

**ADVISORY COMMITTEE ON THE  
FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 13 February 2017

ACFC/OP/IV(2016)006

**Fourth Opinion on Armenia  
adopted on 26 May 2016**

**Summary**

A climate of tolerance and dialogue between the majority population and national minority groups generally prevails in the Republic of Armenia. Socio-economic difficulties continue to affect significantly a large part of the population of the country, in particular in secluded mountainous areas where a large proportion of persons belonging to national minorities live. However, in spite of economic difficulties, Armenia recently admitted over 20 000 persons who were fleeing the conflict in Syria.

The authorities work to ensure the protection of national minorities and provide some opportunities for learning the Assyrian, Kurdish, Russian and Yezidi languages in schools. Constitutional amendments, adopted in 2015, have altered the legislative framework affecting national minorities. The new Electoral Code, currently under consideration in the National Assembly, is to provide for parliamentary representation for the four largest national minorities in the country. Other significant changes are likely to result from the forthcoming enactment of the Law on the Prohibition of Discrimination and the Law on National Minorities, which is called for under the revised constitution.

Newspapers and magazines in languages of national minorities continue to be published and the public radio broadcasts in minority languages. Support is provided to the artistic expressions of national minorities. However, the majority of cultural initiatives, although praiseworthy in themselves, tend to present a folkloristic picture of national minorities.

Progress has been achieved in providing access to preschool education, although significant efforts are needed to meet the goal of the 90% rate for preschool enrolment by the deadline of 2017, as set by the government. Yezidi children, in particular girls, continue to experience high drop-out rates from school. The continuing tradition of arranged marriages at an early age further undermines their chances of completing the compulsory 12-year education cycle.

The right to use minority languages in relations with administrative authorities and to display topographical indications in the geographical areas inhabited by a substantial number of persons belonging to national minorities is regrettably not applied in practice.

**Recommendations for immediate action:**

- **engage in a wide consultation process with civil society and national minority organisations prior to and during the drafting of the Law on National Minorities and other legislation impacting on the enjoyment of rights of persons belonging to national minorities; ensure that such legislation is fully compatible with international standards;**
- **develop a proactive approach to promote minority rights protection in accordance with the Framework Convention; ensure that policies affecting the enjoyment of rights under the Framework Convention are elaborated in consultation with minority representatives to reflect their real needs;**
- **redouble efforts to eliminate without further delay difficulties experienced by Yezidi children, in particular girls, in access to education; continue efforts to provide preschool education to all children; review legislation, in line with international human rights standards with a view to criminalising forced marriages conducted without the valid consent of both spouses, where pressure or abuse is used;**
- **consult with local representatives of national minorities to assess the demand for the use of minority languages in relations with administrative authorities and for topographical indications in the geographical areas inhabited by a substantial number of persons belonging to national minorities; carry out an awareness-raising campaign encouraging the use of minority languages in contacts with local administration.**

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## I. KEY FINDINGS

### Monitoring process

1. This fourth cycle opinion on the implementation of the Framework Convention by Armenia was adopted in accordance with Article 26(1) of the Framework Convention and Rule 23 of Resolution(97)10 of the Committee of Ministers on rules on the Monitoring arrangements under Articles 24 to 26 of the Framework Convention for the protection of national minorities. The findings are based on information contained in the fourth [state report](#), submitted by the authorities on 2 September 2014, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Yerevan from 5 to 8 April 2016.

2. The Advisory Committee welcomes the authorities' constructive and co-operative approach towards the monitoring process, including the considerable assistance provided before, during and after the fourth cycle visit. Further, the Committee of Minister's resolution regarding the third cycle opinion was translated into Armenian and Russian and published promptly. The fourth state report containing comprehensive and valuable information was submitted following extensive consultations with representatives of national minorities. The Advisory Committee received additional written information from civil society representatives. The Advisory Committee also notes with satisfaction that a follow-up seminar was organised in Armenia after the last monitoring cycle was concluded, during which the third opinion of the Advisory Committee was discussed in detail by all the key stakeholders, including representatives of national minorities.

3. The Advisory Committee looks forward to continuing its dialogue with the authorities as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present opinion public upon its receipt. It also invites the authorities to translate the present opinion and the forthcoming Committee of Ministers' resolution into the Armenian and Russian languages and to disseminate it widely among all relevant stakeholders. The Advisory Committee considers that, given the number and depth of changes to the institutional environment affecting persons belonging to national minorities in Armenia (see comments in particular under Article 3) a follow-up discussion to review the observations and recommendations made in the current opinion would be beneficial to all stakeholders.

### General overview of the current situation

4. The Republic of Armenia has continued its efforts to promote the rights of national minorities. During the current monitoring cycle significant changes have been initiated which will in time have a significant impact on the ability of national minorities to enjoy their rights. In particular, the adoption of constitutional amendments in a referendum held on 6 December 2015,<sup>1</sup> in addition to allocating more power to the National Assembly, will alter the legislative arrangements affecting national minorities in a number of areas. It has to be noted, however,

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1. The text of the constitutional amendments was published in the *Official Gazette* on 21 December 2015 and entered into force on 22 December 2015.

that the broader constitutional changes are due to come into force in 2018, after the end of the current president's term of office. The amended constitution repeats the catalogue of prohibited grounds of discrimination<sup>2</sup> contained in the 2005 constitution and introduces a specific provision on the "Protection of the right to a national and ethnic identity" (Article 54). Further, Article 89 on "National Assembly composition and election procedure" in point 2 stipulates that "places shall be assigned in the National Assembly for representatives of national minorities" in accordance with the procedure prescribed by the draft Electoral Code, which is currently being considered by the National Assembly. Also, a law on the prohibition of discrimination is being elaborated with a view to implementing the constitutional provisions. In addition, the Law on the Defender of Human Rights (Ombudsperson) is to be reviewed to take into account changes introduced by the constitutional amendments. The assessment of the impact of these legislative changes will only be possible once they are adopted and implemented.

5. The authorities in the Republic of Armenia promote inter-ethnic tolerance and understanding in society. Representatives of all national minorities report an overall respectful attitude between the majority population and minorities. However, the underlying and widely held view shared by the majority population and the authorities is that Armenia is essentially a mono-ethnically homogenous and mono-religious state which limits the visibility of minorities in general, and leaves little room for other cultures and languages and their promotion. National minorities, in particular the smaller ones,<sup>3</sup> are rarely seen as anything more than groups contributing to a folkloric mosaic in the cultural spectrum of Armenia. This sidelining of national minority issues is further exacerbated by the lack of attention paid by the mainstream media to their concerns. In its most acute form the concept of "one nation, one religion, one culture" voiced by some media outlets is directed at religious minorities which are branded as sects and accused of undermining Armenian statehood.<sup>4</sup>

6. The difficulties in the socio-economic sphere continue to affect significantly a large part of the population of Armenia. The hardship is particularly acute in poorer regions, some of which are inhabited by a large proportion of the Yezidi national minority in secluded mountainous areas. Consequently, this community has experienced both a significant drop in numbers as well as its proportion within Armenian society on account of emigration. On the other hand, it has to be commended that in spite of economic difficulties, Armenia admitted into the country over 20 000 people, mainly of Armenian and Assyrian descent, fleeing the conflict in Syria.

7. The unresolved Nagorno Karabakh conflict, which intensified during the visit, the closed borders with neighbouring states and the resulting economic difficulties impact heavily on the social and economic situation of the majority and the minorities alike. They also significantly

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2. Article 29, "Prohibition of discrimination": "Any discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, worldview, political or any other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited." See: "Draft Amendments to the Constitution of Armenia (Approved on 20 August 2015 in the sitting of the Specialized Commission on Constitutional Reforms adjunct to the President of the Republic of Armenia)", doc.ref.: CDL-REF(2015)034-e, [www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2015\)034-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2015)034-e).

3. See paragraph 25 for figures relating to the number of persons belonging to national minorities, as declared in the Census of 2011.

