



Strasbourg, 23 September 2009

ECRML (2009) 6

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN ARMENIA

2nd monitoring cycle

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Armenia**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for subsequent periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a fair and just overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to one or more Parties, as may be required.

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A. Report of the Committee of Experts on the application of the Charter in Armenia

adopted by the Committee of Experts on 22 April 2009
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1. Background information and new developments

1.1. Introduction

1. The Republic of Armenia signed the European Charter for Regional Languages (hereafter referred to as the Charter) on 11 May 2001 and deposited its instrument of ratification on 25 January 2002. The Charter entered into force in respect of the Republic of Armenia on 1 May 2002.
2. The instrument of ratification is set out in Appendix I of this report.
3. The Republic of Armenia presented its first report on 3 September 2003, followed by the evaluation report and the recommendations adopted by the Committee of Ministers on 14 June 2006. The Armenian authorities presented their second periodical report to the Secretary General of the Council of Europe on 15 February 2008.
4. This second evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of the Republic of Armenia, as well as through interviews held with representatives of the regional or minority languages in Armenia and the Armenian authorities during the "on-the-spot" visit which took place from 22-25 September 2008.
5. The present report contains detailed observations which the Armenian authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a second set of recommendations to be addressed to Armenia by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter.
6. The present report was adopted by the Committee of Experts on 22 April 2009.

1.2 Presentation of the regional or minority language situation: up-date

7. The Committee of Experts refers to the relevant paragraphs of the first evaluation report for the basic presentation of the situation of regional or minority languages in the Republic of Armenia (paragraphs 8 - 12). The regional or minority languages covered by part III of the Charter are Assyrian, Greek, Kurdish, Russian and Yezidi.

Institutional Developments

8. The Committee of Experts is pleased to note that several institutions have been set up recently with a view to better protecting the rights of national minorities, including their language, in particular the new Government Department of National Minorities and Religious Affairs which replaced the former Council on Religious Affairs in January 2004. The department helps to devise the programme of government measures and makes recommendations in respect of its implementation as the government body responsible for "ensuring the preservation and development of the traditions, languages and cultures of nationals belonging to national minorities" (paragraph 24 of the 2nd

periodical report)¹. An Ombudsperson institution has also been set up on the basis of the Armenian Human Rights Ombudsperson Act which was passed on 21 October 2003 (see paragraph 23 of the 2nd periodical report).

9. In addition, regional administrative bodies responsible for safeguarding the rights of national minorities were set up in 2007. The Committee of Experts commends the Armenian authorities for having developed these bodies. The authorities acknowledge that the regional administrative bodies should carry out information seminars/workshops in the regions with a view to protecting and promoting the regional or minority languages. The Committee of Experts invites the Armenian authorities to provide information about these seminars in the next periodical report.

Legal developments

10. The use of regional or minority languages is governed by the Constitution and the Languages Act, but also by an additional set of laws some of which have been recently amended, notably the Cultural Legislation Act, the Advertising Act, the Administration and Administrative Proceedings Act, the Criminal Procedure code, the Administrative code and the law "On Television and Radio". The Committee of Experts will refer to these laws under the relevant undertakings below.

11. As far as the Constitution is concerned, Article 14.1 has been worded more precisely in respect of equality for all before the law. It now reads: "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic make-up, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited." (see paragraph 64 below).

12. In addition, a clearer definition of the language rights of national minorities has also been introduced. Article 41 of the Constitution now reads: "Everyone shall have the right to preserve his or her national and ethnic identity. Persons belonging to national minorities shall have the right to preserve and develop their traditions, religion, language and culture" (see paragraph 22 of the 2nd periodical report).

13. Finally, the Committee of Experts has been informed that the authorities are currently working on a draft law on national minorities. The Committee of Experts looks forward to receiving more information in the next periodical report.

Language policy

14. The Government developed a Language Policy Programme in 2002 with a view to respecting linguistic and cultural diversity and to promoting the development of national minority languages and culture. In the second periodical report, it was reported that one of the goals of the programme is the promotion of the right of all citizens to receive education in their national language. The Committee of Experts looks forward to receiving more information on the outcome of this programme in practice in the next periodical report.

Part III languages

15. In the second periodical report, the Armenian authorities underline that the number of Greek speakers has become very low, primarily due to emigration of ethnic Greeks to Greece and the Russian Federation. The authorities also point out that consequently most of the Greeks who traditionally live in dispersed rural areas are now elderly people.

Part II languages

16. In its previous evaluation report, the Committee of Experts requested the authorities of the Republic of Armenia to report on languages potentially covered by Part II of the Charter. The authorities have provided the following statistical data on numbers of persons belonging to national communities:

¹ See also 2nd report of the European Commission against Racism and Intolerance on Armenia, CRI(2007)1 adopted on 30 June 2006, paragraph 40

National breakdown of the population of the Republic of Armenia according to the 2001 population census

Total	Armenians	Assyrians	Yezidi	Greeks	Russians	Ukrainians	Kurds	Other
3,213,011	3,145,354	3,409	40,620	1,176	14,660	1,633	1,519	4,640

17. The number of people identifying themselves as Polish does not exceed 100.

1897	1926	1959	1970	1979	1989	2001
1,188	705	-	389	691	270	97

18. The ethnic Jewish community, which was always small in Armenia, numbered 109 people.

1897	1926	1959	1970	1979	1989	2001
834	335	1024	1048	953	676	109

19. The number of Germans has likewise always been small. There are currently 133 Germans.

1897	1926	1959	1970	1979	1989	2001
207	104	-	407	333	265	133

20. The number of Byelorussians is a little larger: there are over 250 in Armenia.

1897	1926	1059	1970	1979	1989	2001
103	360	-	1,179	1,183	1,061	257

21. The Armenian authorities state that, according to the results of the population census conducted in 2001, the total number of people belonging to national minorities is 67, 657. Around 60 per cent of the total number are Yezidi, the other national minorities represent 40 per cent and six ethnic minorities number over 1000 (see paragraph 52 of the 2nd periodical report).

22. The Armenian authorities underline that a substantial proportion of people belonging to these ethnic groups have no or a very limited command of the language corresponding to their ethnic groups (see paragraph 45 of the 2nd periodical report). However, the Committee of Experts was informed during the on-the-spot visit that members of ethnic groups that do not master the respective language of the group, wish to develop the language of the ethnic group and its culture.

23. The information provided by the Armenian authorities on this point has not clarified the status of languages which possibly could fall under Part II. The numbers given above relate to members of the national minorities not to speakers of the languages. It is unclear to the Committee of Experts whether any of the languages mentioned above, apart from the part III languages can be defined as regional or minority languages within the meaning of article 1 of the Charter. This is because the Committee of Experts has not been informed of a traditional presence of these languages. In addition, as mentioned above, the Committee of Experts has no information about the number of speakers. The Committee of Experts urges the authorities to clarify the issue in the next report. The Committee of Experts has nevertheless decided, since the Armenian authorities have provided information with regard to some of these languages in the national report, to relate that information under chapter 2.1 of this report.

1.3 Particular issues arising from the evaluation of the application of the Charter in the Republic of Armenia

Status and definition of the languages covered by the Charter

24. Armenia has in its ratification instrument defined *Greek* as a Part III language. Because of the very low number of speakers, it has proven extremely difficult to fulfil the undertaken obligations with regard to Greek (see paragraph 136 of the 2nd periodical report). The Committee of Experts is aware of these difficulties. However, it was informed during the on-the-spot visit by representatives of the speakers that there is a wish to promote and develop the use of the Greek language. The Committee of Experts encourages the Armenian authorities, in cooperation with the speakers, to develop a strategy to implement the provisions of the Charter in relation to Greek.

