery;
 - Social payment in case of care of a family sick member.

Access to poverty reduction

84. According to the Law of the Republic of Armenia “On State Allowances” there are two types of allowances; lump sums or periodical types. The aim of the allowance provision is to support the improvement of living conditions of low-income families as well as reimbursement of salary for a person on leave because of child delivery and childcare (for children under three years old).
85. The types of state allowance are as follows:
- family allowance;
 - child care allowance;
 - child delivery lump-sum allowance;
 - family members of deceased national heroes of Armenia allowance.
86. Allowance provided to families:
- Lump-sum allowance
 - In a case of child birth in a family;
 - In a case of child starting a school;
 - In a case of family member death.
 - Immediate help in cases of emergency situations.
87. The evaluation of Armenian legislation in the field of social security, social care and insurance showed that the domestic legislation is silent regarding discrimination on the basis of sexual orientation and gender identity. However the Constitution foresees that everyone, regardless of their race, sex, language, belief, political or other views, ethnic or social origin, property or other status, are equal before the law and without discrimination are equally protected by the law.

	2005	2006	2007	2008	2009
88. Number of court cases raised where the right to social security and/or social care of LGBT persons has been violated due to homophobic/transphobic motivation	N/A	N/A	N/A	N/A	N/A
89. Number of convictions regarding the violation of the	N/A	N/A	N/A	N/A	N/A

right to social security and/or social care due to homophobic/transphobic motivation					
90. Range of sanction issued for the violation of the right to social security and/or social care due to homophobic/transphobic motivation	N/A	N/A	N/A	N/A	N/A

B.8. Education

91. Pursuant to the Constitution of the Republic of Armenia everyone shall have a right to education. Basic general education shall be compulsory except in the cases prescribed by law. The law may establish a higher level of compulsory education. Secondary school education in state educational institutions is free of charge.
92. The law shall define the principles of autonomy in higher educational institutions. The procedures for establishing and operations of educational institutions shall be defined by the law. All citizens shall have the right to free higher and professional education in state higher and other professional educational institutions on the basis of competition as prescribed by the law. In cases and in conformity with the procedure prescribed by law, the State shall provide financial and other assistance to institutions conducting higher and other professional education programmes, as well as their students.³⁷
93. The Constitution of the Republic of Armenia proclaims that everyone shall have the right to freedom of literary, aesthetic, scientific and technical creation, to make use of the scientific advancement and to participate in the cultural life of the society.³⁸
94. The Law of the Republic of Armenia on Education articulates the basics for state policy in the field of education which are among others:
- Humanitarian nature of the education, the life, health and freedom of a human being, priority of comprehensively development, civil understanding, national dignity, patriotism, legacy and education of environmental understanding;
 - Accessibility of education, continuation, successfulness and correspondence to a persons' level of development;
 - Ensuring democratic values in the field of education;
 - Integration into the international education systems;
 - Secular nature of education in the educational institutions.³⁹
95. According to the Law of the Republic of Armenia on Education, the Republic of Armenia ensures the educational rights regardless of nationality, race, sex, language, belief, political or other views, social origins, property status or other circumstances.⁴⁰ As may be seen, the law does not specifically mention that discrimination on the grounds of sexual orientation and gender identity is prohibited, nevertheless, in case of the interpretation of this provision of the law the constraint to discrimination based on "other circumstances" covers also the grounds of sexual orientation and gender identity.

³⁷ Constitution of the Republic of Armenia, Article 39, Adopted in 2005.

³⁸ *Ibid.*, Article 40, Adopted in 2005.

³⁹ *Law of the Republic of Armenia on Education*, Article 5, Adopted in 1999.

⁴⁰ *Ibid.*, Article 6, Adopted in 1999 .

96. Despite the fact that the Law of the Republic of Armenia on Reproductive Health states that adolescents have rights both to sex education and to sexual and reproductive health protection through access to quality, youth-friendly Sexual Reproductive Health (SRH) institutions and healthcare services,⁴¹ the curricula of schools, universities in the Republic of Armenia does not include sexual education or life skills classes. However, several schools in Armenia include education for young people in sexual and reproductive health in pilot projects.⁴² Sex education programmes for teenagers, adolescents, students and other target groups of the Armenian society are usually organised by non-governmental organisations. There is no legal barrier for social or legal gender change which can impact the possibilities of a student or teacher to participate in school activities.