4. See EPF Armenia(2014), "Rights of Children from Religious and Ethnic Minority Groups in Armenia", Yerevan, p. 16., available at [http://www.epfarmenia.am/wp-content/uploads/2014/06/2014\\_Field\\_Study\\_Rights\\_of\\_Children\\_en.pdf](http://www.epfarmenia.am/wp-content/uploads/2014/06/2014_Field_Study_Rights_of_Children_en.pdf)

limit the resources available for implementing policies and projects for national minorities. Emigration has led to a decline in the numbers of those belonging to national minorities which, already not numerous, also tend to lose the most entrepreneurial and active members.

8. On the positive side, the authorities continue to support cultural projects of national minorities and provide grants to newspapers and periodic publications in their languages. Armenian public radio continues to broadcast programmes in languages of 11 national minorities. Television broadcasts from abroad in the Russian and Ukrainian languages are widely accessible through the cable networks. Yezidi, Kurdish, Russian, Assyrian and Greek are taught in school and support is also provided in various forms for teaching of languages of other national minorities. Regrettably, the authorities display a rather passive approach towards cultural projects of national minorities, which are lacking both organisational and human resource capacity to initiate cultural undertakings on account of their low numbers and which are not in a position to articulate their needs. All too often such projects are limited to superficial aspects of minority cultures.

9. Difficulties encountered during the enumeration process, including the inaccuracy of collected data, lack of transparency and a delay in the publication of the results in December 2013 of the 2011 census have raised doubts as to the reliability of the published final results.

#### **Assessment of measures taken to implement the recommendations for immediate action**

10. Measures undertaken to implement recommendations for immediate action have improved the possibilities afforded to persons belonging to national minorities to exercise the right to self-identification during the census of 2011.<sup>5</sup> Unlike during the pilot census of 2010, in the census of 2011, the questions on ethnic affiliation and languages spoken were open-ended and optional. It has to be noted, however, that it was not possible for respondents to indicate more than one ethnic affiliation, contrary to established international standards. The results of the population census disaggregated by age, gender and geographical distribution were published in 2013 and are available on the websites of the National Statistical Service of the Republic of Armenia.<sup>6</sup>

11. Discussions on local government reform have continued in the last five years, without any clear deadline in sight. Expertise is provided to the authorities under the Support to Consolidating Local Democracy in Armenia project, which is financed by the Danish Government and implemented by the Council of Europe Office in Yerevan.<sup>7</sup> The progress is monitored by the Congress of Local and Regional Authorities in Europe.<sup>8</sup>

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5. The population census was carried out in the Republic of Armenia from 12 to 21 October 2011.

6. See detailed data at: [www.armstat.am/en/?nid=517](http://www.armstat.am/en/?nid=517).

7. See: Support to Consolidating Local Democracy in Armenia, [www.coe.int/en/web/yerevan/support-to-consolidating-local-democracy-in-armenia](http://www.coe.int/en/web/yerevan/support-to-consolidating-local-democracy-in-armenia).

8. See Recommendation 351 (2014) Local democracy in Armenia, adopted in Strasbourg, 25-27 March 2014 during the 26 Session of the CLRAE at <https://wcd.coe.int/ViewDoc.jsp?p=&id=2170873&Site=COE&direct=true>.

**Assessment of measures taken to implement the further recommendations**

12. The adoption of the constitutional amendments in the 2015 referendum reaffirms the commitment of the Armenian population and the authorities to the principles of equality and non-discrimination. The drafting process of the Law on the Prohibition of Discrimination is advanced. The adoption of this law, which will follow extensive public debate and an awareness-raising campaign, is planned for 2017.

13. Representatives of national minorities keenly convey the view that a general climate of openness and tolerance prevails in Armenia and that they do not encounter racial, anti-Semitic or xenophobic hostility. Inciting hatred on racial, national or religious grounds is a crime under Article 226 of the Criminal Code. However, it has to be pointed out that there is no definition of hate speech in the Criminal Code and that a racist motive as an aggravating circumstance of criminal offences is rather narrowly construed as applicable only to murder, assault and premeditated damage to property.

14. The Law on Television and Radio Broadcasting was amended on 10 June 2010 to regulate the process of transition to digital terrestrial broadcasting. Although the existing legislative provisions on public radio and television were not expressly amended to guarantee a minimum time frame for broadcasting in minority languages, the possibilities offered by digitalisation create new opportunities for minority language broadcasting. Representatives of national minorities consider the current level of broadcasting adequate.

## II. Article-by-article findings

### Article 3 of the Framework Convention

#### Personal scope of application of the Framework Convention

15. The Advisory Committee notes that there have been no developments since the previous monitoring cycle in the position of the Armenian authorities concerning the scope of application of the Framework Convention. The authorities continue to demonstrate an open and inclusive approach towards all national minority groups in Armenia. In this context the Advisory Committee recalls that the term “national minority” is not defined in the legislation of the Republic of Armenia, but in practice, according to the initial state report submitted during the first cycle of monitoring, is understood to denote “the nationals of the Republic of Armenia permanently living in the Republic of Armenia who are different from the [basic] population by its ethnic origin”.<sup>9</sup>

16. The Co-ordinating Council for National and Cultural Organisations of National Minorities is the main forum where representatives of 11 larger national minorities, namely Assyrian, Belarusian, Georgian, German, Greek, Jewish, Kurdish, Polish, Russian, Ukrainian and Yezidi can raise concerns and discuss issues affecting them with the authorities. This gives them increased visibility and better recognition than other national groups, such as the Abkhazians, Abazins, Bulgarians, Latvians, Lithuanians, Lom, Moldovans, Mordvans, Ingushetians, Ossetians, Persians, Romanians, Tatars, Udins and others, which are not represented in the co-ordinating council.

17. In this context, the Advisory Committee notes that in its declaration contained in the instrument of ratification of the European Charter for Regional or Minority Languages (ETS No. 148),<sup>10</sup> Armenia stated that the provisions of the charter shall apply to five languages of national minorities, namely Assyrian, Greek, Kurdish, Russian and Yezidi. Furthermore, according to the draft Electoral Code<sup>11</sup> the national electoral list may have a second part, wherein representatives of “the first four national minorities with the largest resident population – according to the data of the latest census preceding the elections – may be included”. This provision, if adopted and implemented, will ensure representation in the National Assembly of the Assyrian, Kurdish, Russian and Yezidi national minorities (see further comment on the representation of national minorities under Article 15).

18. The Advisory Committee notes that the varying approaches applied in legislative acts to different national minorities clearly demonstrate the need for very careful consideration of the scope of application of the Law on National Minorities, called for under the constitution as amended in 2015 (for details see below, paragraphs 21 and 22). The law should be adopted only after extensive consultations with all stakeholders, including those who are currently not

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9. See “First Report submitted by the Armenia Pursuant to Article 25, Paragraph 1 of the Framework Convention for Protection of National Minorities”, paragraph 19, doc. ref. : ACFC/SR (2001)4 at <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008aed0>.

10. See declaration contained in the instrument of ratification by the Republic of Armenia of the European Charter for Regional or Minority Languages, deposited on 25 January 2002 at [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/148/declarations?p\\_auth=vjLWxP1s](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/148/declarations?p_auth=vjLWxP1s).

11. See “Draft Electoral Code of the Republic of Armenia, as of 18 April 2016” Article 83.5 and Article 95.9, doc. ref.: CDL-REF(2016)030 at [www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2016\)030-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2016)030-e).



represented in the co-ordinating council. In particular, the Advisory Committee wishes to recall on the one hand that parties have a margin of appreciation as regards the personal scope of application to be given to the Framework Convention in order to take the specific circumstances prevailing in their country into account, while it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it is recalled that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

19. The Advisory Committee notes that the authorities maintain a neutral position towards the ongoing debate among some representatives of the Kurdish and the Yezidi national minorities as to whether they have distinct national identities or are rather a part of the same group with distinct religious identities.

*Recommendation*

20. The Advisory Committee encourages the authorities to continue to maintain an inclusive approach in the scope of application of the Framework Convention and to respect strictly the principle of free self-identification contained in Article 3 of the Framework Convention.