25. The Committee of Experts is aware of the on-going discussion concerning the inter-relations between *the Yezidi and the Kurdish languages*. It met with representatives of both the Yezidi and Kurdish communities during its on-the-spot visit. It seems that a controversy exists both between and within the two communities, which speak the same variety of Kurmanji (see paragraph 8 of the 2nd periodical report). The Kurds are at present in the process of introducing the Latin script for the written form of the language, while the Yezidi continue to use the Cyrillic script. In the instrument of ratification, the Republic of Armenia recognised Kurdish and Yezidi as separate languages, and the Committee of Experts will act accordingly.

26. In the second periodical report, the Armenian authorities stress the fact that many Assyrian speakers opt for another language than *Assyrian*, particularly in the field of education. Important efforts have nevertheless been made to develop and strengthen the use of Assyrian language. The Committee of Experts encourages the authorities to continue their efforts and develop a strategy to encourage the members of the Assyrian community to use the Assyrian language more widely.

27. According to the authorities, the *Russian* language goes beyond the scope of the definition of an "ethnic minority language" as Russian is also spoken in Armenia by a number of people belonging to ethnic minorities, such as Jews, Poles and Ukrainians, as well as by some Armenians, Assyrians, Georgians and Greeks.

28. In its second opinion on Armenia, the Advisory Committee of the Framework Convention for the Protection of National Minorities found that "Persons belonging to some national minorities identify Russian as their preferred minority language and would like Russian to continue to be used as the language of education for their children"².

29. The Committee of Experts notes that Russian is among the languages protected under Part III of the Charter, along with Assyrian, Greek, Kurdish and Yezidi. The task of the Armenian authorities is to protect and promote all these languages as living languages in their own right in accordance with the Charter.

30. Finally, the Committee of Experts acknowledges the importance for the Armenian authorities to develop and strengthen the Armenian language as a common means of communication in Armenia. At the same time, the Armenian authorities are encouraged to take measures to ensure that each of these Part III languages are used, in accordance with the Charter.

² See the 2nd Opinion of the Advisory Committee on the Framework Convention on the Protection of National Minorities on Armenia adopted on 12 May 2006, ACFC/OP/(2006)005, paragraph 15.

Chapter 2. The Committee of Experts' evaluation in respect of Part II and Part III of the Charter

2.1. The evaluation in respect of Part II of the Charter

Article 7 Objectives and principles

Paragraph 1

In respect of regional and minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

a. the recognition of the regional or minority languages as an expression of cultural wealth;

31. In the second periodical report, the Armenian authorities make reference to the amended version of the Constitution and a number of laws which affect the use of regional or minority languages, especially the Language Act. The Committee of Experts notes that this body of legislation as a whole is a recognition of regional or minority languages as an expression of cultural wealth.

b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

32. According to the Armenian authorities, during the recent division of the Republic of Armenia into administrative and territorial units, every effort was made to include settlements of ethnic communities using the same language in the same region.

33. The Committee of Experts welcomes in particular the fact that the former districts of Aragats, Talin and Ashtarak, where there are Yezidi and Kurdish settlements, were united within the boundaries of the Aragatsotn region (see paragraph 35 of the 2nd periodical report).

c. the need for resolute action to promote regional or minority language in order to safeguard them;

34. The Committee of Experts refers to its general comments about the recently revised legal framework and the national language policy (see paragraphs 10-14 above).

35. As far as financial assistance is concerned, the support provided by the Armenian authorities to all national minorities, through the Coordinating Council of national minorities, is distributed evenly between all the 11 minorities which receive the same amount of money regardless of their size. This scheme, which has been criticised primarily by the larger minority groups, has been evaluated by the authorities and it seems that a revision is foreseen. The Committee of Experts encourages the authorities to provide information on this issue in the next periodical report.

36. The authorities have also informed the Committee of Experts of their intention to increase the earmarked funds for educational and cultural activities of non-governmental organisations representing ethnic communities (see paragraph 31 of the 2nd periodical report).

37. The Committee of Experts invites the authorities to clarify the increase of funds and to what extent the regional or minority languages are benefiting from this support.

38. Regarding the Language Policy Programme in 2002 mentioned above (see paragraph 14 above) the Committee of Experts has not received any information on the concrete follow-up of this programme and looks forward to receiving information on concrete results in the next periodical report. The Committee of Experts has also been informed of initiatives to revise the Language Policy programme and would also like to be informed of any result of this process in the forthcoming report.

d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

39. As far as the Part III languages are concerned, the Committee of Experts refers to its evaluation under Part III of the Charter (Chapter 2.2 below).

General comments

40. The Committee of Experts refers to its first report on media in Byelorussian, German, Polish, Ukrainian, and also on cultural activities carried out in these languages and in Georgian and Yiddish (see paragraph 27 of the 1st evaluation report). It encouraged the authorities to provide more information regarding this undertaking.

41. In the second periodical report, the authorities respond that the Ministry of Culture of the Republic of Armenia encourages and provides substantial assistance for all the communities' cultural activities which are organised by non-governmental organisations. In addition, all the ethnic communities are involved in two annual events widely covered by media (see paragraphs 200-201 below).

Georgian

42. According to the authorities, the Georgian ethnic community has its own written press and periodical radio programmes. However, the Committee of Experts was informed during the on-the-spot visit that the radio programmes have ceased and that speakers listen to programmes via internet. The authorities also refer to cultural events and concerts by the "Iveria" ensemble attended by the society at large (see paragraph 46 of the 2nd periodical report).

German

43. The Committee of Experts was informed by representatives of the German speakers that there is no presence of German on TV and radio.

Polish

44. According to the Armenian authorities, the "Gvyalzdechka" song and dance troupe's frequent performances have made Polish songs an integral part of numerous events (see paragraph 46 of the 2nd periodical report).

45. During the on-the-spot visit, the Committee of Experts was informed that, as regards TV, local programmes in Polish have been broadcast on an experimental basis. Sometimes, interviews on radio and TV are done in Polish but it is not a priority for the speakers to have specific programmes. In addition, there is a Polish magazine called "Poki my zyjemy" which is published at irregular intervals.

Ukrainian

46. According to the Armenian authorities, the Ukrainian minority is extremely active in organising numerous annual events, including performances by the "Dniepro" choir and children's "Dzvyanochek" and "Verbichenka" choirs from the town of Vanadzor (see paragraph 46 of the 2nd periodical report).

47. During the on-the-spot visit, the representatives of the Ukrainian speakers explained that the monthly bilingual newspaper is distributed nationwide. However, they claimed that they had the capacity to produce a weekly publication provided there was an increase in the state's financial support.

e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different language;

48. Links exist between representatives of 11 minorities in the Coordinating Council for National Minorities. The Council was set up in 2000 to contribute to the coordination of policies affecting the

minorities. It also aimed at strengthening cooperation between the different minority groups (see paragraph 28 of the 1st evaluation report).

49. In addition, the Committee of Experts has been informed of the setting up of a cultural centre for national minorities in the centre of Yerevan. The fact that national minorities share the premises of this building contributes to the development of closer links, and co-operation has become much more effective (see paragraph 50 of the 2nd periodical report). During the on-the-spot visit, representatives of all minorities expressed their satisfaction with regard to the new cultural centre, and they pointed to the good relations between the different communities. The Committee of Experts commends the authorities for their active role in this respect.

f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

50. Regarding the part III languages, the Committee of Experts refers to the relevant sections under Part III below (Chapter 2.2 below).