	2005	2006	2007	2008	2009
97. Number of cases of homophobic/transphobic bullying and harassment of LGBT students and teachers in school	N/A	N/A	N/A	N/A	N/A
98. Number of convictions regarding homophobic/transphobic bullying and harassment of LGBT students and teachers in school	N/A	N/A	N/A	N/A	N/A
99. Range of sanction issued for homophobic/transphobic bullying and harassment of LGBT students and teachers in school	N/A	N/A	N/A	N/A	N/A

B.9. Employment

100. According to the Constitution of the Republic of Armenia, everyone shall have the freedom to choose his/her occupation. Everyone shall have the right to fair remuneration in the amount no less than the minimum set by the law, as well as the right to working conditions in compliance with the safety and hygiene requirements. Employees shall have the right to strike for the protection of their economic, social and employment interests, the procedure and limitations thereof shall be prescribed by the law. Children under the age of 16 shall not be allowed to work full time. The procedure and conditions for their hiring to a part-time job shall be defined by the law. Compulsory employment shall be prohibited.⁴³ Following up, the Constitution clause foresees that everyone shall have the right to rest. The law shall define the maximum working hours, holidays, as well as the minimum length of annual leave.⁴⁴
101. As one may see the Constitution does not specify any special circumstances leaving that for the corresponding legislation to be regulated. Thus, in the Labour Code of the Republic of Armenia among other basics it also foresees the equality of parties of the employment irrelevant of gender, race, nationality, language, origin, nationality, social conditions, religions, marriage and family status, age, beliefs or other standpoints, membership in political parties, trade unions and non-profit organisations, and other circumstances not related to the labour abilities of an employee.⁴⁵ In case of application of the system of work

⁴¹ *Law of the Republic of Armenia on Reproductive Health*, Article 5, Adopted in 2002.

⁴² UNFPA, www.unfpa.org.tr/youth_Armenia.htm, accessed 1 October 2010.

⁴³ *Constitution of the Republic of Armenia*, Article 32, Adopted in 2005.

⁴⁴ *Ibid.*, Article 33, Adopted in 2005.

⁴⁵ *Labour Code of the Republic of Armenia*, Article 3, Adopted in 2004.

qualification the same criteria must be applied to both men and women, and the system should be developed in a way that it excludes any discrimination on sexual grounds.⁴⁶

102. The labour of foreigners in the Republic of Armenia is regulated by the law on Foreigners according to which a foreigner has the right to freely manage his/her working abilities, to choose a profession and type of activity, to conduct any type of economical activity not restricted by the legislation of the Republic of Armenia following the limitations foreseen by the legislation of the Republic of Armenia. The principle of equality of labour agreement parties foreseen by the Labour Code of the Republic of Armenia is guaranteed irrelevant of gender, race, nationality, language, citizenship and other circumstances not related to the labour abilities of an employee.⁴⁷
103. The phrase “other circumstances not related to the labour abilities of an employee” mentioned above may open the floor for wide interpretation of that norm and may include any circumstance including sexual orientation. So in the case of violation of principle of equality on the ground of sexual orientation or gender identity, one may refer to this article if a case is examined by the court.
104. As for the state mechanisms for protection and prevention of labour rights violations, a State Employment Agency exists in the Republic of Armenia, which aims to conduct state supervision over the implementation of the Labour Code and labour related legislation for the prevention of violation of labour rights and restoration of violated rights in workplaces.
105. Article 9 of Law of the Republic of Armenia on State Employment Agency has foreseen:
 - provision of assistance to receive information about means and methods of implementation of legal norms and acts regulating the labour rights;
 - ensure implementation and protection of labour rights and freedoms as well labour conditions;
 - prevention of violation of labour legislation and other legal acts contacting norms regulating employment;
 - conduction of state supervision over the implementation of labour legislation and other normative legal acts containing norms regulating employment.
106. There is a certain procedure set for conduction of state supervision over the implementation of labour and related legislation containing norms regulating employment. According to Article 21 of the Law of the Republic of Armenia on State Employment Agency, supervision shall be conducted through implementation of inspections and studies. According to the law the Agency can conduct two types of inspections: planned (on a certain subject) and ad hoc. Planned inspections are conducted based on the project certified by the authorities in the set timeframes.⁴⁸ The grounds for implementation of ad hoc inspections may be call requests or complaints sent from state bodies, local self-government bodies, employers, trade unions, employees of certain institution/organisations regarding the obvious violations of labour rights, conduction of unlawful labour or circumstances created in the workplace which may cause negative influence on the health conditions or may be dangerous for the life of employees.⁴⁹
107. As stated earlier, there is no special body in Armenia dealing with discrimination on the grounds of sexual orientation or gender identity. However, there is an institute of Ombudsman – the Human Rights Defender of the Republic of Armenia. According to the

46 Ibid., Article 180.3, Adopted in 2004.

47 *Law of the Republic of Armenia on the Foreigners*, Article 22, Adopted in 2006.

48 *Law of the Republic of Armenia on State Agency of Labour*, Article 22, Adopted in 2005.