**The draft law on national minorities**

21. The Advisory Committee notes that the recently enacted constitutional amendment, in its Article 54, calls for the adoption of a law on national minorities which would include detailed provisions to guarantee to those belonging to national minorities the enjoyment of the right “to preserve national and ethnic identity” and “to preserve and develop traditions, religion, language, and culture”. The authorities have informed the Advisory Committee that the draft Law will be elaborated in the course of 2016 and will be made subject to wide consultation in 2017.

22. The Advisory Committee notes in this context that representatives of national minorities seem not to be aware of the scope, both material and personal, and the procedure to be adopted for the purpose of drafting the law. It notes furthermore that the context, in which the law will be drafted, following the revision of the constitution in 2015 and after the planned adoption of the Law on Prohibition of Discrimination, affords the opportunity to draft a comprehensive modern legislative act, compatible with and complementary to other domestic legal acts, and in compliance with the Framework Convention. Active consultation and input of representatives of national minorities and civil society are essential prerequisites for the development of a legislative act that is well tailored to the needs and ambitions of national minorities.

*Recommendations*

23. The Advisory Committee encourages the authorities to engage in a wide consultation process with civil society and national minority organisations prior to and during the drafting of the Law on National Minorities.

24. The Advisory Committee further calls on the authorities to ensure that the law is fully compatible with international standards and obligations undertaken by Armenia and to make use of available expertise in this domain.

### Census and ethnicity data collection

25. The results of the population and housing census, which was organised in October 2011 in the Republic of Armenia, were published with considerable delay in December 2013. The Advisory Committee welcomes that the questions on ethnic affiliation and languages spoken were open ended and optional. Regrettably, and contrary to the Conference of European Statisticians Recommendation for the 2010 Censuses of Population and Housing, the respondents were not allowed to indicate more than one ethnic affiliation,<sup>12</sup> although it has to be noted that the questions on languages spoken (“mother tongue” and “other language”) allowed respondents to indicate more than one language, or to not answer the question. According to the published census results, of the 3 018 854 respondents, the number of those declaring ethnicity other than Armenian was: Yezidi – 35 308; Russian – 11 911; Assyrian – 2 769; Kurdish – 2 162; Ukrainian – 1 176; Greek – 900; Georgian – 617 and Persian – 476. The figures on other nationalities were not published on account of their small numbers and the data protection rules (the total number of those who indicated another ethnic affiliation was 1 634, while another 100 people refused to answer). The Advisory Committee notes that data collected during the census, disaggregated by age, gender and geographical distribution are readily available and reportedly much used by the state agencies and civil society alike to refine their policies and assess whether the needs of people belonging to national minorities are adequately addressed.

26. The Advisory Committee welcomes measures taken by the authorities to train census enumerators belonging to national minorities, in particular Kurds and Yezidis, with the aim to encourage respondents belonging to different minorities to declare their ethnic affiliation. It further commends the extensive awareness-raising campaign which preceded the census.

27. Data collected during the census show a drop both as a proportion of the overall population and in absolute figures of the number of people declaring ethnic affiliation other than Armenian (from 2.1% in 2001<sup>13</sup> to 1.84% in 2011).<sup>14</sup> The number of people belonging to the Yezidi national minority shows the most marked decrease (from 40 620 in 2001 to 35 308 in 2011). The Advisory Committee notes that the authorities and the representatives alike attribute this drop to the difficult economic situation affecting the majority and all the national minorities, and which has led to significant migration from Armenia. The higher emigration rate among the Yezidi national minority is attributed to the difficult living conditions, economic underdevelopment of the secluded mountainous areas where they live and well-established national communities in a number of other states.

28. The Advisory Committee notes however that many representatives of national minorities have raised concerns as regards the accuracy of the data collected and the National Statistical Service of Armenia confirms the difficulties encountered during the enumeration process.<sup>15</sup> In particular, a number of national minority representatives complained of never receiving a visit from an enumerator, and questioned the reliability of the published final

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12. “Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing”, prepared in co-operation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, paragraph 426: “Respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so.”

13. During the 2001 census 67 657 persons, out of a population of 3 213 011, declared non-Armenian ethnicity.

14. During the 2011 census 56 953 persons, out of a population of 3 018 054 declared non-Armenian ethnicity.

15. See “Results of 2011 Population census of the Republic of Armenia”, pp. 61-62, [www.armstat.am/file/doc/99486538.pdf](http://www.armstat.am/file/doc/99486538.pdf).

census results. In this context, the Advisory Committee notes that the control round of the census carried out in 10% of the housing units (85 000 dwellings) discovered 2 960 people that had not been counted.<sup>16</sup> The overall lack of trust in the official census figures has to be taken into account by the authorities, in particular when devising policies that affect national minorities.

29. In between censuses, which are organised at 10-year intervals, the only source of data on ethnic affiliation of the population is the civil registry which collects information on ethnic affiliation of parents on voluntary basis. In addition, it is worth noting that data on life-expectancy which could be cross-tabulated with ethnic affiliation to show social conditions are not collected, depriving the authorities of a tool which could serve to adjust socio-economic policies for the most vulnerable groups.

#### *Recommendations*

30. The Advisory Committee encourages the authorities to improve transparency and take other necessary steps to develop adequate methods of data collection on ethnic affiliation, while fully respecting the principle of free self-identification for people belonging to national minorities.

31. The Advisory Committee calls on the authorities to ensure that policies affecting the enjoyment of rights under the Framework Convention are not based solely on census results, but are rather drafted in consultation with minority representatives to reflect the needs of persons belonging to national minorities.

### **Article 4 of the Framework Convention**

#### **Institutional and legal developments in the area of discrimination**

32. The Advisory Committee notes that representatives of national minorities and civil society organisations concur that persons belonging to national minorities do not experience discrimination and are generally treated fairly in economic, social, political and cultural life. Interlocutors of the Advisory Committee reiterated on a number of occasions that difficulties and challenges experienced by persons belonging to national minorities are the same as those experienced by those of the majority and are primarily due to the difficult socio-economic situation that has caused large-scale emigration from the country.

33. The Advisory Committee notes in this context that, building on the experience gathered during earlier, unsuccessful attempts to adopt an anti-discrimination law, the authorities are currently drafting, in collaboration with key civil society partners, a law on the prohibition of discrimination. Civil society interlocutors have indicated to the Advisory Committee their satisfaction with both the process and the content of the draft text, which according to them reflects European standards, in particular the EU directives on non-discrimination and relevant European Commission against Racism and Intolerance (ECRI) general policy recommendations.

34. The Advisory Committee notes that according to its interlocutors the draft text contains definitions of direct and indirect forms of discrimination and provides effective remedies against discrimination by public and private entities. It also notes that it is envisaged that the Law on the Prohibition of Discrimination will entrust the Human Rights Defender (ombudsperson) with new functions and powers. With that objective in mind, the authorities

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16. Ibid, p. 62.

are planning to review and amend the Law on the Human Rights Defender at an early opportunity.

35. The Advisory Committee notes in this context that the authorities maintain their support for the activities of the Office of the Human Rights Defender, which seems to continue to enjoy the confidence of the public. The defender's annual reports to the National Assembly are an important mechanism for raising human rights awareness at the highest levels of the state's structures. For example, in 2012, the last annual report available in English<sup>17</sup> containing a detailed list of complaints indicates that 2 420 applications were lodged with the defender, which constituted a 39% increase over the previous year. Of the 660 complaints submitted by persons belonging to vulnerable groups<sup>18</sup> only five were classified as being based on ethnic grounds. In each of these cases the defender considered that the alleged violations of rights were mostly of a common nature and had no connection with the national or ethnic origin of the applicant (for example, housing problems and difficulties encountered in the field of social services).

36. With regard to promoting equality in the labour field, the authorities are implementing 14 employment programmes through 51 employment centres established for that purpose. The Advisory Committee notes that the main focus of these programmes is combating extreme poverty. Although persons belonging to national minorities are not targeted directly by these programmes, they equally benefit from them.