Byelorussian

51. The Committee of Experts was informed in the first monitoring cycle that speakers would like their language to be taught in separate classes at school (see paragraph 33 of the second periodical report).

52. The Committee of Experts was informed during the on-the-spot visit that teaching of Byelorussian is available at Sunday school, but it has received no information of the teaching of this language in separate classes.

Georgian

53. Representatives of Georgian speakers informed the Committee of Experts that children are learning the language in Sunday school, but that there is no teaching of Georgian at kindergarten level. The speakers expressed their wish to have kindergartens with special classes in Georgian.

German

54. The Committee of Experts was informed that German is taught as an optional foreign language in Yerevan, Gyumri and Vanadzor, as well as in a number of villages.

g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

55. Regarding the part III languages, the Committee of Experts refers to its evaluation under chapter 2.2 below. In general, facilities for non-speakers to learn regional or minority languages exist for all Part III languages, notably in Yerevan.

56. As far as the other languages are concerned, the Armenian authorities have informed the Committee of Experts that those who wish to learn Byelorussian, Georgian, German, Polish and Ukrainian can mostly do so in Yerevan irrespective of whether they are speakers or non-speakers of these languages (see paragraphs 51 and 53 of the 2nd periodical report).

h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;

57. Regarding the part III languages, the Committee of Experts refers to its evaluation under chapter 2.2 below.

58. Regarding German, Ukrainian and Polish, there is an offer at University level (see paragraphs 30, 32 and 34 of the 1st evaluation report).

Georgian

59. Research of Georgian is carried out at the Centre for Georgian Studies of Yerevan State University (see paragraph 55 of the 2nd periodical report). However, the speakers informed the Committee of Experts that teaching of Georgian at university level is not yet provided, and pointed in particular to the lack of properly trained teachers.

- i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.*

60. As regards the part III languages, the Committee of Experts refers to the relevant sections under Part III below.

61. Regarding the other languages, the Committee of Experts requested the Armenian authorities to elaborate on the numerous transnational exchanges involving speakers of many of the regional or minority languages (see paragraph 37 of the initial periodical report).

62. The Armenian authorities have informed the Committee of Experts that on the basis of bilateral agreements, there are numerous and diverse exchange visits, conferences and joint events that take place on various occasions with the participation of representatives of the Byelorussian, Georgian, Jewish, Polish and Ukrainian minorities (see paragraph 58 of the 2nd periodical report).

63. During the on-the-spot visit, the Committee of Experts was made aware of strong contacts between NGOs in Armenia and in Germany. The latter participate in cultural events organised in Armenia.

Paragraph 2

The parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

64. The Committee of Experts welcomes the recent revision of legislative texts mentioned in paragraph 11 above, in particular the clarification of the scope of non-discrimination through the revision of Article 14.1 of the Constitution. Article 143 of the revised Armenian Criminal Code, that came into force on 1 August 2003, prohibits discrimination notably on the ground of language (see paragraph 60 of the 2nd periodical report).

Paragraph 3

The Parties undertake to promote by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

General comments

65. The Committee of Experts has observed during the first two monitoring rounds the general prevailing climate of tolerance in Armenia and that speakers of regional or minority languages do not suffer from hostility or a negative image on the part of the majority population³.

66. The Committee of Experts is also pleased to note the positive attitude of the Armenian authorities towards representatives of speakers of regional or minority languages. The implementation of the "All Different - All Equal" programme as well as other programmes contributed to informing the society at large of the different regional or minority languages spoken in Armenia. In

³ See also paragraphs 89 and 90 of the 2nd report of the European Commission against Racism and Intolerance on Armenia, CRI(2007)1 adopted on 30 June 2006.

addition, the Armenian government organises regular annual events where speakers of regional or minority languages are given the opportunity to present themselves and their cultures. The Committee of Experts commends the authorities on this policy and encourages the authorities to continue to foster the good relations between speakers of regional or minority languages and the rest of the population.

Education

67. According to the Armenian authorities, the Armenian National Academy of Science in collaboration with the NGO "Akunk" has edited a two-volume work entitled "National Minorities of Armenia" dedicated to the history and culture of eleven national minorities of the Republic of Armenia. In addition, school textbooks on history for secondary level includes material on the role and contribution of national minorities to Armenian society (see paragraphs 64 and 70 of the 2nd periodical report).

Media

68. The Committee of Experts is pleased to note that in October 2008, the law on TV and radio was amended in order to remove restrictions on the duration of TV and radio programmes in the regional or minority languages (see paragraph 174 below).

69. In addition, public and private TV broadcast programmes on minority issues and raise awareness among the public at large of the national minorities living in the Republic of Armenia and their languages ("Rainbow of Friendship" film on public TV, private channels such as "H2", "ArmenHakob - TV " and "Yerevan", and the "Fairytales of National Minorities of the Republic of Armenia" series broadcast by the "Shoghakat" television company). Minority issues are also present in the written press. (see paragraphs 67 and 69 of the 2nd periodical report.)

Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

70. In its first evaluation report, the Committee of Experts requested more information about the mandate and the legal status of the Coordinating Council of National Minorities (see paragraph 41). This Council, as further explained by the Armenian authorities, was established to guarantee the promotion of national minority rights, foster more active community relations and ensure that the Government was more efficient in addressing their specific problems in the fields of education, culture and the law. As far as its status is concerned, the Council is an advisory body to government bodies when dealing with minority issues (see paragraph 74 of the 2nd periodical report).

71. Therefore, members of national minorities were invited in 2006 to give their opinion on reforms, such as the "optimisation" reform undertaken by the Ministry of Education on the education system, with the Department for National Minorities and Religious Affairs. School headmasters, teachers and chairpersons of village councils were also invited to give their opinion (see paragraphs 75-76 of the 2nd periodical report).

72. During the on-the-spot visit, the President of the Council informed the delegation of the Committee of Experts that regular meetings are held with the authorities every two weeks.

73. Finally, the Armenian authorities have translated the first report on the application of the European Charter for Regional or Minority Languages by Armenia into Russian and it was circulated to all relevant authorities at national and local level, as well as to non-governmental organisations (see paragraphs 13-15 of the 2nd periodical report).

Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraph 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

74. In the previous monitoring round, the Committee of Experts requested the authorities to provide more information regarding non-territorial languages spoken in the Republic of Armenia (see paragraph 42).

75. According to the authorities, the Russian language matches the definition of "non-territorial language", since Russian speakers are no longer identified with a particular territory in Armenia as a result of an active migration from rural settlements. However, the Committee of Experts notes that paragraph 5 refers to the principles listed in paragraphs 1 to 4 of Article 7. Since Armenia in its instrument of ratification has defined Russian as a Part III language, it will be dealt with under Part III.