49 Ibid., Article 23, Adopted in 2005.

Law of the Republic of Armenia on Human Rights Defender the Defender is an independent official, who protects the human rights and fundamental freedoms violated by the State and local self-government bodies or their officials.⁵⁰ The Defender shall consider the complaints of individuals regarding the violations of human rights and fundamental freedoms provided by the Constitution, laws and the international treaties of the Republic of Armenia, as well as by the principles and norms of International Law, caused by the state and local self-governing bodies and their officials.⁵¹ Any physical entity regardless of his/her nationality, citizenship, place of residence, sex, race, age, political and other views, and capabilities can appeal to the Defender. Legal entities may also appeal to the Defender.⁵² So LGBT persons or organisations can also apply to the Ombudsman for the protection of the rights of their members or beneficiaries.

108. However, since the date of its establishment, the Ombudsman has published five annual reports in total but none of those contain information on LGBT persons' issues under the section titled Rights of Special and Vulnerable Groups.⁵³

	2005	2006	2007	2008	2009
109. Total complaints of discrimination on the ground of sexual orientation (equality body, tribunals, courts, etc.): if possible disaggregated according to social areas of discrimination (employment, education, housing, goods, and services, etc.)	N/A	N/A	N/A	N/A	N/A
110. Total complaints of discrimination on the ground of sex/gender identity (equality body, tribunals, courts, etc.): if possible disaggregated according to social areas of discrimination (employment, education, housing, goods, and services, etc.)	N/A	N/A	N/A	N/A	N/A
111. Total findings of discrimination confirmed on the ground of sexual orientation (equality body, tribunals, courts, etc.): if possible disaggregated according to social areas of discrimination (employment, education, housing, goods, and services, etc.)	N/A	N/A	N/A	N/A	N/A
112. Total findings of discrimination confirmed on the ground of sex/gender identity (equality body, tribunals, courts, etc.): if possible disaggregated according to social areas of discrimination (employment, education, housing, goods, and services, etc.)	N/A	N/A	N/A	N/A	N/A
113. National number of sanctions/compensation payments issued (equality body, tribunals, courts, etc.): if possible disaggregated according to social areas of discrimination (employment, education, housing, goods, and services, etc.)	N/A	N/A	N/A	N/A	N/A
114. National range of sanctions/compensation payments issued (equality body, tribunals,	N/A	N/A	N/A	N/A	N/A

⁵⁰ *Law of the Republic of Armenia on the Human Rights Defender*, Article 2, Adopted in 2003.

⁵¹ *Ibid.*, Article 7, Adopted in 2003.

⁵² *Ibid.*, Article 8, Adopted in 2003.

⁵³ *Ibid.*, Article 11, Adopted in 2003.

courts, etc.): if possible disaggregated according to social areas of discrimination (employment, education, housing, goods, and services, etc.)					
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B.10. Housing

115. During the Soviet times a “Housing Code” adopted in 1982, was in effect in the Republic of Armenia, which was voted out on the 10 April 2005, by the National Assembly of the Republic of Armenia. Since then no legal act regulating this sphere has been adopted. Certain issues from the sphere of housing are regulated by the RA Civic Code. However, main problems in this sphere remain unregulated. Following the well-known principle, which is also recognised by the Armenian Constitution – Everyone shall have the right to act in a way not prohibited by the law and not violating others’ rights and freedoms. No one shall bear obligations not stipulated by the law.⁵⁴ In short, anything not prohibited by the law is allowed. As far as the mentioned sphere is not regulated by the law there is no obstacle for LGBT persons to live together, hence they are allowed to co-reside.
116. According to the Constitution of the Republic of Armenia everyone shall have the right to freely own, use, dispose of and bequeath the property belonging to him/her. The right to property shall not be exercised to cause damage to the environment or infringe on the rights and lawful interests of other persons, the society and the state. No one shall be deprived of property except for cases prescribed by law in conformity with the judicial procedure. The private property may be alienated for the needs of the society and the State only in exclusive cases of prevailing public interests, in the manner prescribed by the law and with prior equivalent compensation. Foreign citizens and non-citizens shall not enjoy the right to land ownership except in cases prescribed by the law.⁵⁵
117. During last four years there has been an increase in the number of complaints from individuals who own property in the areas that have been officially recognised as areas of “primary public interest”. These people claim that the compensation they were offered was lower than the market rate for their property.⁵⁶ All cases regarding this matter were lost in the Armenian court instances and were submitted to the European Court of Human Rights.
118. As for the right to the land, the Land Code of the Republic of Armenia ensures the regulation of land relations which are based upon:
- Combination of land-use as a natural and real estate object, the main industrial instrument, and use of the territorial basis
 - Variety of subjects owning and using the land and definition of authorities of State governance and local self-governing bodies on regulation of land relations in the Republic of Armenia
 - The principle of legal equality among the landowners concerning land relations⁵⁷
119. Property and other appropriation rights of citizens and legal entities on land are foreseen in Article 44 of Land Code which guarantees:

54 Constitution of the Republic of Armenia, Article 42, Adopted in 2005.

55 Ibid., Article 31, Adopted in 2005.

56 Annual Report 2008 of Human Rights Defender of the Republic of Armenia, www.ombuds.am, accessed 1 October 2010.

57 Land Code of the Republic of Armenia, Article 4, Adopted in 2001.

- The right of the citizens and legal entities on land that is their right to own, use and dispose of, by maintaining restrictions and requirements envisaged by the law
 - The right of the citizens and legal entities on land that descends from privatisation, heredity, trade, donation and other activities and legal documents concerning land.⁵⁸
120. However, according to the present code there are some restrictions for foreigners stating that according to the Constitution of the Republic of Armenia, foreign residents, and non-citizens of the Republic of Armenia cannot obtain property rights on land. They can only be land-users. The exceptions are the entities obtaining special status in the Republic of Armenia.⁵⁹
121. The legislation of Republic of Armenia prescribes two types of inheritance: according to the law and on the basis of will. The law is applied in cases when there is no will or it does not define the fate of the whole heritage.⁶⁰ In cases of inheritance according to the law, the Civic Code of Republic of Armenia defines the list and the order of close relatives who possess a right to inheritance. In the case of inheritance according to the law, same-sex couples may not inherit one another's property because the list of heirs defined by the law does not provide such an opportunity.
122. Inheritance is classified as based on an expression of will regarding the possession of property belonging to a person in the case of death.⁶¹ By his/her own consideration, a citizen is authorised to bequeath any property to any other person, freely decide on the shares of heirs in the inheritance, deprive the official heirs of their inheritance, include other instructions prescribed by the regulations of this Code in the will, revoke, change or amend the will.⁶² In this case it may be obviously seen that the same-sex partners may bequeath any property to each other.
123. There is no provision in Armenian legislation regarding property protection from the discrimination on the basis of sexual orientation or gender identity.

	2005	2006	2007	2008	2009
124. Number of court cases raised where the right to housing of LGBT persons (for example, denial of selling or renting to a person, or not lending financial support to purchase housing) has been violated due to the homophobic/transphobic motivation	N/A	N/A	N/A	N/A	N/A
125. Number of convictions regarding the violation of the right to housing due to homophobic/transphobic motivation	N/A	N/A	N/A	N/A	N/A

B.11. Health care

126. Pursuant to the Constitution of the Republic of Armenia, everyone shall have the right to benefit from medical aid and service under the conditions prescribed by the law. Everyone shall have the right, free of charge, to benefit from basic medical aid and services.⁶³

⁵⁸ Ibid., Article 44, Adopted in 2001.

⁵⁹ *Land Code of the Republic of Armenia*, Article 4, Adopted in 2001.

⁶⁰ *Civic Code of the Republic of Armenia*, Article 1185, Adopted in 1998.

⁶¹ Ibid., Article 1192, Adopted in 1998.

⁶² Ibid., Article 1193, Adopted in 1998.

⁶³ *Constitution of the Republic of Armenia*, Article 38, Adopted in 2005.

127. The individual's right to receiving medical aid and service is also stated in the RA law "About the provision of medical aid and service to the population". Everyone irrelevant of nationality, race, language, belief, age, health status, political or other views, social origin, property or other status shall have the right to benefit from medical aid and service in the Republic of Armenia.
128. Everyone has a right, free of charge, to benefit from medical aid and services in frames of the State-targeted healthcare programmes guaranteed by the State.
129. Article 2 of the law "About the provision of medical aid and service to the population" of the Republic of Armenia says that a list of types and structure of medical aid should be foreseen by the Government of Armenia. According to the Decision of the Government of the Republic of Armenia on development of a list regarding types of medical aid and services in the Republic of Armenia gender reassignment treatment is classified under the category of "Advanced professional medical aid and service",⁶⁴ the medical services under this category in the Republic of Armenia are not free of charge.
130. While applying for medical aid, as well as while receiving medical aid and service everyone has a right to choice of the supplier of medical aid and service, to receiving medical aid and service in conditions commensurate to hygiene requirements, being aware of his/her illness and expressing agreement for medical intervention, refusing medical intervention, being treated respectfully by the supplier of the medical aid and service.⁶⁵
131. At the same time, the Criminal Code of the Republic of Armenia implies liability for the supplier of medical aid and service for not fulfilling or improperly fulfilling its professional obligations, for careless or non conscientious attitude towards those if they incautiously resulted in serious or medium harm to the patient's health.⁶⁶
132. Legally speaking there are no legislative constraints preventing LGBT persons from receiving medical aid.
133. According to the Law of the Republic of Armenia on the Provision of Medical Aid and Service to the Population" the recipient of medical aid has a right to demand confidentiality of the fact of his/her referral to a doctor, state of health, examination, diagnoses and information revealed during the process of healing.
134. Pursuant to the Criminal Code of Republic of Armenia, publication of information about a person's illness or the results of a medical examination without professional or official necessity by the entities providing medical aid and service implies criminal liability.⁶⁷
135. Homosexual men are discharged from the military service, which is legally justified by Article 12 of the Law of the Republic of Armenia on Liability for Military Service. According to the Article mentioned, citizens considered unfit for military service due to health conditions are discharged from the compulsory military service by the republican drafting commission and are taken off the military books.⁶⁸ Some sources refer to the existence of an internal and thus secret decree of the Defence Minister of the Republic of Armenia . It is based on the afore-mentioned Article according to which gay people are discharged from compulsory military service characterising the latter's sexual orientation as illness.

