

**IN THE NAME OF THE REPUBLIC OF ARMENIA  
DECISION OF THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF ARMENIA**

**ON THE CASE CONCERNING THE CONSTITUTIONALITY OF ARTICLE 39 § 1(7) OF THE RA LAW ON SERVICE IN THE POLICE, ARTICLE 43 § 1(8) OF THE RA LAW ON SERVICE IN THE NATIONAL SECURITY BODIES, ARTICLE 8 § 1(3) OF THE RA LAW ON MILITARY SERVICE AND THE STATUS OF A SERVICEMAN, AND ARTICLE 6 § 5 OF THE RA LAW ON TRADE UNIONS RAISED BY THE APPLICATION OF THE RA HUMAN RIGHTS DEFENDER**

Based on the examination of the case and subject to Article 168(1), Article 169 § 1(10), and Article 170 §§ 1 and 4 of the Constitution, as well as guided by Articles 63 and 64, Article 68 of the Constitutional Law on the Constitutional Court, the Constitutional Court **HOLDS:**

1. The regulation prescribed by Article 43 § 1(8) of the Law of the Republic of Armenia on Service in the National Security Bodies complies with the Constitution in the part that the servicemen of the national security agencies shall not have the right to membership in a religious organization.

2. The regulation prescribed by Article 8 § 1(3) of the Law of the Republic of Armenia on Military Service and the Status of a Serviceman complies with the Constitution in the part that a serviceman shall not have the right to create religious associations.

3. Article 6 § 5 of the Law of the Republic of Armenia on Trade Unions is declared as contradicting Articles 45, 75, 80, and 81 of the Constitution insofar as the latter prescribes an absolute prohibition for the servicemen of the armed forces, the police, national security and the prosecution agencies, as well as the judges, and the justices of the Constitutional Court of the Republic of Armenia on their participation in a trade union.

4. The regulation prescribed by Article 39 § 1(7) of the Law of the Republic of Armenia on Service in the Police is declared as contradicting Articles 45, 75, 80, and 81 of the Constitution in the part that a police officer shall not have the right to membership in a trade union organization.

5. The regulation prescribed by Article 43 § 1(8) of the Law of the Republic of Armenia on Service in the National Security Bodies is declared as contradicting Articles 45, 75, 80, and 81 of the Constitution in the part that the servicemen of the national security agencies shall not have the right to membership in a trade union organization.

6. The regulation prescribed by Article 8 § 1(3) of the Law of the Republic of Armenia on Military Service and the Status of a Serviceman is declared as contradicting Articles 45, 75, 80, and 81

of the Constitution in the part of an absolute prohibition that a serviceman shall not have the right to membership in a trade union organization.

7. In accordance with Article 170 § 3 of the Constitution, as well as Article 68 §§ 9(4) and 19 of the Constitutional Law on the Constitutional Court, the deadline for invalidating the provisions declared as contradicting the Constitution by this Decision of the Constitutional Court shall be November 11, 2023, thus enabling the National Assembly to reconcile with this Decision the legal regulations of the Law of the Republic of Armenia on Service in the Police, the Law of the Republic of Armenia on Service in the National Security Bodies, the Law of the Republic of Armenia on Military Service and the Status of a Serviceman, and the Law of the Republic of Armenia on Trade Unions.

8. Pursuant to Article 170 § 2 of the Constitution, this Decision shall be final and shall enter into force upon its promulgation.

**PRESIDENT**

**A. DILANYAN**

April 11, 2023

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