2.2. *The evaluation in respect of Part III of the Charter*

76. The Committee of Experts will focus on the provisions of Part III which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

Assyrian

Article 9 paragraph 1 a iii (see paragraph 85 of the first evaluation report)
Article 10 paragraph 2 f, g (see paragraphs 110-113 of the first evaluation report)
Article 10 paragraph 3 c (see paragraph 116 of the first evaluation report)
Article 10 paragraph 5 (see paragraph 119 of the first evaluation report)
Article 11 paragraph 2 (see paragraph 136 of the first evaluation report)
Article 13 paragraph 1 b (see paragraph 146 of the first evaluation report)
Article 14 paragraph b (see paragraph 160 of the first evaluation report)

Greek

Article 8 paragraph 1 b iv, c iv, e iii, f iii (see paragraphs 59, 66, 76, 77 of the first evaluation report)
Article 9 paragraph 1 a iii (see paragraph 85 of the first evaluation report)
Article 10 paragraph 3 c (see paragraph 116 of the first evaluation report)
Article 10 paragraph 5 (see paragraph 119 of the first evaluation report)
Article 11 paragraph 2 (see paragraph 136 of the first evaluation report)
Article 13 paragraph 1 b (see paragraph 146 of the first evaluation report)
Article 13 paragraph 2 a, e (see paragraphs 317 and 325 of the first evaluation report)
Article 14 paragraph a, b (see paragraphs 158, 160 of the first evaluation report)

Kurdish

Article 8 paragraph 1 e iii, (see paragraph 76 of the first evaluation report)
Article 9 paragraph 1 a iii (see paragraph 85 of the first evaluation report)
Article 10 paragraph 1 a iv, a v, (see paragraphs 103 of the first evaluation report)
Article 10 paragraph 2 b, f (see paragraphs 110, 112 of the first evaluation report)
Article 10 paragraph 3 c (see paragraph 116 of the first evaluation report)
Article 10 paragraph 5 (see paragraph 119 of the first evaluation report)
Article 11 paragraph 2 (see paragraph 136 of the first evaluation report)
Article 13 paragraph 1 b (see paragraph 146 of the first evaluation report)
Article 14 paragraph b (see paragraph 160 of the first evaluation report)

Russian

Article 8 paragraph 1 a iv, b iv, d iv, e iii (see paragraphs 51, 59, 66, 69, 76 of the first evaluation report)
Article 9 paragraph 1 a iii (see paragraph 85 of the first evaluation report)
Article 10 paragraph 1 a iv, a v, (see paragraphs 103 of the first evaluation report)
Article 10 paragraph 2 b, f (see paragraphs 110, 112 of the first evaluation report)
Article 10 paragraph 3 c (see paragraph 116 of the first evaluation report)
Article 10 paragraph 5 (see paragraph 119 of the first evaluation report)
Article 11 paragraph 1 b ii, c ii, e i (see paragraphs 126, 130, 133 of the first evaluation report)
Article 11 paragraph 2 (see paragraph 136 of the first evaluation report)
Article 12 paragraph 3 (see paragraph 145 of the first evaluation report)
Article 13 paragraph 1 b (see paragraph 146 of the first evaluation report)
Article 13 paragraph 2 c (see paragraph 156 of the first evaluation report)
Article 14 paragraph a, b (see paragraphs 158, 160 of the first evaluation report)

Yezidi

Article 9 paragraph 1 a iii (see paragraph 85 of the first evaluation report)
Article 10 paragraph 1 a iv, a v (see paragraphs 103 of the first evaluation report)
Article 10 paragraph 2 b, f (see paragraphs 110, 112 of the first evaluation report)
Article 10 paragraph 3 c (see paragraph 116 of the first evaluation report)
Article 10 paragraph 5 (see paragraph 119 of the first evaluation report)
Article 11 paragraph 2 (see paragraph 136 of the first evaluation report)
Article 13 paragraph 1 b (see paragraph 146 of the first evaluation report)
Article 14 paragraph b (see paragraph 160 of the first evaluation report)

Article 8 – Education

General comments

77. In the first monitoring round, the Committee of Experts was informed of the “optimization” programme which was initiated after the Republic of Armenia presented its report. A possible consequence of the programme was that mergers of schools could lead to a reduction in the offer of minority language education. In the first evaluation report, the Committee of Experts therefore urged the authorities to ensure that the execution of this programme did not jeopardize regional or minority language education. The second periodical report does not contain any information on the impact of this programme. The Committee of Experts therefore asks the authorities to provide such information in the next periodical report.

78. The Committee of Experts notes that the shortage of trained teachers and the shortage of adequate teaching materials at all levels of education remain the main obstacles to regional or minority language education. The Armenian authorities informed the Committee of Experts that the Ministry of Education and Science has made arrangements to implement the schemes for training teachers in the minority languages, developing the history and culture of national minorities as well as training new specialists in this field (see paragraph 17 of the 2nd periodical report). The Committee of Experts looks forward to receiving more information about the results of this scheme in the next periodical report.

79. Regarding Russian language education, the Committee of Experts has been informed that textbooks published in the Russian Federation are used to a large extent. However these textbooks are produced according to the syllabus of the Russian Federation rather than that of Armenia. This causes difficulties, for example, for students taking entrance examinations for higher education ⁴.

80. The Committee of Experts encourages the authorities to develop teaching materials in Russian in accordance with the syllabus of Armenia.

Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Pre-school education

- a.
 - i. *to make available pre-school education in the relevant regional or minority languages; or*
 - ii. *to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
 - iii. *to apply one of the measures provided for under i and ii and above at least to those pupils whose families so request and whose number is considered sufficient; or*
 - iv. ***if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i and iii above;***

⁴ see also paragraphs 68 and 72 of the 2nd report of the European Commission against Racism and Intolerance on Armenia, CRI(2007)1 adopted on 30 June 2006.

81. In its first evaluation report, the Committee of Experts considered the undertaking fulfilled in relation to *Russian* but was not able to conclude for the other languages. It requested information with regard to these languages, in particular on measures taken to favour and/or encourage the establishment of pre-school education in these languages.

82. The second periodical report states that the Armenian government assists national minorities using regional or minority languages to organise the bulk of their pre-school education in the relevant language. This assistance is, first of all, reflected in Order n°29 of the Ministry of Education and Science adopted in January 2007 concerning "the approval of the sample list of posts, the number of pupils per class and the standards applied". In accordance with this order, it is possible to open a class even if the number of children is not sufficient: while the established standard for the number of pupils per class in Armenian nursery schools and other pre-school institutions is 25 - 30, classes with national minority children may function in groups of 8 to 10 pupils.

83. In addition, the authorities refer to the Armenian Pre-school Education Act from 15 November 2005, whereby government policies in the field of pre-school education are implemented by local authorities, and pre-school education arrangements depend directly on the financial capacity of the local authorities.

84. The Committee of Experts notes that Order n°29 of the Ministry of Education and Science to a certain extent facilitates the setting up of pre-school education in regional or minority languages. The Committee of Experts is nevertheless of the opinion that measures to favour and/or encourage the setting up of pre-school education in regional or minority languages must have some practical consequences. So far, measures have not shown much effect on the creation of pre-school education in regional or minority languages.

85. As regards *Assyrian*, the Committee of Experts was informed during the on-the-spot visit that there is a nursery school in the Assyrian village of Dmitrov in the Ararat Region, with 25 children and three teachers. Instruction is in Armenian for the time being, though efforts are being made to set up a second group, for which the language of instruction will be Assyrian. In Verin Dvin, the local authorities have assumed responsibility for renovating the former pre-school building, which is not currently fit for use. It was scheduled to become operational in 2007 and will have a group of pupils learning Assyrian when it opens (see paragraph 87 of the 2nd periodical report).

86. Concerning *Greek*, the Committee of Experts has been informed that Greek is taught in a group in Yerevan nursery school n°52.

87. The authorities have informed the Committee of Experts that the question of pre-school educational institutions for those who speak *Yezidi and Kurdish* has been raised from time to time with the local authorities responsible for the settlements where they live, but the local authorities have not taken any measures in this respect, on the grounds of lack of funds. The number of children is so small in some villages that it is very difficult to organise any instruction or education. However, arrangements have been made for a number of rural communities to hold classes in the school buildings during the first half of the day, for children who are to attend school the following year. The Committee of Experts encourages the authorities to take appropriate measures with a view to creating pre-school education in Kurdish and Yezidi.