64 Decision of the Government of the Republic of Armenia on development of a list regarding types of medical aid and services in the Republic of Armenia, Adopted in 2008.

65 *Law of the Republic of Armenia on the Provision of Medical Aid and Service to the Population*, Article 2, Adopted in 1996.

66 *Criminal Code of the Republic of Armenia*, Article 130, Adopted in 2003.

67 *Ibid.*, Article 145, Adopted in 2003.

68 *Law of the Republic of Armenia on Liability for Military Service*, Article 12, Adopted in 1998.

136. In 2007, the HIV/AIDS National Response Programme was approved by the Armenian Government decree. Based on the HIV/AIDS strategic response plan of 2006, the HIV/AIDS National Response Programme was developed, the main purpose of which was to form an effective response to the HIV/AIDS disease in 2007-2011.⁶⁹
137. The strategies and actions are directed towards the effective response to the HIV/AIDS and include six main directions:
- Development of interdepartmental response to HIV/AIDS
 - Prevention of HIV
 - Treatment, care and assistance
 - Monitoring and evaluation
 - Administration, coordination and cooperation
 - Funding and fundraising
138. One of the purposes of the strategy is also the prevention of HIV/AIDS among homosexual men and to develop the capacity of NGOs implementing HIV/AIDS preventive projects among homosexual men to ensure effective implementation of projects.
139. Expected results according to the project:
- Projects for prevention of HIV/AIDS among homosexual men will be implemented in the capital city and two regions of Armenia (2007-2011).
 - A network of organisations implementing HIV/AIDS preventive projects among homosexual men will be created (2007).
 - The involvement of homosexual men will be increased in HIV/AIDS preventive projects, at least 1500 of them will be engaged in those projects and will have corresponding access to voluntary HIV consulting and examination, social-psychological and legal services, treatment of sexually transmitted infections and to other services offered in the frames of projects (2007-2011).
 - The use of condoms by homosexual men during the last sexual intercourse with men will reach to 80 percent (2010-2011).
 - 80 percent of homosexual men will have knowledge of HIV/AIDS prevention (2010-2011).

	2005	2006	2007	2008	2009
140. Number of cases where LGBT persons have been deprived of the right to access health care facilities due to homophobic motivation?	N/A	N/A	N/A	N/A	N/A
141. Number of cases where transgender persons have been deprived of the right to access health care facilities due to transphobic motivation?	N/A	N/A	N/A	N/A	N/A
142. Number of convictions regarding the violation of the right to access health care facilities due to transphobic motivation?	N/A	N/A	N/A	N/A	N/A

⁶⁹ Government Decree of the Republic of Armenia from 1 March 2007, No 398-N.

143. Range of sentence issued for the violation of the right to access health care facilities due to homophobic/transphobic motivation?	N/A	N/A	N/A	N/A	N/A
144. Number of persons who have received gender-confirming treatment	N/A	N/A	N/A	N/A	N/A

B.12. Access to goods and services

145. No information.

	2005	2006	2007	2008	2009
146. Number of cases where LGBT persons have been deprived of the right to access goods and services due to homophobic/transphobic motivation?	N/A	N/A	N/A	N/A	N/A
147. Number of convictions regarding the violation of the right to access goods and services due to homophobic/transphobic motivation?	N/A	N/A	N/A	N/A	N/A
148. Range of sentence issued for the violation of the right to access goods and services due to homophobic/transphobic motivation?	N/A	N/A	N/A	N/A	N/A

B.13. Media

149. According to the Constitution of the Republic of Armenia, freedom of mass media and other means of mass information shall be guaranteed. The State shall guarantee the existence and activities of an independent and public radio and television service offering a variety of informational, cultural and entertaining programmes.⁷⁰

150. According to the law, in the Republic of Armenia, public television and radio functions should be based on the principles of democracy, objectiveness.

151. The Public Television and Radio Company is obliged to:

- Allot at least two third of the programmes to national production.
- To ensure the diversity of the programmes with the possible selection of programmes and series.
- To make and realise a programme policy:
 - To use the most convenient airtime for the most publicly popular programme, presenting the official statement on the subject.
 - To provide the audience with programmes that consider the interests of ethnic minorities, different social groups and different regions of Armenia.
- To make sure deaf and mute people have access to information.

⁷⁰ Constitution of the Republic of Armenia, Article 27, Adopted in 2005.

