



## SUMMARY OF THE REPORT

### Discrimination against conscripts during medical examinations.

**The report is a publication in Armenian created by the "DiverCity" Social-Cultural, Human Rights Defender NGO within the framework of the "Reducing Discrimination in Armenia" project, which is implemented with the financial support of the European Union and implemented by the "People in Need" office in Armenia in the scope of "Civil Society Actors as Divers of Change in the South Caucasus and Moldova."**

The responsibility for the content of the report lies solely with the "DiverCity" NGO and does not necessarily reflect the views of the "People in Need" Humanitarian NGO Armenia.

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## Introduction

The Republic of Armenia has enshrined the prohibition of discrimination at the legislative level. Meanwhile, from the point of view of realizing human rights, it is not always enough to document the right. In the Republic of Armenia, discrimination is manifested in various spheres of an individual's life and activity, including in the scope of conscription. This has been voiced for years by non-governmental organizations, including the Human Rights Defender, with many of their reports. As a result of the recent scrutiny of high-profile discrimination cases, we can say that LGBTQ + persons (gay, bisexual, trans, queer), ethnicity/national minorities, and people with disabilities are among the most discriminated groups in Armenia.

The role of civil society oversight is also important in preventing discrimination. "DiverCity" NGO was established in 2019. The organization aims to develop and recognize diversity and pluralism through human rights and non-formal educational, informational, and social activities. The organization's beneficiaries are young vulnerable, and targeted people, including LGBTQ + people. The organization, among other initiatives and projects, implements the "Reducing Dis-

crimination in Armenia" project within the framework of this report. The report highlights cases of discrimination against male conscripts during medical examinations. To achieve the mentioned goal, a study and analysis of the legislative field regulating the conscription process were carried out; in-depth interviews were conducted with GBTQ + people who participated in the conscription from the 2018 summer conscription to the 2021 summer conscription. With people of ethnic origin/nationality constituting a minority in the Republic of Armenia, people with disabilities; with key informants, representatives of military commissariats, representatives of mental health centers; conducting surveys with structures related to the conscription process. As a result, through the listed actions, the cases of differentiated treatment of conscripts were revealed, with expressions of discrimination, violence, the statistical data on criminal cases initiated in connection with the conscription process and administrative violations were examined, The effectiveness of communication with the bodies related to the conscription process was assessed, and the legislative framework regulating the field was analyzed in the context of the issues raised. Suggestions were submitted based on the latter.

## METHODOLOGY

The report is based on in-depth interviews, interviews with key informants, analysis of information collected through survey methods, and documentation. Within the framework of the analysis of the documents, a study of the legislative regulations related to the conscription process was carried out and analyzed, including, but not limited to, the following legal acts.

The RA Law on "Defense", RA Law on "Military Service and Status of a Soldier", RA Law on "Alternative Service", RA Law on "the Rights of Persons with Disabilities", RA Law on "Psychiatric Care and Service", RA Law on "Medical Care and Service to the Population", Decision N 1132-N of the Government of the Republic of Armenia of October 4, 2018 "On approving the procedure for compulsory military service", the list of diseases determining the degree of suitability of a citizen or serviceman for military service of April 12, 2018, as well as the decision on determining the conditions of military service that is contraindicated based on the health condition of a citizen or a serviceman" 404, April 12, 2018 of the Government of the Republic of Armenia «Citizen's health examination and medical examination, Procedures for referral for examination, examination and bodies conducting medical examination and the order of their activity, examination reports, the lists of medical examinations and medical institutions, to determine the procedure for compensation for the performed services and a number of decisions of the Government of the Republic of Armenia on repealing" Decision 405, Government of the Republic of Armenia May 3, 2018 536-N, 1337-N of November 29, 2018, 590-N of May 16, 2019, 1536-N of November 7, 2019, 593-N of April 23, 2020, 2136-N of December 24, 2020, 711-N of May 6, 2021 Decisions "On declaring conscription compulsory military service and demobilization".

The criminal case materials initiated based on the report on the crime of one of the conscripts were also studied.

With the use of the in-depth interview method, interviews were conducted with the conscripts who participated in the conscription during the period from the 2018 summer conscription to the 2021 summer conscription, taking into account the "Velvet" revolution of love and solidarity that took place in Armenia, the vision of positive changes was conditioned by it.

Conscripts were selected based on their high risk of being discriminated against (GBTQ + persons, persons from ethnicity/nationality minority, people with disabilities). Twenty discrimination cases were selected for in-depth interviews (16 cases against LGBTQ + People, 2 cases against People of ethnic origin/nationality, and 2 cases against people with disabilities).

Given the organization's mission and the lack of research on LGBTQ + rights violations, the involvement of LGBTQ + individuals prevailed in the interviews.

	<b>Yerevan</b>	<b>Region</b>
Gay, bisexual trans, queer and people with other SOGI	11	5
People with disabilities	0	2
Ethnic/National minorities	0	2

During the study, seven interviews were conducted with key informants, both to highlight the institutions' structural and organizational procedural issues and the cases of discrimination and violence against conscripts. Five interviews were conducted with representatives of military commissariats, and two were with representatives of mental health centers.