37. A national strategy on human rights protection was adopted in the framework of the EU/Armenia Action Plan of the European Neighbourhood Policy<sup>19</sup> on 29 October 2012 followed in March 2014 by the Action Plan to Implement the National Strategy on Human Rights Protection.<sup>20</sup> The Advisory Committee notes that civil society organisations were consulted in the drafting process of the strategy and their input was taken into consideration. The national strategy<sup>21</sup> established a framework for human rights protection, through the adoption of a number of targeted programmes, including the 2012-2016 Legal and Judicial Strategy, the Social Defence Strategy of 2006-2015 for People with Disabilities, the Strategic Gender Policy Programme for 2011–2015, the 2011-2015 Strategic Action Plan to Combat Gender-Based Violence and the National Programme for the Protection of Children's Rights for 2013-2016. The action plan enumerated 119 actions to be taken and the expected results, identified the state agency responsible for the implementation of each of them, set up time frames and identified sources of funding. The Advisory Committee notes that none of the programmes addressed national minorities specifically, but that each one, would, if properly implemented, be beneficial to all.

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17. See "Annual Report on the Activities of the RA Human Rights defender and on the Violations of Human Rights and Fundamental freedoms in the Country during 2012", p. 117.

18. Ibid, p. 118.

19. See EU/Armenia Action Plan at [www.eeas.europa.eu/enp/pdf/pdf/action\\_plans/armenia\\_enp\\_ap\\_final\\_en.pdf](http://www.eeas.europa.eu/enp/pdf/pdf/action_plans/armenia_enp_ap_final_en.pdf).

20. See Decision of the Government of the Republic of Armenia on "Approval of the Plan of Actions for the National Strategy on Human Rights Protection" at: <http://www.coe.int/t/commissioner/source/NAP/Armenia-National-Action-Plan-on-Human-Rights.pdf>.

21. See EU/Armenia Action Plan, Chapter 4.1.1 "Democracy and the rule of law, human rights and fundamental freedoms – Strengthening the stability and effectiveness of institutions guaranteeing democracy and the rule of law" at [www.eeas.europa.eu/enp/pdf/pdf/action\\_plans/armenia\\_enp\\_ap\\_final\\_en.pdf](http://www.eeas.europa.eu/enp/pdf/pdf/action_plans/armenia_enp_ap_final_en.pdf).

38. The Advisory Committee notes that civil society organisations have criticised the lack of a detailed roadmap for the achievement of the measures listed in the action plan, insufficient involvement of the civil society, the focus on training programmes for civil servants, the lack of intermediate assessment and monitoring mechanisms, the lack of activities to raise human rights awareness of the general public and the slow implementation of the plan. In this context, the Advisory Committee notes with regret that many of the measures listed by the plan seem not to have been started and also that two years after the launch of the action plan no assessment has been carried out.

#### *Recommendations*

39. The Advisory Committee calls on the authorities to continue to involve civil society in the process of drafting of the Law on the Prohibition of Discrimination and to adopt the law without further delay. The authorities should engage in a comprehensive awareness-raising campaign on the purpose, scope and complaint mechanism of the law.

40. The Advisory Committee invites the authorities to provide the Office of the Human Rights Defender with appropriate resources, including financial, to allow it to carry out effectively new duties under the Law on the Prohibition of Discrimination and to intensify the monitoring of alleged cases of discrimination.

41. The Advisory Committee calls on the authorities to redouble their efforts to implement the action plan adopted in the framework of the National Strategy on Human Rights Protection in close consultation with civil society and national minority representatives and to ensure that the objectives are successively attained.

### **Article 5 of the Framework Convention**

#### **Conditions enabling minorities to maintain and develop their culture**

42. The Advisory Committee notes that in the last five years the legislative framework and government policies with regard to support for cultural activities of national minorities remained unchanged. The Law on Fundamentals of Cultural Legislation (2002) remains the cornerstone regulating the principles and aims of cultural policy, state policies to promote the diversity of cultural expressions and support to be given to the cultures of national minorities. The three fundamental principles underpinning cultural policy in respect of national minorities are: preservation of national identity and development of ethnic culture, full integration of national minorities within the cultural life of Armenia and prevention of discrimination on ethnic grounds. In this context, the Advisory Committee recalls its view expressed in the “Thematic commentary No. 4 on the scope of application of the Framework Convention” that integration is a give-and-take process and affects society as a whole. In particular, it considers that integration efforts cannot be expected only from people belonging to minority communities but they must also be made by members of the majority population.<sup>22</sup>

43. The activities of all national institutions in the field of intercultural dialogue and cultural manifestations of national minorities fall within the competence of the ministry of culture

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22. See Thematic Commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, paragraph 44, pg 18 available at <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a4811>.

which is responsible for providing adequate financial and other material support necessary for their implementation. The principal efforts aimed at supporting national minorities within the cultural sphere are aimed at preservation and promotion of their cultures through the publication of books, production of documentary films about the history and contribution to Armenian society of various minority groups (such as *Assyrians in Armenia*), organisation of art festivals and rehabilitation of historical and cultural monuments, including cemeteries and places of worship. One such notable project involved the partial reconstruction of the Jewish settlement and the area around the medieval cemetery in Yeghegis.

44. In 2011 a number of initiatives were launched, including the “Armenia is my home” festival, where all national minorities present in Armenia were encouraged to set up stalls and present their culture, folklore, cuisine and music. An extensive collection of books in Greek, Kurdish, Russian and other minority languages is kept at the national library and other educational institutions. The works of national minority authors are published in collections of the national authors’ club known as the “Literary Armavir”. These initiatives, although praiseworthy in themselves, have the unfortunate effect of presenting a folkloristic picture of national minorities.

45. The Advisory Committee further notes that, according to the state report, starting with 2012, the annual grant allocated by the authorities to support national minorities was doubled from 10 million Drams<sup>23</sup> to 20 million Drams. Half of this amount is disbursed by the co-ordinating council to finance the most important initiatives and programmes focused on the development of minority cultures and the preservation of languages and identities of national minority communities (see further comment under Article 15). According to a number of interlocutors, additional funding is provided by embassies of respective kin states. The Advisory Committee notes nonetheless that, generally, the authorities display a rather passive approach towards cultural projects of national minorities. Given that a number of national minority groups are relatively small, lacking both organisational and human resource capacity to initiate cultural undertakings, these groups are not in a position to articulate their needs in the cultural sphere and require more proactive support (for figures on national minorities refer to paragraph 25).

#### *Recommendations*

46. The Advisory Committee calls on the authorities to pursue and strengthen their efforts to provide adequate financial support, in particular by making it more accessible to national minorities, including the numerically smaller ones and those without kin-state support, for their cultural initiatives and museums.

47. The authorities should adopt a more proactive approach towards cultural expressions of national minorities and promote also a wider array of manifestations, not just those confined to folklore.

### **Article 6 of the Framework Convention**

#### **Interethnic and intercultural relations**

48. The Advisory Committee notes with satisfaction that a climate of tolerance and respect generally prevails in Armenia, on which minority representatives themselves comment

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23. The amount of 10 million Drams is equivalent to approximately 18 440 €.

favourably. Interlocutors of the Advisory Committee have underlined that they experience no discrimination in access to employment or hostility of any kind, in particular anti-Semitism, on account of their nationality. Armenia commemorates Holocaust Day (27 January) and has recognised in 2015 the Assyrian genocide (*Sayfo*) of 1915.

49. The dominant discourse according to which Armenia is an ethnically homogenous and mono-religious country leads to intolerance and discrimination based primarily on sexual orientation. People practising other religions are also targeted, with particular odium directed at new religious movements which are considered as sects. The unresolved Nagorno Karabakh conflict and painful memories of the past suffering of the Armenian people exacerbate insularity, a sense of patriotic duty and nationalism which are exploited by some media. Although these reactions do not directly target persons belonging to national minorities, they have the regrettable consequence of limiting the space for voicing views that diverge from the dominant discourse.