152. Public Television and Radio can provide airtime for the ethnic minorities in their languages.⁷¹
153. Although there is no institution with the purpose of monitoring the media with the prohibition of discrimination in the Republic of Armenia, there is a National Commission of Television and Radio Company (from now on National Commission). It is an independent body with the status of a state enterprise. The functions of the Commission are only limited to licensing and monitoring the private television and radio companies. The National Commission among others:
- Provides licenses.
 - Through the audio and visual recordings makes sure their compatibility to the law.
 - Shall monitor the implementation of the laws and regulations related to the Television and Radio.
 - In cases of violation of the law, before the court decision, suspends particular series' of programmes of television or radio broadcasting company.
 - By Article 55 of the law, considers the license invalid.⁷²
154. In the meantime the Commission also:
- Controls the implementation of the license conditions;
 - Carries out the monitoring of the activities of TV-Radio companies;
 - Requires and obtains the sound recordings and video recordings of the TV-Radio programmes in cases and by the procedure defined by the law.⁷³
155. The Law of the Republic of Armenia on Television and Radio broadcasting foresees that it is forbidden to use television and radio programmes for the following:
- For the campaign of the coup d'etat, or forcible change of the Constitution.
 - Ethnic, religious or racial discrimination,
 - To publicise State or other secrets protected by the law,
 - To advocate war,
 - To advocate criminal or other acts, forbidden by the Law,
 - To spread pornographic materials,
 - Horror movies, programmes damaging the education of teenagers.
 - Liable violation of other people's rights.
156. Exclusions are historical documentaries. Programmes with erotic features can be aired from 12 a.m. to 6 a.m. Excluded are coded programmes.⁷⁴
157. Currently, Armenia has problems in terms of independent electronic means of information. All TV companies with wide coverage are under the direct influence of the ruling powers, elucidation is mostly one-sided in terms of positive coverage of the current administration and contrary, do not offering any coverage to the opposition. The opposition activities are

⁷¹ Law of the Republic of Armenia on Television and Radio Broadcasting, Article 28 Adopted in 2000.

⁷² Law of the Republic of Armenia on Television and Radio Broadcasting, Article 37, Adopted in 2000.

⁷³ Law of the Republic of Armenia on Regulations of the National Committee of the Television and Radio, Article 33, Adopted in 2001.

⁷⁴ Law of the Republic of Armenia on Television and Radio Broadcasting, Article 24, Adopted in 2000.

elucidated under negative light. During the recent years two independent TV companies were shut down in Armenia. One local TV station after broadcasting the speech of oppositional leader was fined about 26 million drams which was more than the cost of the station itself.

158. The printed and electronic media are relatively free from the standpoint of independence. However, the coverage of printed and electronic media cannot reach a wide auditorium of the society and break the blockade of biased coverage. Compared to the TV, coverage of the printed and internet news outlets are much weaker in terms of their geographic coverage internet penetration and power of influence. There were a number of cases especially during the periods preceding the elections, when the total print-run of a certain issue of pro-opposition newspapers were bought in bulk or were physically barred from distribution through the established channels. On the other hand, distribution of most of the printed press is limited to the capital city and the first five major towns, thus leaving the far regions and smaller communities with no alternative to the few public TV channels with country-wide coverage. Thus, in this situation it would be very naïve to think about the compliance of the media with the prohibition against discrimination and/or the principle of equal treatment and equal opportunities in Armenia.
159. The National Assembly of the Republic of Armenia amended broadcasting laws in April 2009. The OSCE positively assessed some of the amendments, including those that ensure greater transparency regarding approval for broadcast licenses. However, it also criticised the amendments for failing to ensure political and ideological pluralism of the licensing body, the Council for Public Television and Radio, whose members are appointed by the President.⁷⁵ The Law on TV and Radio was amended in June 2010.
160. In terms of receiving and disseminating information there are no legislative barriers which would discriminate against LGBT persons.

	2005	2006	2007	2008	2009
161. Number of cases regarding non-compliance of the media with the prohibition against discrimination and/or the principle of equal treatment and equal opportunity.	N/A	N/A	N/A	N/A	N/A
162. Number of convictions of media by 'soft-law' institutions, such as a media council.	N/A	N/A	N/A	N/A	N/A
163. Number of convictions regarding non-compliance of the media with the prohibition against discrimination and/or the principle of equal treatment and equal opportunity.	N/A	N/A	N/A	N/A	N/A

B.14. Transgender issues

164. In the Republic of Armenia, the issues of transgender people are not regulated by any legal act. There is no any legal regulation of any issue concerning transgender people. The legislation of the Republic of Armenia keeps silent about transgender issues. Moreover the term "transgender" has never been used in any legal language in the Republic of Armenia. There is no regulation regarding names and changes of names of transgender people.

⁷⁵ Human Rights Watch, *World Report 2010*, Chapter Armenia, www.hrw.org, accessed 1 October 2010.

According to the Armenian legislation there is the possibility to change a name⁷⁶ but it is not specified if changes can be gender appropriate or gender neutral.