88. The Committee of Experts considers that the undertaking is partly fulfilled in relation to Greek. It considers that it is not fulfilled as regards Assyrian, Kurdish and Yezidi.

89. The Committee of Experts encourages the authorities to take effective measures to favour and/or encourage the creation of adequate pre-school education in regional or minority languages.

Primary education

- b. i. to make available primary education in the relevant regional or minority languages; or*
- ii. to make available a substantial part of primary education in the relevant regional or minority languages; or*

- iii. *to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- iv. *to apply one of the measures provided for under i and iii above at least for those pupils whose families so request and whose number is considered sufficient.*

90. In the first monitoring round, the Committee of Experts considered the undertaking fulfilled with regard to Greek and Russian and partly fulfilled in relation to Assyrian, Yezidi and Kurdish. It encouraged the authorities to increase their efforts to provide a sufficient number of teachers and update teaching materials for primary education in Assyrian, Kurdish and Yezidi. Regarding trained teachers and teaching materials, the Committee of Experts refers to its comments above (see paragraph 78 general comments under 8).

91. As regards *Assyrian*, primary school education is available for children whose parents so request. A minimum number of 2 or 3 children is considered sufficient in practice (see paragraph 87 of the second periodical report). It seems that there is a slight increase in the number of pupils attending primary school education.

92. In Assyrian primary school education, teaching materials have mostly been old textbooks from Russia and Iran. The Committee of Experts has been informed of the publication in 2005 of two Assyrian textbooks, "Write and Speak Assyrian" and "Assyrian ABC" and of an Armenian-Russian-Assyrian foreign language glossary. A recent grammar book produced in St Petersburg is also in use, which is useful for teachers, university students and pupils. During the on-the-spot visit, speakers pointed to the need to develop a syllabus for teaching Assyrian in different grades and classes.

93. The Committee of Experts commends the authorities for the efforts taken to improve Assyrian primary education. However, it invites the authorities to pursue and strengthen their efforts to develop adequate teaching materials.

94. As far as *Kurdish* is concerned, the Committee of Experts was informed of the publication of the "Zmane De" alphabet (see paragraph 86 of the 2nd periodical report). Primary education in Kurdish is available to all Kurdish children whose parents have expressed the wish to obtain it for their children. In all settlements where the number of children per class is sufficient, i.e. at least 5-7 pupils according to the Ministry of Education, primary education is provided in Kurdish and it is taught for 2 hours per week in the school of Zovuni village. According to the representatives of the speakers, in many other villages, Kurdish is no longer taught as there are no teachers available. Based on information received during the "on-the-spot" visit, it is unclear to the Committee of Experts whether it is Yezidi or Kurdish that is spoken in these villages. The Committee of Experts observes that the insufficient number of teachers and teaching materials creates difficulties for the provision of education of Kurdish in practice (see paragraph 78 above).

95. As regards *Yezidi*, a textbook "Yezidi Language and Literature" for years 1 to 3 was recently published with the assistance of the National Institute of Education of the Armenian Ministry of Education and Science. However, in general, the problems of insufficient numbers of teachers and teaching materials persist. The Committee of Experts has also been informed that many Yezidi children do not attend school during periods within the school year when they are out of the villages, which makes it difficult for those children to follow regular school programmes⁵.

96. The Committee of Experts considers the undertaking partly fulfilled with regard to Assyrian, Kurdish and Yezidi.

The Committee of Experts urges the authorities to increase their efforts to provide a sufficient number of teachers and update teaching materials for primary education in Assyrian, Kurdish and Yezidi.

⁵ See also paragraph 115 of 2nd report of the European Commission against Racism and Intolerance on Armenia, CRI(2007)1 adopted on 30 June 2006.

Secondary education

- c.
 - i. to make available secondary education in the relevant regional or minority languages; or
 - ii. to make available a substantial part of secondary education in the relevant regional or minority languages; or
 - iii. to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.

97. In the first monitoring round, the Committee of Experts considered the undertaking fulfilled with regard to Greek and Russian and partly fulfilled in relation to Assyrian, Kurdish and Yezidi. It encouraged the authorities to clarify the situation for upper secondary education in relation to all languages and to increase their efforts to provide a sufficient number of teachers and to update teaching materials for secondary education in Assyrian, Kurdish and Yezidi. Regarding training teachers and teaching materials, the Committee of Experts refers to its comments above (see paragraph 78).

98. According to the authorities, Russian, Assyrian and Greek are taught in upper secondary schools. However, as far as Yezidi and Kurdish language education is concerned, the authorities state that there are major difficulties due to the fact that some schools in the rural areas concerned do not provide for upper secondary education, or that students leave school once they finish their compulsory intermediate level of secondary education (see 2nd periodical report paragraph 97).

99. As regards *Assyrian*, secondary school education at all levels is available for children whose parents so request. The second periodical report states that such education may in practice also be provided if the number of children is insufficient. Thus Assyrian is taught at secondary school level as a special course in Verin Devin, Dimitrov, Arzni and Yerevan Pushkin school No.8. However, as the Committee of Experts was informed during its on-the-spot visit the lack of both competent teachers and adequate teaching materials continue to be the major obstacle for Assyrian language education at this level of education.

100. The Committee of Experts was furthermore informed by representatives of the speakers in Verin Devin that the funding provided by the government depends on the number of students, which has a very negative effect on minority language education in general, since these classes are often very small. In addition, the state's share of 90% of the public funding is only made available on condition that the remaining 10 % is provided by the community. In Verin Dvin, the local community could not afford its share and the school was therefore left out from public funding.

101. According to information received from the authorities, secondary education in *Kurdish* is available to all Kurdish children whose parents have expressed the wish to obtain it for their children. In all settlements where the number of children per class is sufficient, i.e. at least 5 pupils, secondary education is provided in Kurdish. Kurdish is reported to be taught in Yerevan and in 22 villages. However, the Committee of Experts observes that the lack of teachers seems to make it difficult to provide education in Kurdish in practice. It is also concerned about the irregular school attendance and asks the government to report on this issue in their next periodical report.

102. During the on-the-spot visit the Committee of Experts was furthermore informed by representatives of the speakers that the main problem for *Russian* language education at secondary level in general was the lack of schoolbooks which follow the Armenian syllabus, since most textbooks were from the Russian Federation. In addition, admission exams to university are held in accordance with the Armenian syllabus, which presents a major problem to students whose teaching has been partly or entirely in Russian. The Committee of Experts is concerned about this situation and encourages the authorities to report on this issue in the next periodical report.

103. Secondary school education in *Yezidi* is available for children whose parents so request. According to the information received, requests for 7 children are considered sufficient. In most of the 14 Yezidi villages children are taught Yezidi. In about 10 of the villages, there are some teachers who

are Yezidis themselves and teach the language. However, there is still a serious lack of teachers. The Yezidi villages are dispersed and there are not enough teachers who are willing to travel from one village to another to teach the language. The schools have old textbooks which need to be updated, and there seems to be a high percentage of pupils not attending school. The Committee of Experts is concerned about the lack of teachers and the irregular school attendance. It asks the government to take measures to overcome these difficulties and to report on the results in their next periodical report.

104. The authorities state that efforts are being made to train, in particular, teachers of Assyrian, Kurdish and Yezidi with a view to providing secondary schools with language specialists (see paragraph 98 of the 2nd periodical report). However, there is no information about the concrete measures taken. The Committee of Experts encourages the authorities to report on these efforts and on their results in its next periodical report.