50. The Advisory Committee further notes that, in recent years, over 20 000 ethnic Armenians and Assyrians, as well as some Kurds and Yezidis, from Syria have settled in the Republic of Armenia, after fleeing war and persecution in their country of origin. The arrival of such a large group of immigrants, constituting just under 1% of the population of the country, was not met with hostility or apprehension. On the contrary, a number of interlocutors informed the Advisory Committee of efforts by the authorities and civil society to facilitate their resettlement. In spite of the assistance and integration programmes developed by the authorities and material assistance provided by civil society organisations, such as the Armenian General Benevolent Union the world's largest Armenian non-profit organisation, many of the immigrants suffer from inadequate housing and unemployment.<sup>24</sup>

51. A number of national minorities, in particular the Yezidis and Russian Molokans, perpetuate their ancestral lifestyles, which are based on animal husbandry and agriculture. Significant numbers of them live in isolated mountain villages where they on the one hand can maintain their identities, cultures and traditions more easily, and on the other hand where their interaction with the majority population and other minorities is very scant.<sup>25</sup> The conditions of life in these settlements are very harsh and they are exacerbated by the very poor infrastructure, in particular roads, utilities and transport as well as health-care and other basic facilities.<sup>26</sup>

52. In July 2012, Article 10 of the Armenian Family Code was amended to increase the legal age of marriage for women from 17 years to 18 years old, making it the same as for men.<sup>27</sup> The authorities' rationale for the change was to eliminate gender inequality and to bring the country into compliance with the United Nations 1979 Convention on the Elimination of All

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24. See for example "Refugee-Hosting Country: Yerevan seeks international aid for Syrian Armenians" at [www.armenianow.com/news/region/71009/armenia\\_syrian\\_refugees\\_crisis\\_nalbandian\\_agbu](http://www.armenianow.com/news/region/71009/armenia_syrian_refugees_crisis_nalbandian_agbu).

25. See, for example, "A Yezidi Village In Armenia Keeps Its Identity Alive" at [www.rferl.org/media/photogallery/armenia-yezidi-minority-kurds/25023869.html](http://www.rferl.org/media/photogallery/armenia-yezidi-minority-kurds/25023869.html).

26. See "Long-persecuted Yazidis find second homeland in Armenia" at <http://america.aljazeera.com/articles/2014/9/24/a-second-homeland.html>. (The title is misleading, in the article there is a lengthy description of the harsh conditions of life in Yezidi areas.)

27. United Nations Population Fund, "Child Marriage in Armenia (Overview)" at <http://eeca.unfpa.org/publications/child-marriage-armenia-overview>.

Forms of Discrimination against Women,<sup>28</sup> which it ratified in 1993. The move also aimed to facilitate the education of girls, following the transition to a 12-year education cycle, which Armenians complete at the age of 18. The Advisory Committee notes that representatives of the Yezidi minority protested against this change, arguing that it undermined their culture and traditions which call for women to be married early, leading to child-bearing at a very early age. As a result, a compromise was reached which provided for the possibility for 16-year-old women to marry with permission from their parents or legal guardians.<sup>29</sup> The Advisory Committee considers that, while the role that culture and tradition play is important, priority attention needs to be given to the opportunities which access to and completion of full-time education provide.

53. In general, the Advisory Committee notes that strict social codes of behaviour dictate the lives of Yezidi men and women alike. However, Yezidi girls and women tend to be held back by paternalistic attitudes and a lack of respect for gender equality within their community. Both young Yezidi men and women tend to drop out from school early and marriages prearranged by families are still the general practice. In this context, the Advisory Committee regrets to note that there is no specific legislation dealing with forced marriage.<sup>30</sup>

54. The Advisory Committee notes that while respect for cultural traditions and customs is an important component of national identity, it cannot be at the expense of the enjoyment of human rights. The authorities must adopt necessary legislation and policies to ensure that rights are afforded to all irrespective of gender, age and other status.

#### *Recommendations*

55. The Advisory Committee calls on the authorities to review legislation in line with international human rights standards with a view to criminalising forced marriages as conducted without the valid consent of both spouses, and where pressure or abuse is used.

56. The authorities are invited to conduct an awareness-raising campaign on gender equality and the health risks associated with pregnancy at an early age, targeted in particular at vulnerable groups including national minorities.

57. The Advisory Committee urges the authorities to prioritise the economic development of marginalised areas where persons belonging to national minorities reside in terms of basic infrastructure, utilities and transport. Regular access to health care and other basic facilities must be provided.

#### **Ethnically motivated crime and hate speech**

58. The Advisory Committee notes that currently there are no reliable crimes statistics broken down by the motives of the perpetrator. According to the data reported by the authorities to the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR),<sup>31</sup> no hate crimes have been recorded in the period since the adoption of the previous opinion on Armenia. In this context, the Advisory

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28. See "Armenia Raises Minimum Marriage Age to 18", at <http://asbarez.com/104165/armenia-raises-minimum-marriage-age-to-18/>.

29. See United Nations Population Fund (UNFPA) "Child Marriage in Armenia (Overview)" p.3 at <http://eeca.unfpa.org/publications/child-marriage-armenia-overview>.

30. See « Domestic Violence Against Women in Armenia » United Human Rights Council (UNHRC) at <http://www.unitedhumanrights.org/2010/05/domestic-violence-against-women-in-armenia>.

31. OSCE/ODIHR "Hate crime reporting: Armenia" at <http://hatecrime.osce.org/armenia>.



Committee notes that both the authorities and the human rights NGOs concur that the number of racially or ethnically motivated incidents remains very low.

59. Article 226 of the Criminal Code outlaws public incitement to hatred on national, racial or religious grounds and penalises claims of racial superiority or humiliation of national dignity. It stipulates higher penalties should such an offence be committed through the mass media, by abuse of official position or by an organised group. Furthermore, the Criminal Code includes the motive of racial, national or religious hate as an aggravating circumstance in case of murder (Article 104 CC), inflicting grave or medium bodily harm (Articles 112-113 CC), torture (Article 119 CC) and premeditated damage to property (Art 185 CC) and outrageous treatment of a dead body or a burial place (Article 265 CC). In this context, the Advisory Committee regrets to note that the above-mentioned aggravating circumstances are narrowly defined and do not include, *inter alia* skin colour, ethnic origin or belonging to a national minority. Furthermore, they apply exclusively to the enumerated serious crimes but not to all (including kidnapping (Article 131), rape (Article 138), violent sexual actions (Article 139) and banditry (Article 179)).

60. The Advisory Committee notes that Armenia ratified in 2006 the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189).<sup>32</sup> Regrettably, in breach of the protocol's provisions, no legislation was adopted to criminalise the distributing, or otherwise making available, of racist and xenophobic material to the public through a computer system,<sup>33</sup> threatening,<sup>34</sup> or insulting publicly,<sup>35</sup> through a computer system persons or group of persons on account of their belonging to a group, distinguished by race, colour, descent or national or ethnic origin, as well as religion.

61. In this context, the Advisory Committee further notes that no public authority monitors the Internet for offensive content and no dedicated reporting mechanism of offensive content, where complaints could be lodged (such as an Internet hate-speech hotline) has been set up.

#### *Recommendations*

62. The authorities should review the criminal law provisions with a view to making racist and other hate motives aggravating circumstances for all crimes.

63. The Advisory Committee calls on the authorities to adopt legislative provisions with a view to combating acts of a racist and xenophobic nature committed through computer systems. The authorities should consider setting up dedicated monitoring and reporting mechanisms.

### **Article 9 of the Framework Convention**

#### **Access of persons belonging to national minorities to the media**

64. The Advisory Committee is pleased to note that representatives of national minorities express their general satisfaction with access to the media. Armenian public radio continues to broadcast daily programmes in the languages of national minorities. The length of programming varies between 30 minutes (for each of the more widely spoken languages,

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32. [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/189](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/189).

33. *Ibid.*, Article 3 – Dissemination of racist and xenophobic material through computer systems.

34. *Ibid.*, Article 4 – Racist and xenophobic motivated threat.