165. According to the Law on the Acts of Civil Status civic status acts are the activities or occurrences of citizens that produce, change or terminate their rights and obligations and describe the citizens' legal status.
166. The following civil status acts are subject to state registration under the procedure foreseen by the current law:
 - birth;
 - marriage;
 - divorce;
 - adoption;
 - recognition of fatherhood;
 - name change;
 - death.⁷⁷
167. The Ministry of Justice of the Republic of Armenia coordinates and supervises the process of state registration of civil status acts.
168. In accordance with the law for registering a civil status act, the documents substantiating the civil status state registration as well as identification documents shall be submitted. A state registration certificate of the civil status act is provided upon the registration of a civil status act. The state certificate of the registration of civil status act shall be signed by the Head of Department of Records of the Acts of Civil Status and sealed by the Department's stamp.
169. The state registration of a civil status act may be rejected if:
 - that registration is in conflict with the requirements of the law;
 - the submitted documentations do not correspond to the requirements of the law and other legal acts;
 - in other circumstances foreseen by the law.
170. In the case of rejection, an applicant whose request was declined by Civil Status Act State Registration Body, shall be informed in writing about the grounds of rejection by the chief of the Department of Records of the Acts of Civil Status. The rejection of the Department of Records of the Acts of Civil Status may be appealed to the courts.⁷⁸
171. Personal information that became known to the chief and staff members of the Department of Records of the Acts of Civil Status while registering the civil status act is not subject to publicity.
172. Pursuant to the law of the Republic of Armenia on the Civic Status Acts the change of a name is subject to registration by the State Registration Department of Records of the Acts of Civil Status of the Ministry of Justice of the Republic of Armenia. The Department of Records of the Acts of Civil Status may reject the registration of the change of name if the

⁷⁶ Law of the Republic of Armenia on Civil Status Acts, Article 58, Adopted in 2004.

⁷⁷ Law of the Republic of Armenia on Civil Status Acts, Article 3, Adopted in 2004.

⁷⁸ Ibid., Article 10, Adopted in 2004.

submitted documents are not in compliance with the requirements of present law and other legislative acts, there is a criminal charge against the person willing to change his/her name, bears a criminal punishment, or has been convicted. The procedure and conditions for name change shall be foreseen by the Government of the Republic of Armenia.⁷⁹

173. On 23 June 2005, the Government of the Republic of Armenia approved the Procedure and Conditions for Name Change by decision N 941-Ն, which implies:

- A person over 16 years old has the right to change his/her name, including first name, patronymic and surname in due course.
- An adult willing to change his/her name shall submit an application in person to the body in charge of state registration of birth or Regional Department of Records of the Acts of Civil Status in the district of his/her permanent residence.
- A person from 16 to 18 years old applies to the Department of Records of the Acts of Civil Status with a personal identification document and written consent of his/her parents.
- The application for name change should include the following information:
 - applicant's first name, patronymic, surname, date and place of birth, citizenship, nationality (optional), place of residence, marital status (married, widow/er, divorced, single);
 - first name, patronymic, surname, nationality, date and place of birth of each of his/her juvenile child;
 - information about prior registrations regarding the civic states acts of an applicant and his/her juvenile child/ren;
 - the first name, patronymic and surname preferred by the applicant to replace his/her existing ones;
 - the reasons for changing the name;
 - other information as required.

174. The application for changing the name should be accompanied by:

- an identification documentation;
- certificates given by the Department of Records of the Acts of Civil Status that should be changed as a result of the name change;
- autobiography;
- a reference from the place of residence;
- a consent of parents or lawful representatives of a person under the age of 16;
- documentations supporting the request of an applicant;
- other documents as required;
- a photo of 3 X 4 cm size. A person currently in military service shall also present a reference about military service from the military division. If necessary the Regional Department of Records of the Acts of Civil Status may require additional documentation. The chief of the Regional Department of Records of the Acts of Civil Status is obliged to explain to the applicant the consequences that may emerge as a result of the name change.

⁷⁹ Ibid., Article 58, Adopted in 2004.