105. The Committee of Experts considers the undertaking partly fulfilled with regard to Assyrian, Kurdish and Yezidi. The Committee of Experts urges the authorities to continue their efforts to provide a sufficient number of teachers and update teaching materials for secondary education in Assyrian, Kurdish and Yezidi. It also encourages the authorities to report on the issues raised regarding Russian.

Technical and vocational education

- d.
 - i. *to make available technical and vocational education in the relevant regional or minority languages; or*
 - ii. *to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
 - iii. *to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as integral part of the curriculum; or*
 - iv. ***to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient***

106. In the first monitoring round the Committee of Experts found that this undertaking was fulfilled with regard to Russian and not fulfilled with regard to Assyrian and Greek. The Committee of Experts also encouraged the authorities to provide more information regarding Kurdish and Yezidi.

107. According to the Armenian authorities, speakers of the Part III languages have access to technical and vocational education in minority languages or may study minority languages in the context of technical and vocational training as an integral part of the curriculum, at least where they (or their parents) so wish and their number is considered to be sufficient (see 2nd periodical report paragraph 99). However, there has been no information as to whether this provision has been implemented in practice, and if so, where. The Committee of Experts asks the authorities to provide the relevant information in their next periodical report.

108. The authorities reiterate that there is no demand from the *Assyrian* and *Greek* communities to receive technical or vocational education. However, the Committee of Experts has been informed by non-governmental sources that Greek is taught as a foreign language at the Yerevan college of food and services.

109. As regards *Yezidi and Kurdish*, sections were opened a few years ago at Yerevan Bakunts Teacher Training College. These sections ceased to function after two years due to a lack of applicants. According to the authorities, efforts have been made by the Department for National Minorities and Religious Affairs to motivate speakers of Yezidi and Kurdish to be trained as teachers of their respective language. However, these efforts have so far not been successful.

110. The Committee of Experts recalls that, in order for this undertaking to be fulfilled, the authorities are obliged to “make available” or “provide” education in or of the languages, at least to those pupils who so wish in a number considered sufficient (see paragraph 67 of the first evaluation report).

111. The Committee of Experts concludes that this undertaking is not fulfilled with regard to Assyrian, Kurdish and Yezidi and partly fulfilled as regards Greek. The Committee of Experts urges the authorities to continue their efforts to ensure that an offer of teaching in or of minority languages is included in technical and vocational education.

University and higher education

- e.
 - i. *to make available university and other higher education in regional or minority languages; or*
 - ii. *to provide facilities for the study of these languages as university and higher education subject*
 - iii. ***if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;***

112. In the first monitoring round, the Committee of Experts considered that while the undertaking was fulfilled with regard to Greek, Kurdish and Russian, it was unable to draw a conclusion as to Assyrian and Yezidi.

113. According to the authorities *Assyrian and Yezidi* are taught as compulsory subjects in the Department of Oriental Studies of Yerevan State University if the study of these languages is relevant to the student's specialisation.

114. In its initial report the Committee of Experts lacked information on measures taken by the Armenian authorities to encourage the study of *Assyrian* at university level. In the second report the authorities state that plans are being made to train various specialists in Assyrian studies and the teaching of classical Assyrian at university (see paragraph 106). There are currently three students of Assyrian nationality, who will in future be able to work as teachers of their mother tongue. However, no precise description of the plans and possible results has been presented and therefore the Committee of Experts is not in a position to conclude on this undertaking.

115. In 2007 the Government offered to admit two students from the *Yezidi* community to the Department of Oriental Studies of Yerevan State University to be trained as teachers of Yezidi. However, the two applicants did not pass the entrance examinations. Efforts are currently being made to prepare candidates from the Yezidi community for special admission to the Department of Oriental Studies of Yerevan State University next year. The Committee of Experts encourages the authorities to continue their efforts and to provide more information on any measures taken to promote university or higher education in/of Yezidi at other institutions.

116. According to the representatives of the speakers, special incentive schemes are required to ensure the training of teachers in higher education or at university.

117. The Committee of Experts considers this undertaking partly fulfilled for Assyrian and not fulfilled in practice for Yezidi. The Committee of Experts encourages the authorities to strengthen their efforts to make available university and higher education in these languages particularly in the field of teacher training.

Adult and continuing education

- f.
 - iii. ***if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education.***

118. In the first monitoring round, the Committee of Experts considered that this undertaking was fulfilled in relation to Greek but was unable to conclude as regards the other Part III languages and it invited the authorities to provide the relevant information in their next report.

119. In the first periodical report, the authorities referred to Sunday courses of *Assyrian* offered in the village of Arzni for adults. However the authorities state that there has been no request for education at this level (see paragraph 112 in the 2nd periodical report). Based on the information

received, the Committee of Experts considers that there is a need for adult literacy to be taught in Assyrian and that the authorities should encourage the offer of such education.

120. The authorities report that it is impossible to organise *Kurdish and Yezidi* adult or continuing education because of a lack of demand (see paragraph 113 of the 2nd periodical report). The question was discussed by the Department for National Minorities and Religious Affairs with representatives of the Yezidi and Kurdish speakers on receipt of the Committee of Experts' report. The representatives of the speakers actually considered the issue irrelevant, as all Yezidi and Kurdish adults have a satisfactory command of their language. Based on the information received, the Committee of Experts understands that at present there is no need for adult and continuing education in these languages. However, in the view of the Committee of Experts the authorities should pay special attention to the issue and encourage the offer of such education should the need arise.

121. As far as Russian is concerned, a number of non-governmental organisations offer courses for adults, according to the authorities (see 2nd periodical report paragraph 111).

122. The Committee of Experts considers this undertaking fulfilled with regard to Russian and not fulfilled as regards Assyrian. Regarding Kurdish and Yezidi, the Committee of Experts understands that there is no need for adult and continuing education in these languages at present.

Article 9 – Judicial authorities

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

123. In the first monitoring round, the Committee of Ministers recommended the Armenian authorities to improve the legal basis to ensure the use of regional or minority languages before courts.

in criminal proceedings:

- a.
 - ii. *to guarantee the accused the right to use his/her regional or minority language*
 - ...
 - iv. *to produce, on request, documents connected with legal proceedings in the relevant regional or minority language.*

124. Article 15 of the Criminal Procedure Code states that:

- “ 1. Criminal proceedings shall be conducted in Armenian. Everyone has the right to use, in the course of criminal proceedings, the language he masters, except the body conducting the criminal proceedings.
2. By decision of the body conducting the criminal proceeding, the persons participating in criminal proceedings, who lack sufficient command of the language of criminal proceedings, shall be provided, free of charge, with the possibility to exercise, with the help of an interpreter, all rights belonging to them under the provisions of this Code.
3. Certain persons, who lack sufficient command of the language of criminal proceedings, shall receive a verified copy of those documents which, in accordance with law, should be delivered to them in their native language.
4. Documents in other languages are attached to the case with the translation into the Armenian language.”

125. The authorities have informed the Committee of Experts that Article 15.1 of the Criminal Procedure Code specifies that anyone participating in criminal proceedings may therefore use a

language he/she masters and that the body conducting the proceedings does not have the right to insist that if a person has a command of a particular language, he/she must use that language during the proceedings.

126. The authorities also informed the Committee of Experts that Article 3.1 of the Criminal Procedure Code specifies that criminal proceedings must be conducted in accordance with the provisions of the Code unless otherwise stipulated by international treaties ratified by the Republic of Armenia.

