



**American University of Armenia**

**Master's Paper**

*“Applying For Republic Of Armenian Passport”*

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*Yerevan, Armenia 2007*

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## **Abstract**

The right of freedom of movement and the right to access for medical aid are two very different but at the same time very important fundamental rights. The first carries the character of liberty while in the base of the second is the life of a human being. It is impossible to make a choice between them as they are interconnected. One of the basic functions of a government today is to provide his people with the rights which are essential. Armenia is a country who tries to form a part of the democratic countries but still has many unsolved problems. One of them is passport delivery regime which needs more attention by government. The position towards a passport in Armenia should be changed and people should receive access either to medical aids or to freedom of movement without any reservations.

*“Freedom of movement  
and choice of place of  
residence within a country  
constitute the basic human  
rights guaranteed in a  
number of international  
legal instruments.”<sup>1</sup>*

### **Introduction**

Being traditional country with costumes and habits inherited from old civilization Armenia made a big step to a new century with comparatively democratic and modern views. As a country getting independence more than decade ago and establishing a government from the zero Armenia is making small but at the same time very strong steps for integration into democratic society.

The aim of this paper is to evaluate the importance and the necessity of Republic of Armenian (RA) passport for RA citizens. A passport is an official government document that states one's identity and citizenship and permits a citizen to travel abroad. In common law countries a passport is a document which allow the holder to travel abroad. Such kind of attitude of common law countries towards passports make it available and accessible for people. According to Armenian Constitution the freedom of movement within the country is guaranteed. At the same time Armenian government display a much more watchful attitude towards the issuing passports for Armenian citizens. Passports for RA citizens are of great importance today because passports plays significant role in public activities and public services. The most popular definition of passport by Armenians is a document which allows a citizen – to travel, to marry, and to

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<sup>1</sup> Boris Cilevičs/ Reporter/ Latvia/ 12 October 2001/  
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc01/EDOC9262.htm>

interact with banks. The right to travel is a well-established common right. The government should not diminish rights of people such as right to travel.

At the beginning it is important to clarify the actual value of RA passport. Without passport RA citizen is simply deprived from such kinds of rights as right to travel, right to marry, right to establishment, right to vote, right to education, right to medical assistance, and many other rights. Concerning the last decision (September 2007) of RA government an individual is deprived even from the right to buy cell phone number without passport copy. The *propiska* is the basic factor for getting passport in Armenia. “The *propiska* system has officially been abolished; however, no new law on registration has been adopted. The issue is currently regulated by the Statute on issuing passports issued by the government in 1998”.<sup>2</sup>

An Armenian citizen (X) was denied a passport because of lack of registration certificate. The problem is that the citizen X has no place of residence (the vagabond) and actually no registration certificate. OVIR (Office of Visa and Registration) refused to accept application for getting RA passport from Citizen X without the registration certificate. He applied to the office of Human Rights Defender of Republic of Armenia (HRDRA). After examining the situation HRDRA applied to OVIR and offer to accept the certificate approving that Citizen X is living in street Y as a registration certificate. OVIR give no answer yet. A citizen who has no *propiska* certificate in Armenia is deprived from a passport. If a citizen has no place of residence or no place to be registered then he has no privileges as a citizen. This regime violates a number of citizen’s rights that’s why some changes must be made. As it becomes clear the policy of Armenian government concerning the registration certificate, as a basic document for applying for RA passport, is very regulatory. Government wants to regulate its citizens in an easiest way. If passports and social cards will carry all the necessary information

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<sup>2</sup> Id

about the carrier it will be easy to control them in a case of necessity. By acting this way government ignores the interests and rights of citizens. From other side instead of receiving all necessary information about the passport holder and making sure that a citizen carries out all obligations before the state (army, taxes, etc) government gives the guarantee of protection and opportunity to social activity to the holder of the passport. It is the obligation of government to take care of its citizens, and what is more important to take care about the healthcare of population. Unfortunately even the medical aids in Armenia depend on existence of passport.