35. *Ibid.*, Article 5 – Racist and xenophobic motivated insult.

namely Assyrian, Kurdish, Russian and Yezidi) to 15 minutes (for less common languages). Representatives of the Greek national minority have informed the Advisory Committee of their initiatives to extend Greek language radio broadcasting to 30 minutes a day.

65. Armenian public television does not produce programming in national minority languages, but some Russian-language films continue to be shown with Armenian subtitles. Some regional television broadcasters, in the Shirak and Kotayk regions, devote some of their programming to minority issues. Also, it can be noted that Russian-language programming is widely available on cable TV and through satellite networks. In this context, the Advisory Committee notes that foreign broadcasts cannot in any way replace locally produced programming as they do not, and cannot, adequately take into account minority concerns and do not contribute to raising awareness of minority issues in the society as a whole. The digital switchover was completed in Armenia on 1 January 2016, with both digital and analogue signals currently being transmitted throughout the country's territory. In this context, the Advisory Committee is pleased to note that the authorities distributed free of charge one hundred thousand digital converter boxes to the most vulnerable members of the population. It further notes that following the attribution of channels on the republican multiplex (1st multiplex) public television transmits nine television programmes and four radio programmes nationwide, and each of the Yerevan multiplexes (2nd, 3rd and 4th multiplexes) broadcast six television and four radio programmes in Yerevan and its suburbs. The authorities informed the Advisory Committee about the attribution of channels on a commercial multiplex, planned for June 2016. According to the information available, between 20 and 40 channels will be distributed to bidders on the basis of a competition. The Advisory Committee considers this to be an excellent opportunity for the authorities to solicit interest among potential broadcasters intending to devote part of their programming to issues of interest to national minorities or pledging to transmit in languages of national minorities.

66. The number of press titles published in Armenia, with financial support provided by the authorities, in languages of national minorities is quite substantial; Russian-language publications include: *Respublica Armenia*, *Urartu*, *Golos Armenii*, *Novoye Vremya* and *Delovoy Express*, as well as other newspapers and the *Literaturnaya Armenia*, *Yerevan*, *Afisha*, *Armyanka* periodic magazines. In addition there are papers published in Yezidi: *Lalesh*, *Ezdikhana* ("The voice of Yazidis" in Armenian); Kurdish *Rya Taza* (New way), *Mijagetq* (Armenian-Kurdish); Ukrainian *Dnipro*, *Magen David* ("The star of David" in Russian) of the Jewish community and the Greek *Byzantine inheritance*.

#### *Recommendation*

67. The Advisory Committee invites the authorities to ensure that public radio continues to produce and disseminate minority-language programmes in line with relevant provisions of the Framework Convention. It also invites the authorities to pay increased attention to the needs of persons belonging to national minorities by creating opportunities for radio and television broadcasting in minority languages and considering programming in minority languages as a criterion in the procedure of allocating radio frequencies and television channels to private bidders.

## Article 10 of the Framework Convention

### Use of minority languages in relations with administrative authorities

68. The Advisory Committee notes that in principle, in accordance with the Law on Fundamentals of Administrative Action and Administrative Proceedings,<sup>36</sup> persons belonging to national minorities have the right to address local administrative authorities in their minority language provided that they provide translation of all documents in Armenian. This requirement places the financial burden exclusively on persons belonging to national minorities and dissuades potentially interested people from using this right.

69. Moreover, there are no legislative or administrative provisions requiring or encouraging the use of minority languages on the part of local officials, even in those municipalities which are inhabited by a substantial number of persons belonging to national minorities. As a consequence, the right to use minority languages in relations with administrative authorities remains a dead letter in the law. The Advisory Committee notes, however, that representatives of national minorities do not consider the situation to cause any practical problems as their good knowledge of the Armenian language allows them to communicate effectively with the authorities. In particular, older persons belonging to national minorities, some of whom might have been educated outside Armenia, are capable of communicating in the Russian language, which remains widely understood in Armenia.

#### *Recommendation*

70. The Advisory Committee reiterates its call on the authorities to ensure that the appropriate use of minority languages in relations with administrative authorities is effective and respected. Close consultations with representatives of national minorities should be maintained to regularly establish the existing demands and needs pertaining to the use of national minority languages in dealings with administrative authorities.

## Article 11 of the Framework Convention

### Topographical indications

71. The Advisory Committee notes with regret that the situation concerning the use of minority languages for topographical indications has not changed in Armenia since the adoption of the previous opinion. The existing regulations provide that topographical indications and signposting should be done in Armenian and English. Persons belonging to national minorities have not been consulted, even locally in the municipalities where they live, in substantial numbers about the existing demand for such indications in minority languages.

72. The Advisory Committee notes in this context that the constitutional amendments adopted in December 2015 provide for an adoption of a law which would increase possibilities for direct participation of community residents in the administration of municipal affairs.<sup>37</sup> It is important that such a law provides possibilities for residents in areas where a substantial number of people belonging to national minorities live to be consulted on the existing

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36. See Article 27 of the law at

[http://www.translation-centre.am/pdf/Translat/HH\\_orenk/Adm\\_Proceeding/Adm\\_Proceeding\\_en.pdf](http://www.translation-centre.am/pdf/Translat/HH_orenk/Adm_Proceeding/Adm_Proceeding_en.pdf).

37. See Article 182, "Direct Participation in the Administration of Community Affairs" at

[http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2015\)034-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2015)034-e).

demands and needs including on the use of minority languages for topographical indications in the municipalities concerned.

### *Recommendations*

73. The Advisory Committee invites the authorities to adopt the necessary legislative provisions which would allow for direct participation of residents in the administration of community affairs, and with a view to facilitating consultations on the existing demands and needs pertaining to the use of minority languages for topographical indications in municipalities inhabited by a substantial number of persons belonging to national minorities.

74. The authorities are invited to conduct an awareness-raising campaign on the possibilities, offered by the law, and to engage in a constructive dialogue with representatives of municipalities and national minorities on the introduction of topographical indications in minority languages in municipalities with substantial national minority populations.

## **Article 12 of the Framework Convention**

### **Equal access to education for persons belonging to national minorities**

75. The Advisory Committee recalls its observations made in the previous opinions concerning inadequate access of Yezidi and Kurdish children to preschool. In addition, the curricula in such preschools, where they existed, did not correspond to the multilingual community and the diverse needs of the children attending them.

76. The Advisory Committee is pleased to note that one of the focus points of the Strategic Programme for Reforms in Preschool Education for 2008-2015,<sup>38</sup> was the expansion of the preschool network in areas inhabited by national minorities. The authorities set the initial goal of increasing the intake of the upper preschool age group (5 and 6 year olds) to 90%. The Advisory Committee notes that, according to data available through the World Bank, the number of 5 and 6 year-old children enrolled in the preschool programme reached 65% in the 2012/2013 school year,<sup>39</sup> with a further increase in the enrolment rate to 75% in 2015. These efforts are very commendable but demonstrate the challenge of meeting the 90% rate for preschool enrolment by the government's new deadline of 2017.<sup>40</sup>

77. In order to facilitate the establishment of such preschools, the minimum number of children required has been lowered in cases of children speaking a national minority language to 8 (down from the standard 25). The setting-up, with financial assistance of foreign donors, of Yezidi classes in the villages of Geghamasar, Arpunq, Poqr Masrik in Gegharkunik *Marz* (municipality), providing preschool education to 50 children aged 4 and 5 is particularly welcome. The Advisory Committee notes in this context that reliance on foreign donors cannot be considered a sustainable solution in the long term and may put at risk any progress achieved due to external factors that are beyond the control of the national and local authorities.

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38. See "Education for All 2015 National Review Report: Armenia", p. 5 at <http://unesdoc.unesco.org/images/0022/002299/229906E.pdf>.

39. Up from 21.6% in 2006.

40. For further details see the Armenia Education Improvement Project (2014) at <http://documents.worldbank.org/curated/en/130121467994708193/pdf/831610PAD0P130010Box382153B000U0090.pdf>.