127. The Committee of Experts has not received any information on how the existing legal framework is implemented in practice or to what extent regional or minority languages are used in legal proceedings. During the on-the-spot visit, the Committee of Experts was informed that in practice speakers of regional or minority languages do not use their native language in the course of criminal proceedings, as all representatives of national minorities have a sufficient command of Armenian. It seems however that Russian is also used during proceedings.

128. The Committee of Experts has not been informed of any measures taken by the authorities to inform the Courts and the public of the possibility for a regional or minority language speaker to use his/her language before courts even if the person masters Armenian, nor of any initiatives to amend the criminal procedure code to bring it into conformity with the provisions of the Charter.

129. In the view of the Committee of Experts the situation on the ground remains unsatisfactory, as it is not sufficiently clear whether an accused can use his/her regional or minority language even if the person masters Armenian.

130. Regarding interpretation and translation, the Committee of Experts considered in the first monitoring round that the undertaking was not fulfilled. The Committee of Experts recalled that in order for this obligation to be fulfilled copies should also be provided to people who know the procedural language but prefer to have documents in their regional or minority language (see paragraphs 86-88).

131. Article 15. 2 of the Criminal procedure code states that "by decision of the body conducting the criminal proceeding, the persons participating in criminal proceedings, who lack sufficient command of the language of criminal proceedings, shall be provided, free of charge, with the possibility to exercise, with the help of an interpreter, all rights belonging to them under the provisions of this Code".

132. Furthermore, according to the Armenian authorities, Article 3.1 of the Code on criminal procedure specifies that the undertakings chosen under the Charter overrule domestic legislation, and that consequently documents to be provided to the person belonging to a national minority must, at his/her request, be given to him/her in the form of certified copies in the relevant minority language even if that person has a command of Armenian (see paragraph 125 of the 2nd periodical report).

133. The Committee of Experts considers that the insecurity mentioned in the first monitoring round with regard to interpretation and translation as well as regards the production of documents in regional or minority languages, still exists.

134. The Committee of Experts therefore concludes that these undertakings are formally fulfilled and that further measures are needed to implement them in practice.

The Committee of Experts encourages the authorities to take proactive measures to ensure that the undertakings under Article 9, paragraph 1(a) are implemented in practice such as informing the public and the courts about the right to use regional or minority languages before courts and the duty to produce documents in regional or minority languages during court proceedings.

In civil proceedings

b. ...

- ii. *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expenses.*

135. Article 7 of the civil procedure code stipulates that "litigants who do not have a command of Armenian have the right to familiarize themselves, by means of free assistance from a translator, with the case file and to use another language in court when taking part in judicial proceedings".

136. In the first evaluation report, the Committee of Experts was unable to conclude if there was a legal right for a litigant who masters Armenian to use his/her own regional or minority language at his/her preference. It therefore encouraged the authorities to provide information regarding measures taken to inform the courts and the public of this right, and of any other measures taken to implement this undertaking (see paragraphs 89-93).

137. According to the authorities, Article 1.2 of the Civil Procedure Code provides that the provisions of an international treaty to which Armenia is a party take precedence over domestic legislation if the treaty contains provisions which are not included in the Armenian Civil Procedure Code.

138. The Committee of Experts refers to its observations under article 9 1 a ii above concerning criminal proceedings and observes that the situation is also unsatisfactory with regard to the use of regional or minority languages during civil proceedings.

139. The Committee of Experts has not been informed of any measures taken by the authorities to inform the Courts and the public of the possibility for a regional or minority language speaker to use his/her language before courts even if the person masters Armenian, nor of any initiatives to amend the civil procedure code to bring it into conformity with the provisions of the Charter

140. The Committee of Experts considers that the undertaking is not fulfilled.

The Committee of Experts encourages the authorities to inform the public and the courts about the right to use regional or minority languages before courts in civil proceedings and to take the necessary measures to clarify the situation also in domestic legislation.

In administrative proceedings

c. *In proceedings before courts concerning administrative matters:*

...

- ii. *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expenses; and/or*
- iii. *to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations.*

141. The Committee of Experts did not reach a conclusion in the previous monitoring cycle, as it had no information on the implementation of the draft law on Foundations of administration and administrative procedures recently adopted at that time (see paragraphs 94-95).

142. The Committee of Experts has been made aware of a discrepancy between the original Armenian version and the official English version of the second periodical report with regard to this undertaking. Based on this, the Committee of Experts has decided not to conclude on this undertaking until this matter has been cleared up.

- d. *to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned*

143. The Committee of Experts refers to its comments under paragraphs 141-142 above, and will postpone its conclusion with regard to this undertaking until the matter related to Article 9 1 c has been clarified.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

144. In the first evaluation report the Committee of Experts considered that the undertaking was not fulfilled with regard to Assyrian, Greek, Kurdish and Yezidi, and partly fulfilled with regard to Russian (see paragraph 97).

145. According to the Armenian authorities, about 200 pieces of legislation translated into Russian are available on the parliamentary website and the number is gradually growing. There are Russian versions of the Armenian Constitution and of the Codes of Civil and Criminal Procedure, the Criminal, Labour, Family, Customs and Land Codes and some other important laws and regulations (see paragraph 130 of the second periodical report).

146. The authorities state that many members of the national minorities have a much better command of Armenian or Russian than of their national languages. Furthermore, the authorities underline the lack of proper terminology which makes it difficult to translate legislation into some languages. Finally, the authorities stress that “it would no doubt be very useful to have translations in national minority languages but the scarcity of financial resources in the Republic of Armenia does not permit this at present”.

147. The Committee of Experts acknowledges that the economic situation in Armenia might make the implementation of certain undertakings difficult. It understands that there was an attempt to translate the Armenian Constitution into Yezidi which revealed a number of difficulties mentioned above. The Committee of Experts encourages the authorities to initiate a process with a view to making available the most important national statutory texts in the other part III languages in addition to Russian.

148. The Committee of Experts considers that the undertaking is fulfilled in relation to Russian and not fulfilled as regards the other Part III languages.

Article 10 – Administrative authorities and public services

State authorities

Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- a. ...
 - iv. *to ensure that users of regional or minority languages may submit oral or written applications in these languages;*
 - v. *to ensure that users of regional or minority languages may validly submit a document in these languages;*

149. The Committee of Experts considered in its first evaluation report that these undertakings were fulfilled with regard to Russian, Kurdish and Yezidi, partly fulfilled with regard to Assyrian and formally fulfilled with regard to Greek (see paragraphs 99-105).

150. The legal framework allows citizens to use regional or minority languages in oral or written communication with administrative authorities⁶. However, this possibility is rarely used in practice.

151. The Committee of Experts recalls that by choosing this undertaking, the authorities have committed themselves to taking pro-active measures to ensure that the legal rights are implemented in practice. The Committee of Experts therefore encourages the authorities to develop a structured policy to facilitate the practical implementation of the undertakings chosen under article 10 of the Charter.

152. Regarding *Assyrian*, representatives of the speakers informed the Committee of Experts that they use Assyrian to some extent in oral communication with local state bodies, but not in written communication.

153. Regarding *Greek*, the Committee of Experts was informed that the knowledge of Greek varies considerably amongst the Greek population, and that Greek in practice is not used in communication with local state bodies. The Committee of Experts also refers to its comments above (see paragraph 24).

154. As regards *Kurdish*, the Committee of Experts has been informed of oral, and to some extent written use of the language in communication with local state bodies.

155. Regarding *Yezidi*, the Committee of Experts has been informed that it is occasionally used in oral and written communication with local state bodies.