### **Armenian Legal Frameworks**

Armenian Legal frameworks are not fully sufficient for regulating passport delivery regime in Armenia. At the same time Armenian Law includes all necessary international obligations requiring freedom of movement, like the Universal Declaration of Human Rights Article 13, Protocol 4 to the European Convention on Human Rights Article 2, The International Covenant on Civil and Political Rights of 1966 Article 12. All these documents state, “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”.<sup>3</sup> The legal framework for freedom of movement in RA is generally depends on the Constitution of RA. For example, RA Constitution Article 25 states that ““Everyone legally residing in the Republic Armenia shall have the right to freedom of movement and choice of residence in the territory of the Republic of Armenia. Everyone shall have a right to leave the Republic of Armenia. Every citizen and everyone legally residing in the Republic of Armenia shall have the right to return to the Republic of Armenia.”<sup>4</sup> Access to many fields in Armenia requires a passport as a dominant document.

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<sup>3</sup> ECHR / Protocol IV/Art 2 / 2 May 1968/

<sup>4</sup> RA Const /Ch. II/Art 25/

Furthermore, Article 4 of the Law of the RA on Citizenship of the RA Charter 1 states that “The documents accrediting the citizenship of the Republic of Armenia are: the passport of the citizen of the Republic of Armenia and, prior to age of 16, the birth certificate or the certificate accrediting the citizenship of the Republic of Armenia.”<sup>5</sup>

According to Article 7 of the Law of the RA on Citizenship of the RA Charter 1 “The citizens of the Republic of Armenia enjoy the protection and patronage of the Republic of Armenia. The Republic of Armenia, its diplomatic and consular mission and the officials of the above are required to protect the rights of the citizens of the Republic of Armenia abroad as well as to take measures towards the restoration of the infringed rights of the citizens of the Republic of Armenia according to the legislation of the host country and international treaties.”<sup>6</sup> The passport procedures are regulating in Armenia by the Article 18 of the Law of the RA on Police, which states the following: “The Police shall be obliged to-organize, realize and supervise the activity of the passport system of the Republic of Armenia; execute control over the observance of the rules defined by the legislation concerning entering the territory of the Republic of Armenia, living within and leaving the territory of the Republic of Armenia, as well as transit”<sup>7</sup>

One of the vulnerable fields of Public services in Armenia is public health system.

An Armenian citizen is deprived from the right to benefit from medical aid and service if there is no passport. Contrary to above-mentioned practice, Armenian constitution has sufficient law regulating the access to medical aid in Armenia. Article 38 of the RA Constitution states that “Everyone shall have the right to benefit from medical aid and service under the conditions prescribed by the law. Everyone shall have the right to free of charge benefit from basic medical aid and services. The list and the procedure of the

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<sup>5</sup> RA Law “On Citizenship”/Ch 1/Art 4/

<sup>6</sup> RA Law “On Citizenship”/Ch 1/Art 7/

<sup>7</sup> RA Law “On Police”/adopted 16.04.2001/ Art 18/

services shall be prescribed by the law.”<sup>8</sup> At the same time the Article 25(1) of The Universal Declaration of Human Rights states. “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”<sup>9</sup> One of the decisive factors in the process of getting a passport in Armenia is the necessity of existence of so-called propiska. The propiska either plays decisive role for citizens who apply for passports or violates the right to respect for private life. Under the Article 8 of the European Convention on Human Rights, propiska reveals some private information: “...the right to respect for private and family life whereas propiska (a notice and a stamp in the passport) reveals some private information (home address).”<sup>10</sup>

As it becomes clear in Armenia a passport is a document without of which citizens have no legal rights. The reason of such necessity is that in Armenia passport is the first importance document, which plays a great role in almost all kinds of activities, taken by citizens within the territory of Armenia. In my researches concerning the issue becomes known some cases which were shocking for me. I have discovered the situation where passport even played decisive role in the life of an Armenian citizen. In one case happened in May 2007, the lack of passport became the fault of the death of a boy.