Within the scope of the survey method, inquiries were sent to the structures directly involved in the conscription process, supervising or otherwise related, in particular, the RA Ministry of Defense, the RA Ministry of Health, the RA Investigative Committee, the RA Police, Yerevan Municipality, Aragatsotn, Ararat, Armavir, Gegharkunik, Lori, Kotayk, Shirak, Syunik, Vayots Dzor, Tavush regional administrations, "National Center for Mental Health" CJSC, "Avan" Mental Health Center CJSC of the RA Ministry of Health to find out the statistics of administrative violations and criminal cases initiated within the conscription process. They are based on possible discrimination, key informants' functions, and their involvement in the conscription process.



## Conclusion and Recommendations

Analyzing the information collected within the report's framework and legislative regulations, we can conclude that there are high risks of procedural and human rights violations during the conscription process despite the regulated legal relations. The problems of the process start with not performing the proper notification action (notifications are made by calls, through acquaintances working in village administrations, etc.); from the "long" queues of people in the territory of the military commissariat, the conscripts are not able to explain the conscription process in an accessible way, they feel insecurity, anxiety, ridicule, labeling, discrimination, and vivid manifestations of violence. Conscripts are subjected to medical examinations by a medical crew of medical commissariats and medical aid-providing medical organizations without their written consent. They also encounter obstacles in obtaining their medical or personal documents. Conscripts' medical examinations are often interrupted after the first grounds for fitness are identified, without completing the full examinations. The legislation of the Republic of Armenia provides a possibility for alternative services, but no information is currently available on its effectiveness and proper assessment of the needs of its users (for example, to provide an alternative service according to professional or other orientation). The military commissariats and mental health centers' buildings are not adapted and not accessible for people with disabilities. Conscripts are not allowed to videotape or record discrimination and violence against them at military commissariats or mental health centers, which could later be the only evidence in criminal or civil cases.

**Taking into account the above, we suggest.**

- 1. To the territorial subdivisions of the conscription-mobilization service of the RA Ministry of Defense.**  
To carry out the notifications of conscripts during the conscription period in the manner prescribed by law, by documentary or electronic means.
- 2. To the territorial subdivisions of the conscription-mobilization service of the RA Ministry of Defense.**  
To provide conscripts (persons under the age of 18) with full, detailed information on all aspects of conscription, the specific nature of the obligations involved in the scope of military service, and all aspects of conscription before completing the conscription process, including medical examinations.
- 3. To the territorial subdivisions of the conscription-mobilization service of the RA Ministry of Defense and medical assistance providers, and the medical organizations.**  
Take preventive measures against insults, ridicule, labeling, discrimination, and violence against conscripts in the territories of military commissariats and medical care service organizations. In case of their presence, immediately inform the law enforcement bodies.

- 4. To the territorial subdivisions of the conscription-mobilization service of the RA Ministry of Defense and medical assistance providers, and the medical organizations.**  
to eliminate the cruel practice of subjecting the conscript to a medical examination without the informed written consent of the conscript.
- 5. To the territorial subdivisions of the conscription-mobilization service of the RA Ministry of Defense and medical assistance providers, and the medical organizations.**  
Eliminate practical barriers to conscripts obtaining their personal or medical records.
- 6. To the territorial subdivisions of the conscription-mobilization service of the RA Ministry of Defense and medical assistance providers, and the medical organizations.**  
Complete the full medical examination of the conscript, regardless of discovering the first evidence of fitness for conscription.
- 7. To the territorial subdivisions of the conscription-mobilization service of the RA Ministry of Defense and medical assistance providers, and the medical organizations.**  
Until 2024, to carry out reconstructions in the institutions to ensure the accessibility norms of the disabled people.
- 8. To the RA Ministry of Defense, to the Central Medical Commission, to the territorial subdivisions of the RA Ministry of Defense, conscription and mobilization services, and medical assistance to the medical organizations providing services.**  
Take appropriate steps or establish appropriate legal regulations to avoid "long" queues of people on the premises of institutions, creating a fertile ground for discrimination against members of vulnerable groups.
- 9. To the RA law enforcement bodies, including the RA Investigation Committee, the Anti-Corruption Committee, the RA Police.**  
to consider as admissible evidence and to use the video or recording made by the conscript in military commissariats, medical care, and discrimination or violence against them in the medical service organizations.
- 10. To the RA Ombudsman and the RA law enforcement bodies, including the RA Investigation Committee, the Anti-Corruption Committee, and the RA Police.**  
Keep statistics on discrimination based on gender, including gender identity;
- 11. To the RA Ministry of Defense, to the Central Medical Commission, to the territorial subdivisions of the RA Ministry of Defense, conscription and mobilization services, and medical assistance to the medical organizations providing services, including mental health centers.**  
Demonstrate a willingness to cooperate with civil society organizations, especially with vulnerable groups, minimizing evasive, isolated behavior.
- 12. To the RA Ministry of Defense and the National Assembly.**  
To make changes to the Law on Alternative Service and the possibility of making additions, envisaging alternative service according to the professional or other orientation of the persons.

**13. To the RA Ministry of Justice and the National Assembly.**

To review the draft law of the Republic of Armenia, "On Ensuring Equality," directly envisaging the sexual orientation and gender identity of a person as a basis for discrimination in it, to present it for public discussion. After the public discussion, to include the draft in the agenda of the sittings convened in the National Assembly.

**14. To the RA Ministry of Defense.**

Include the topics of anti-discrimination and gender sensitivity in the upcoming training courses for military commissariat representatives.