78. The Advisory Committee further notes the ongoing revision of the National Curriculum Framework for Grades 1 to 12 to ensure its conformity with the requirements of the National Curriculum for General State Education<sup>41</sup> approved by the government in 2011. It appreciates in particular, that creating necessary conditions for the right of persons belonging to national minorities at school to learn their own language and culture, is one of the general objectives of the national curriculum. Furthermore, the national curriculum stipulates that children need to learn to “respect human rights and the fundamental freedoms, be humane, tolerant and demonstrate civilised attitudes to other people and their cultures”.

79. The Advisory Committee welcomes the number of initiatives taken by several schools to familiarise children with other cultures and languages, such as exhibitions of crafts of national minorities, the Native Language Day and holding lectures on the International Day of Tolerance. Furthermore, specific events were organised to promote awareness of national minority cultures, such as celebration of the “Yezididi” holiday of spring awakening, “Russia – brother of mine”, “I am Georgian, and you – Armenian” and “Discovering Greece”. Such initiatives, while praiseworthy in themselves, tend to limit the perception of national minorities to their folkloristic aspects, without deeper reflection on their contribution as part of Armenian society. Moreover, the Advisory Committee notes that representatives of national minorities consider that such initiatives need to be greatly expanded as schools devote little attention to the history of national minorities. As a result, many minority children, such as the Yezidis and Russian Molokans, are less aware of their own history than of Armenian history or “the History of the Armenian Apostolic Church” which is taught as a subject. Furthermore, the Advisory Committee recalls its long-held view that the history of national minorities, as a constituent part of society, should be taught at all schools to increase children’s awareness of the cultural and ethnic diversity of their country.

80. The Advisory Community commends the continuation of a special grant scheme according to which one student from each national minority can be enrolled without the obligation to pass entry exams in the Faculty of Oriental Studies of Yerevan State University or another language or culture-related faculty.<sup>42</sup> Furthermore, such students can benefit from a partial waiver of tuition fees. The Advisory Committee notes that students from Yezidi, Kurdish and Jewish communities have benefited from these provisions (Yezidi and Kurdish students at the Faculty of Oriental Studies, Jewish students at the Yerevan State Conservatory).

#### *Recommendation*

81. The Advisory Committee encourages the authorities to continue their efforts to develop civic and intercultural curricula and to ensure that the culture and history of national minorities are adequately portrayed and taught in all schools, including those attended by majority children, and that they should convey all aspects of national minority cultures as an integral part of Armenian society.

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41. See “The National Curriculum for General Education” at [www.ibe.unesco.org/curricula/armenia/ai\\_fw\\_2010\\_eng.pdf](http://www.ibe.unesco.org/curricula/armenia/ai_fw_2010_eng.pdf).

42. See “Third periodical report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the European Charter for Regional or Minority Languages” paragraph 59, 9 August 2012 at [www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/ArmeniaPR3\\_en.pdf](http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/ArmeniaPR3_en.pdf).

## Article 14 of the Framework Convention

### Teaching in and of minority languages

82. The Advisory Committee notes that the Assyrian, Kurdish and Yezidi languages continue to be taught both at primary and at secondary level schools. According to data for 2015, the Assyrian language is taught in six schools established in Yerevan and the Ararat, Kotayk and Armavir *marzes* (regions) to 557 children. The Kurdish language is taught in seven schools in the Aragatsotn *marz* to 394 children. Finally, the Yezidi language is taught in 23 schools located in the Ararat, Aragatsotn and Armavir *marzes* to 847 children.<sup>43</sup> The national minority languages are taught two hours per week and the minimal number of children required to establish a class has been set at 10.

83. With regard to teaching in the Russian language, it has to be noted that in 43 schools in Yerevan, Ararat, Armavir, Gegharkunik, Lori, Tavush, Kotayk and Shirak *marzes* instruction of all subjects, with the exception of Armenian language, literature and history, is carried in that language. In addition, 60 schools teach intensive Russian-language courses, and all others teach Russian as a foreign language.

84. The Advisory Committee commends the authorities' efforts to produce textbooks and teaching materials in minority languages. Textbooks used in schools providing education in the Russian language continue to be printed in Armenia. In addition, complementary teaching materials are imported from the Russian Federation. During the current monitoring cycle, Kurdish language textbooks for the 2nd, 3rd and 4th grades were published in 2012, and the textbooks intended for the 5th, 6th and 7th grades were published in 2014. As regards the Yezidi language, textbooks for grades 2 to 11 were published between 2011 and 2014, and the "Alphabet of the Yezidi language" was re-published also in 2014. Finally textbooks for 1st grade children "Speak Assyrian" and 2nd graders "Write and speak Assyrian" were published in 2010 and 2011.

85. The Oriental Studies Department at Yerevan State University offers Persian, Arabic and Turkish studies. The Kurdish and Assyrian languages are also taught at the faculty. The Russian Language Faculty trains specialists in the area of Russian language and philology. The Advisory Committee notes, however, the persisting lack of teachers of Assyrian, Kurdish and Yezidi which besets village schools in remote locations, due principally not to lack of qualified specialists, but rather to lack of interest and financial incentives to relocate to such challenging areas.

86. The Advisory Committee notes finally that School 74 in Yerevan offers in-depth Greek language and history teaching. As no specific textbooks have been produced locally for teaching Greek, teaching materials from Greece are accepted. In addition, one preschool and a Sunday school offer opportunities to learn Greek. Less numerous minorities undertake similar steps (in particular by organising Sunday schools) to create opportunities for children to learn their minority languages.

### *Recommendation*

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43. See "Fourth periodical report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the European Charter for Regional or Minority Languages", 29 September 2015, pp. 93-100, [www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/ArmeniaPR4\\_en.pdf](http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/ArmeniaPR4_en.pdf).

87. The Advisory Committee invites the authorities to continue monitoring the situation, in consultation with the representatives of national minorities, to assess whether the framework for teaching of and in minority languages corresponds to actual needs and, where appropriate, take the necessary steps to address any shortcomings.

## **Article 15 of the Framework Convention**

### **Representation of minorities in elected bodies**

88. The Advisory Committee notes that national minorities continue to show strong interest in public affairs. National minority candidates participated in the local elections of 2013 and were elected as local councillors and community chiefs. In Yerevan, councillors of Yezidi and Georgian origin have been elected to the city council. In a number of villages councillors representing the Yezidi, Assyrian or Kurdish minorities are the majority among all elected councillors and effectively are in charge of administering local affairs. At the national level, a person belonging to the Greek minority has been elected to the National Assembly and holds the post of deputy speaker.

89. The Advisory Committee notes that a new Electoral Code is currently under consideration and specific modalities of how to promote representation of national minorities in the National Assembly in line with the Guidelines on Political Party Regulation<sup>44</sup> are being discussed with the experts of the Venice Commission. Without prejudging final discussions and their outcome, one proposal under consideration at this stage is that four national minority groups (Yezidis, Russians, Assyrians and Kurds) will be assured representation, in line with Article 89.5 of the constitutional amendments of 22 December 2015 which stipulate that “places shall be assigned in the National Assembly for representatives of national minorities”.

90. While welcoming these provisions that are indicative of a recognition of the existence and important contribution of national minorities to social and political life in Armenia, the Advisory Committee notes that regrettably the system currently under consideration divides national minorities into two categories, albeit on the basis of clear demographic criteria (see also paragraph 17 for further detail). This raises issues of equal treatment with regard to national minorities in Armenia. It has to be noted in this context that, according to the Advisory Committee’s interlocutors, neither the Department of National Minorities and Religious Affairs nor the Co-ordinating Council for National and Cultural Organisations of National Minorities was consulted at any stage of the process. This is also deeply regrettable.

91. Finally, the Advisory Committee notes that some representatives of national minorities expressed concern that prospective candidates representing them will be required to take Armenian-language exams in order to stand for election if they did not study in Armenian-language schools. Given that the Armenian language was taught in all schools in Armenia, even before the state’s independence in 1991, such a measure could be considered unjustified and unnecessary.