- Case 1.” A 21 years old boy was sick and was transferred to the Erebuni Hospital where the doctors on duty denied examine the patient referring to the absence of passport. After 3 days the patient died.”<sup>11</sup>

Next situation is more successful in contrast with the above mentioned situation.

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<sup>8</sup> RA Const/ Ch. II /Art 38/ 05.07.1995/

<sup>9</sup> UDHR/Art 25§1/

<sup>10</sup> Mr. Boriss Cilevičs/ Report/ Committee on Migration/12 October 2001/  
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc01/EDOC9262.htm>

<sup>11</sup> Anonymous hospital nurse, personal interview, 10 October 2007

- Case 2. “A citizen from village Krasnoselsk (Gegharquniq marz) was denied to get a passport because of the absence of propiska but was taken to the army. Today, the above mentioned citizen is in army and serves in the arm forces of a government which refused to give a passport to him and in so way deprived a person to have legal protection of a government. By analyzing this situation the next question is arising: why should one serve and protect the government when the same government deprives him from the protection? The answer which I’ve got from the mother of the soldier contains such kinds of expressions: «But what we should do? We had no choice and no one tell us that without passport they had no right to take my son to the army? »”<sup>12</sup>

By listening this I understand that the fault of arising number of violations towards citizen’s rights in Armenia is not only in shoulders of the violators but also in population who knows nothing about the rights and privileges belonging to them. Countless such cases remains unsolved by the courts. According to The Law of the RA on Police article if a person applying for RA passport for the first time he/she should: “1) be 16 years old or older, 2) be Armenian citizen, 3) have no other state’s citizenship.”<sup>13</sup> He/she should bring the following documents to the Department of Passports and Visas: “1) adopted form of application (Յ-ը ն ձ ւ ), 2) birth certificate, 3) 35x 45 two photos (colored), 5) Other documents approving the personality if there is no birth certificate, 6) Document approving the place of residence (registration) taken by ժ է ր , 7) 1000 dram’s check paid in bank.”<sup>14</sup> “All these documents should be brought to the local police station, the Department of Passports and Visas. After all the documents are accepted by the representative of the Department of Visas and Passports, applicant has to wait 3 working days to get passport. Before receiving the passport applicant put signature in the

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<sup>12</sup> Anonymous citizen, personal interview, 03 October 2007

<sup>13</sup> RA Law “On Police”/adopted 16.04.2001/ Art 18/

<sup>14</sup> Id

necessary place”.<sup>15</sup> Getting RA passport in Armenia does not mean getting the right to travel, yet. After the above mentioned steps are completed the holder hands over the passport with the check of 1100 drams for 1 year to the Department of passports and visas and receives the issued passport after 7 days. Only after issuing the passport the holder gets the right to pass the territory of Armenia.

### **International Best Practice**

An evaluation of passport delivery procedure in common law and civil law countries shows that there is a big difference in attitudes towards the system. In almost all common law and in some civil law countries passport is a travel document available to everyone. In common law countries the certificate called propiska was not necessary for getting a passport even in the past. “Propiska was officially abolished when the Soviet Union collapsed in 1991. However, several successor states continue to use propiska or some form of official permission to register one's place of residence, including Belarus, the Russian Federation and Kyrgyzstan. Armenia, Kazakhstan, Turkmenistan and Ukraine have abolished the need to apply for permission, but still require that residence be registered. Georgia has done away with all forms of registration, and in Moldova the practice was declared unconstitutional in May 1997. A propiska is a permit issued by the authorities that registers the bearer's place of residence. Its use is a legacy of the Tsarist government's internal passport regime implemented to control population movements throughout the Empire, particularly to manage urbanisation in the late 19th century. Restrictions on peasants' movements were lifted in 1906 and the entire internal passport

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<sup>15</sup> Hranush Vardanyan, personal interview, October 2007

system was abandoned shortly after the 1917 Revolution. In December 1932, however, the Soviet government aped its predecessors by re-introducing internal passports.”<sup>16</sup>