175. An application for name change submitted to the Regional Department of Records of the Acts of Civil Status shall be discussed within two months after its receipt. In presence of a valid excuse the chief of the Regional Department of Records of the Acts of Civil Status may extend the period for no longer than a month. The chief of Agency of Records of the Acts of Civil Status of the Ministry of Justice of the Republic of Armenia may extend the period for a maximum of two months based on the petition made by the chief of the Regional Department of Records of the Acts of Civil Status.
176. Presence of the following valid excuses permits the registration of the change of first name, patronymic and surname for individuals over the age of 16:
- Disharmony of name, patronymic and surname;
 - Difficulty to pronounce name, patronymic and surname;
 - Wishing to have the same surname with husband/wife;
 - Wishing to have pre-marriage surname;
 - Wishing to have the same surname with children, if the husband/wife has died and the applicant bore a pre-marriage surname;
 - Wish of applicant to bear the name, patronymic and surname of a person practically bringing him/her up;
 - Wish of applicant to bear a name and surname corresponding to his/her nationality;
 - Wish of applicant to have his/her tribal surname.
177. In all other cases the change of a name may be permitted by an exceptional order, in each case taking into consideration the documentation supporting the request of an applicant.
178. Upon receipt of the application for the change of name the Department of Records of the Acts of Civil Status obtains the copies of documentation/notes from the corresponding bodies in which alterations should be made due to the name change.
179. The application of a person requesting a change of his/her name together with other documentations shall be sent to the Police department in the district of the applicant's permanent residence for obtaining a conclusion. The conclusion should include information on criminal charges brought against the applicant, criminal punishment appointed to him/her, facts of conviction and whether the applicant is wanted by the police.
180. Facts and information contained in the application, provoking suspicion in terms of their credibility, shall be investigation by the Regional Department of Records of the Acts of Civil Status by sending inquiries to the relevant organisations.
181. Based on the presented documents and the verification results, the Regional Department of Records of the Acts of Civil Status compiles a case including its conclusion on the change of name and submits it to the Agency of Records of the Acts of Civil Status of the Ministry of Justice of the Republic of Armenia.
182. The conclusion for a name change presented by the Regional Department of Records of the Acts of Civil Status shall be approved or rejected by the chief of the Agency of Records of the Acts of Civil Status of the Ministry of Justice of the Republic of Armenia by stating in writing "Approved" or "Rejected" on the top right-hand corner of the conclusion.
183. In case the materials submitted by the Regional Department of Records of the Acts of Civil Status are incomplete, the chief of the Agency of Records of the Acts of Civil Status

Agency of the Ministry of Justice of the Republic of Armenia may return those for additional investigation, by notifying in writing about the shortcomings, inconsistencies found in the documentations etc.

184. The Department of Records of the Acts of Civil Status may reject to register the change of name if the submitted documents do not comply with the law of the Republic of Armenia on the Civil Status Acts and requirements of other relevant legislative acts, there is a criminal charge against the person willing to change his/her name, a criminal punishment is appointed, had a conviction, as well as if the applicant is changing his/her name for the second time, except for the name change of a person aged under 16 years.
185. The Regional Department of Records of the Acts of Civil Status informs the applicant about approval or rejection of a name change within a ten day period. In the case of approval of the name change request, the citizen is obliged to visit the Regional Department of Records of the Acts of Civil Status within the period of one month to register the name change.
186. In the case of rejection of registration of the name change, the Regional Department of Records of the Acts of Civil Status provides the citizen with a written explanation of the rejection grounds. The procedure for appealing the rejection are explained to the citizen and all the original documentation is returned to the owner but the photocopies and the application are kept in the Department of Records of the Acts of Civil Status. The conclusion of the Department of Records of the Acts of Civil Status may be appealed to the court.
187. The second request of an applicant to change names based on the same grounds may only be considered after court's satisfaction of the appeal brought against the rejection of name change.
188. In terms of issues related to the change of gender there is no legislative possibility for changing the record of sex in legal documents. Thus, one may start strategic litigation by applying first of all to the Department of Record of the Acts of Civic Status of the Ministry of Justice of Republic of Armenia requesting the Department to change the record about gender according to presented justification. Afterwards, the afore-mentioned Department will refuse to do so, because it is not regulated by the Armenian legislation. Upon receiving the official rejection letter about changing the record of sex in the legal documents, the applicant can dispute the act of rejection in the Administrative Court of Republic of Armenia. The applicant can rely on related case law of the European Court of Human Rights. The decision of court is subject to compulsory implementation if the court decides to change the record about sex in legal documents such as the birth certificate, passport etc.
189. The cost of state duty for applying to the Department of Record of the Acts of Civic Status of the Ministry of Justice of the Republic of Armenia for changing the name in legal records is about €10. In the case of applying to the Administrative Court to dispute the act of rejection of the Department of Record of the Acts of Civic Status of the Ministry of Justice of the Republic of Armenia, the cost is less than €10. The cost of state duty for the next instance, which is the Court of Cassation, is less than €20, so the costs of the state duties in administrative and court instances are not very high. In the case of organising such litigation in the first place, the cost of attorney services should be considered, which can vary depending on attorneys and cities where any cases may be brought to Court. Unfortunately, as a rule, the organisation and conduction of a strategic litigation is not affordable for the average applicant.

	2005	2006	2007	2008	2009
190. Number of name changes affected due to change of gender/ the gender identity of the applicant	N/A	N/A	N/A	N/A	N/A
191. Number of persons who changed their gender/sex in your country under the applicable legislation (if relevant split between transgender/intersex applicants)	N/A	N/A	N/A	N/A	N/A

B.15. Good practice

192. N/A