### *Recommendation*

92. The Advisory Committee calls on the authorities to consult with national minority representatives to review the proposed provisions of the Electoral Code affecting national

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44. “Guidelines on Political Party Regulation”, paragraphs 137-138, doc. Ref.: CDL-AD(2010)024 at [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)024-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)024-e).

minorities with a view to ensuring effective representation of national minorities in the National Assembly.

### **Consultative mechanisms**

93. There have been no changes affecting the composition and work of the Co-ordinating Council for National and Cultural Organisations of National Minorities, which is the main consultative body functioning at the national level. The Advisory Committee welcomes the information provided by representatives of national minorities on the increased transparency of the work of the council, in particular as regards the clear rules of procedure and objective criteria applied to allocation of financial subsidies to organisations of national minorities (see also under Article 5). The co-ordinating council works closely with the Department of National Minorities and Religious Affairs of the government, which co-ordinates the state's policies affecting national minorities and conversely conveys the concerns of national minorities to various governmental entities. Various interlocutors of the Advisory Committee indicated their overall satisfaction with the co-ordinating council's functioning and its co-operation with the state authorities.

94. The co-ordinating council has been consulted by the authorities and could comment on the draft state report under the current monitoring cycle. It has to be noted however that the council has not been consulted on the draft Electoral Code's provisions affecting national minorities. Furthermore, it has not been informed of the proposed content and procedure to be followed to prepare a law on national minorities, as demanded by Article 54 of the constitutional amendments of 22 December 2015.

#### *Recommendation*

95. The Advisory Committee calls on the authorities to engage with the Co-ordinating Council for National and Cultural Organisations of National Minorities, with a view to finding the most appropriate modalities of involving its representatives on a regular basis in the drafting of legislation affecting national minorities and consulting the whole council at key stages of the drafting process.

### **Article 16 of the Framework Convention**

#### **Territorial reform**

96. The Advisory Committee notes that the Republic of Armenia, at the end of 2015, lifted all the reservations made at the moment of ratification of the European Charter of Local Self-Government (ETS No. 122), binding itself thus by its provisions in full. Furthermore, it ratified in 2013 the Utrecht Regional Framework for Regional Democracy<sup>45</sup> governing the principles concerning the democratic structure of regional authorities, their organisation, competences and resources, their place within the state, their relations with other authorities, and their relations with citizens.

97. The administrative reform planned in 2010 has not been implemented and structural problems continue to affect relations between the central authorities and municipalities. In

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45. The Utrecht Declaration on Good Local and Regional Governance in Turbulent Times: The Challenge of Change at [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=MCL\(2009\)12&Language=lanEnglish&Ver=original&Site=DG1-CDLR&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=MCL(2009)12&Language=lanEnglish&Ver=original&Site=DG1-CDLR&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679&direct=true).



fact, numerous small municipalities continue to function, thus limiting the service delivery capacity of municipalities. The Advisory Committee recalls its concerns expressed in its third opinion, regarding possible negative consequences of merging small municipalities inhabited by national minorities with neighbouring municipalities inhabited by those belonging to the Armenian majority. In this context the Advisory Committee further notes Recommendation 351 (2014) on Local democracy in Armenia adopted by the Congress of Local and Regional Authorities on 26 March 2014<sup>46</sup> which contained a number of specific recommendations aimed, *inter alia*, at increasing the capacity of the community councils with regard to all matters related to their competences, and setting up a formal consultation mechanism that would ensure that local authorities and national associations of local authorities are duly consulted on matters which concern them directly.

#### *Recommendation*

98. The Advisory Committee reiterates its call on the authorities to ensure that the rights of persons belonging to national minorities are duly taken into account when drafting and implementing territorial reform policies and that there is no negative impact on the right of persons belonging to national minorities to participate effectively in public affairs at local level. Representatives of national minorities should be effectively consulted at all stages of the process.

### **Article 18 of the Framework Convention**

#### **Transfrontier co-operation**

99. The Advisory Committee welcomes the fact that Armenia continues to co-operate with neighbouring and other countries, including on issues related to national minority protection. It recalls in this context the fact that Armenia is a party to several bilateral treaties and cultural agreements on protection of national minorities (with Bulgaria, Georgia, Greece, Kazakhstan, Lebanon, Romania, the Russian Federation and Ukraine). It notes with concern, however, that incidents on the border between Armenia and Azerbaijan and on the “line of contact” continue to mar the efforts to bring peace to the region, and refers to the recent call of the OSCE Minsk Group co-chairs all parties to cease military operations and return to the negotiating table.<sup>47</sup>

#### *Recommendation*

100. The Advisory Committee invites the authorities to pursue their co-operation with neighbouring countries on all issues related to national minority protection, and to continue to strive for lasting peace in the region.

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46. Local democracy in Armenia, Recommendation 351 (2014) at <https://wcd.coe.int/ViewDoc.jsp?p=&id=2170873&Site=COE&direct=true>.

47. See “OSCE participating States discuss recent escalation in Nagorno-Karabakh conflict zone” at [www.osce.org/cio/231431](http://www.osce.org/cio/231431), 5 April 2016 and “Statement by Representatives of the OSCE Minsk Group countries” at <http://www.osce.org/mg/231386>, 5 April 2016.

### III. Conclusions

101. The Advisory Committee considers that its concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by the Republic of Armenia.

102. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's fourth opinion.<sup>48</sup> In particular, they should take the following measures to improve further the implementation of the Framework Convention.

#### Recommendations for immediate action<sup>49</sup>

- **engage in a wide consultation process with civil society and national minority organisations prior to and during the drafting of the Law on National Minorities and other legislation impacting on the enjoyment of rights of persons belonging to national minorities; ensure that such legislation is fully compatible with international standards;**
- **develop a proactive approach to promote minority rights protection in accordance with the Framework Convention; ensure that policies affecting the enjoyment of rights under the Framework Convention are elaborated in consultation with minority representatives to reflect their real needs;**
- **redouble efforts to eliminate without further delay difficulties experienced by Yezidi children, in particular girls, in access to education; continue efforts to provide preschool education to all children; review legislation, in line with international human rights standards with a view to criminalising forced marriages conducted without the valid consent of both spouses, where pressure or abuse is used;**
- **consult with local representatives of national minorities to assess the demand for the use of minority languages in relations with administrative authorities and for topographical indications in the geographical areas inhabited by a substantial number of persons belonging to national minorities; carry out an awareness-raising campaign encouraging the use of minority languages in contacts with local administration.**

#### Further recommendations:<sup>50</sup>

- ensure that appropriate procedures are in place for future censuses, as well as other forms of data collection, in order to provide reliable data on the situation of persons belonging to national minorities; introduce a possibility of declaring multiple ethnic affiliations in line with the applicable international standards;

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48. A link to the opinion is to be inserted in the draft resolution before submission to the GR-H.

49. The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

50. The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- promote positive relations between various minority groups; create and encourage opportunities for dialogue between the Yezidi and Kurdish minorities;
- ensure that the Human Rights Defender (Ombudsperson) has all the resources necessary to carry out the new functions and powers entrusted to him or her under the Law on the Prohibition of Discrimination;
- review criminal legislation with the view to make racial hatred and other hate motives an aggravating circumstance for all crimes; adopt legislative provisions to criminalise the distributing, or otherwise making available, of racist and xenophobic materials through a computer system and other cyber-hate acts; carry out awareness campaigns in society to raise awareness of various forms of hate crimes and set up accessible mechanisms for reporting hate crimes;
- ensure that the culture and history of national minorities are adequately portrayed and taught in all schools, including those attended by majority population children and that they convey all aspects of national minority cultures as an integral part of Armenian society;
- ensure that public radio continues to produce and disseminate minority-language programmes in line with relevant provisions of the Framework Convention; create opportunities for radio and television broadcasting in minority languages; consider programming in minority languages as a criterion in the procedure of allocating radio frequencies and television channels to private bidders;
- engage in consultation with national minority representatives to review the proposed provisions of the Electoral Code affecting national minorities with a view to ensuring effective representation of national minorities in the National Assembly.