“In 24 September 2003, Armenia adopted the law concerning the social security cards.”<sup>17</sup> Armenian government’s reasoning concerning the necessity of social security cards probably will be that in all democratic and developed countries the social security cards are guarantee of government’s protection concerning the access of citizens to social benefits. By analysing this it should be noted that Armenian government follows the example of democratic and developed countries concerning the social security cards in a half. In almost all developed countries either passport or social security card’s application’s requirements are not carrying such kinds of difficulties as in Armenia. If following the example of developed and democratic countries, Armenia should changed the requirements for applying for a passport, as social security cards are carrying the same personal dates as passports today. It is out of logic to establish two documents certifying identity of a citizen using the same policy for procedures. In Armenia, before applying for a passport or social security card one should have been registered in some place of residence. At the same time in many democratic countries the propiska certificate is not required for getting passport or social security cards.

In such country as USA “a passport is an internationally recognized travel document that verifies the identity and nationality of the bearer. A valid U.S. passport is required to enter and leave most foreign countries. Only the U.S. Department of State has the authority to grant issue or verify United States passports.”<sup>18</sup> “To obtain a passport for the first time, one needs to go in person to one of over 9,000 passport acceptance facilities located throughout the United States with two photographs of himself, proof of U.S.

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<sup>16</sup> Susan Brazier/Propiska/  
<http://www.nelegal.net/articles/propiska.htm>

<sup>17</sup> Julia Hakopyan/ “Card Controversy: Opponents of identification system decry ”/ 06 February 2004/  
<http://www.armenianow.com/archive/2004/2004/february06/news/ssc/index.htm>

<sup>18</sup> “Passport”/ US Department of State/  
[http://travel.state.gov/passport/passport\\_1738.html](http://travel.state.gov/passport/passport_1738.html)

citizenship, and a valid form of photo identification such as a driver's license. Acceptance facilities include many Federal, state and probate courts, post offices, some public libraries and a number of county and municipal offices. There are also 13 regional passport agencies, and 1 Gateway City Agency, which serve customers who are travelling within 2 weeks (14 days), or who need foreign visas for travel. As it becomes clear in US passport system there are 6 types of passport applications which are different depend on applicant's requirements. For example DS- 82 for passport renewal, DS – 4085 for visa additional pages, DS – 11 for applying for US passport for the first time.”<sup>19</sup> Like in US in “UK a passport is a travelling document, and to get UK passport for UK or Irish citizen is not a problem. In UK one can apply for passport just filling a required application, introducing 2 photos, birth certificate and driver license (if exist).”<sup>20</sup>

As a former USSR country Georgia seems to have the same with Armenia policy concerning the propiska. “Though, Georgia eliminated the old system and adopted the new one without propiska requirement. In Initial Report of the Republic of Georgia on measure giving effect to the International Covenant on Civil and Political Rights “Article 12 (Right to liberty of movement and free choice of residence) states’ ...the old permit system based on the registration of citizens according to residence, the so-called "propiska", remains in force, which is contrary to the Universal Declaration of Human Rights and article 12.1 of the Covenant’.”<sup>21</sup> While having similar regulating systems inherited from Soviet system Armenia and Georgia are representing opposite attitudes towards the passport regulating regime. Georgia eradicated former system and by adopting new one makes a big step to move away from the status of a former USSR country with former regulatory views. For Armenian government, who tries to become a democratic country, the recent situation is not convenient. Because the propiska

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<sup>19</sup> Id

<sup>20</sup> “Identity and Passport Service”/ Home office/  
[http://www.passport.gov.uk/passport\\_first.asp](http://www.passport.gov.uk/passport_first.asp)

<sup>21</sup> A. Kavsadze/ Chairman/ Committee for Human Rights and Ethnic Relations of the Republic of Georgia/  
<http://www.hri.ca/fortherecord1997/documentation/tbodies/ccpr-c-100-add1.htm>

certificate is so difficult to obtain, bribery and fake marriages may become common methods of circum-venting the law. It should be clarified that Armenian government abolished the propiska system and even made a decision (#821) concerning the new system regulating the passport issues in Armenia. The system which regulates passport issues in such countries as UK, USA and Georgia is a perfect sample for a country like Armenia.

### **Reforms**

Today Armenian government regulates the issues concerning the delivery of passports to citizens based on the “Law of the RA on the Citizenship of the RA Charter 1 art.4,”<sup>22</sup> and the” Law of the RA on Police art. 18.”<sup>23</sup> In particular, the above mentioned articles are not sufficient to regulate issues connected with propiska in Armenia. Moreover, the question of propiska is regulated in Armenia neither by constitution nor by civil code. “It is obvious that propiska system was abolished in Armenia after the collapse of Soviet system.”<sup>24</sup> Unfortunately the system was abolished only theoretically. Practice shows that it works nowadays in Armenia. For regulating this problem Armenian Government made a decision # 821 in 1998 which partly regulates the propiska issues of applying for passport. Predominantly, the new decision represents new and more flexible ways of registration of citizens who wants to get passports. Despite the fact that a progressive step was done by RA government for solving a problem of unregistered citizens (decision of RA government 821), a number of issues are still remains unsolved. Armenia needs more specific regulations to improve the transaction. To improve current passport regime and to decrease the level of infringements on getting passports, Armenia needs to make amendments in laws

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<sup>22</sup> RA Law “On Citizenship”/Ch I/Article 4 /

<sup>23</sup> RA Law “On Police”/adopted 16.04.2001/ Art 18/

<sup>24</sup> Susan Brazier/Propiska/  
<http://www.nelegal.net/articles/propiska.htm>

regulating passport system. The OVIR should establish and publish a list of necessary documents for applying for passport either in all public places and administrative agencies or in online regime. This provision will help to spread the necessary information and will decrease the level of bribery, the reason of which is, very often, based on ignorance of people. Informing people will mean giving them a chance to try to find a way of solving their problems other than bribery or hack-work. One of the essential problems facing unregistered citizens in Armenia is the deprivation of the one of the fundamental rights of people requiring freedom of movement and residence.

The next step taken by Armenia should be the adoption of a new amendment providing citizens the right to travel by delivering them travel passports. This amendment will decrease the number of human rights violations in Armenia and will work on increase of a number of travelers and so will work on state budget. Why state budget? Because, as it is known, Armenia puts an air tax on out going passengers. Such kinds of fundamental rights as right to travel, right to medical assistance or just right to access to social benefit should not have been based on existence of some document which is not available for everyone. One of the important changes made by Armenian government in current regulating system should be the law regulating citizens' access to medical assistance without necessity of passport or other document. Medical assistance must be provided without reservations to everyone needed. The drafted law should be represented to the National Assembly as soon as it is possible. After voting, if the majority vote for law, it should be signed by the RA President and will come into force. The procedures of the regulation should be addressed to the Minister of Health in Armenia who actually should follow the requirements stated in law. Otherwise, if Armenian government decides to make a passport the decisive document for its citizens, then the delivery of passport to citizens should be organized in an easiest and accessible way. Armenia should change the overall opinion of passport in society and should make it available for everyone.

## **Conclusion**

In this paper was analyzed the current Armenian passport system with its challenging and poor sides. The most vulnerable were the laws regulating the issue. Basically the victims of this system are citizens, so the recommendations given above are addressed to improve the current situation for the sake of people's wellbeing. Freedom of movement and right to access for medical care will be achieved if some changes in the system will be made. Like in common law countries, Armenia also should adopt more specific laws regulating either passport delivery system or propiska requirement issue. There should be no discrimination between the citizens who have passports and who have not. The life and the liberty of people should not be based on existence of a document.

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## Appendixes

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- B. Constitution of the Republic of Armenia
- C. RA Civil Code, The Law of the Republic of Armenia on Police
- D. RA Civil Code, The Law of the Republic of Armenia on Citizenship
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