156. The Committee of Experts considers that the undertaking continues to be fulfilled with regard to Russian, Kurdish and Yezidi, partly fulfilled with regard to Assyrian and formally fulfilled with regard to Greek.

b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;

157. In the previous monitoring cycle, the Committee of Experts encouraged the authorities to ensure the translation into regional or minority languages of widely used administrative texts and forms (see paragraph 104).

158. In the second periodical report, the authorities acknowledge that the administrative documents as well as the most important statutory texts are not translated into regional or minority languages for a number of reasons, including economic constraints⁷.

159. During the on-the-spot visit, the Committee of Experts met with the Russian speakers of the village of Filevoto. They informed the Committee of Experts that most forms and documents are available in Russian. The Committee of Experts invites the authorities to clarify whether the administrative forms are available in Russian in other parts of the Republic of Armenia.

160. Based on the information received the Committee of Experts considers the undertaking fulfilled as regards Russian and not fulfilled as regards the other Part III languages.

Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;

⁶ see also paragraphs 77-82 of the 2nd Opinion of the Advisory Committee on the Framework Convention on the Protection of National Minorities on Armenia adopted on 12 May 2006, ACFC/OP/(2006)005.

⁷ see also paragraph 190 of the 2nd Opinion of the Advisory Committee on the Framework Convention on the Protection of National Minorities on Armenia adopted on 12 May 2006, ACFC/OP/(2006)005.

161. The Committee of Experts considered in the first evaluation report that the undertaking was fulfilled with regard to Russian, Kurdish and Yezidi, partly fulfilled with regard to Assyrian and formally fulfilled with regard to Greek (see paragraph 110).

162. The Committee of Experts notes that the situation described in the first report has not changed.

163. The Committee of Experts considers that the undertaking remains partly fulfilled with regards to Assyrian and formally fulfilled in relation to Greek. With regard to Greek, the Committee of Experts also refers to its comments above (see paragraph 24).

164. The Committee of Experts encourages the authorities to develop a structured policy to ensure that regional or minority languages are used both orally and in writing when dealing with local and regional authorities.

f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"

165. The present undertaking was considered fulfilled as regards Assyrian, Kurdish, Russian and Yezidi (see paragraphs 111 and 112).

166. The Committee of Experts has not been informed of any use of Greek in local assemblies, as no members of the local assemblies master Greek. In that respect, the Committee of Experts also refers to its comments above (see paragraph 24).

167. The Committee of Experts considers that the undertaking is formally fulfilled in relation to Greek.

Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2, and 3 accepted by them, the Parties undertake to take one or more of the following measures:

...

c. compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

168. In the first evaluation report the Committee of Experts was unable to reach a conclusion due to lack of information on how the present undertaking was implemented (see paragraph 117).

169. According to the information provided, the authorities take account of the language skills of officials who provide services in the relevant territories (see para 140 of the 2nd periodical report).

170. Officials and public service employees in the Republic of Armenia have an adequate knowledge of *Russian*. Regarding *Assyrian, Kurdish and Yezidi*, some public service employees have a command of the respective language in the area where they are used (see paragraph 140 of the 2nd periodical report).

171. In the view of the Committee of Experts, a structured policy is needed to promote the appointment of public service employees with a knowledge of the respective regional or minority language in the relevant territory.

172. The Committee of Experts therefore concludes that the present undertaking is fulfilled as regards Russian, and partly fulfilled as regards Assyrian, Kurdish and Yezidi. The Committee of Experts encourages the authorities to develop a structured policy to facilitate the recruitment of public service employees with a knowledge of the regional or minority language used in the territory where the language is traditionally spoken.

Article 11 - Media

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a. *to the extent that radio and television carry out a public service mission:*
 - ...
 - iii. *to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*
- b. *...*
 - ii *to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages*
- c. *...*
 - ii. *to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

173. In the first monitoring round the Committee of Experts asked the authorities to clarify the legal and practical consequences of the limits on broadcasting time in the regional or minority languages set down in the Act on Radio and Television. It furthermore encouraged the authorities to develop schemes in order to facilitate the broadcasting of radio and television programmes in Assyrian, Greek, Kurdish and Yezidi.

174. In the second periodical report, the authorities informed about the amendments to the Act on Radio and Television from 2007, by which the limits on broadcasting time in regional or minority languages were lifted. The amendments to this Act entered into force in October 2008. The Committee of Experts welcomes this very positive legislative development.

175. Regarding *Assyrian*, programmes have been broadcast regularly on public radio since 2006, after an interruption of three years. The authorities informed about plans to increase the airtime for radio programmes in Assyrian in the course of 2008. The Committee of Experts asks the authorities to provide information about this increase in the forthcoming periodical report. There are no television programmes in Assyrian.

176. The Committee of Experts has not been informed about any programmes in *Greek*.

177. Regarding *Kurdish*, no change has been reported: there are regular programmes on public radio but no television programmes in Kurdish.

178. Regarding *Yezidi*, no change has been reported: there are regular programmes on public radio but no television programmes in Yezidi.

179. The Committee of Experts considers that the undertaking is partly fulfilled for Assyrian, Kurdish and Yezidi, and not fulfilled for Greek.

The Committee of Experts urges the authorities to develop schemes which will facilitate the broadcasting of television programmes in Assyrian, Greek, Kurdish and Yezidi.

- e. *i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*

180. In the first evaluation report the Committee of Experts considered that the undertaking was not fulfilled as regards Assyrian and Greek and could not reach a conclusion in relation to Yezidi and Kurdish (see paragraphs 132-133).

181. According to the authorities, there exists annual funding of the national minority press. However, most of the national minorities with their own press prefer to publish in either Armenian or Russian, in particular the Yezidi and Greek minorities. The Ministry of Culture has been recommended to tighten up the terms and conditions of financial aid so that their press includes at least some pages in the relevant languages (see paragraph 148 of the 2nd periodical report). The authorities informed the Committee of Experts that the support for publications in regional or minority languages will be increased.

182. Regarding *Assyrian*, the Armenian authorities report that they have informed members of the Assyrian minority that funds will be allocated if they publish periodicals in their national language, but there has been no such initiative on their part so far (see paragraph 147 of the 2nd periodical report). During the on-the-spot visit, the Committee of Experts was informed by representatives of the speakers that the Assyrian Federation in Yerevan will launch a website, where articles and news in Assyrian will be posted. The representatives of the speakers also told the Committee of Experts that there is no printed media in Assyrian because they do not have sufficient funds, and that it is difficult for them to secure funds, since they would have to publish a magazine before being able to get support.

183. The Committee of Experts understands that the written press from the *Greek* minority is published in Russian, in particular the "Byzantine Heritage". There is no written press published in Greek in the Republic of Armenia, although the Committee of Experts understands that abstracts of articles are published in Greek. During the on-the-spot visit the Committee of Experts was informed of plans to translate parts of a cultural magazine into Greek, but that lack of funding had prevented the realisation of the plans.

184. The *Kurdish* "Mijagetk" magazine has come out fortnightly since 1999. It has 14 pages in Armenian and the last two pages in Kurdish. According to the Armenian authorities, this newspaper helps people to learn the Kurdish language and disseminates Kurdish national culture. During the on-the-spot visit the Committee of Experts was informed that this publication had been reduced from twice to once a month. Two other Kurdish periodicals are published regularly, "Rya Taza" and "Zagros". The Committee of Experts invites the authorities to clarify if and to what extent Kurdish is used in these two publications.

185. Regarding *Yezidi*, the Committee of Experts has previously been made aware of two Yezidi newspapers, "Lalsh" and "Ezdikhana", both being published in Armenian. During the on-the-spot visit, representatives of the Yezidi speakers informed the Committee of Experts that a bilingual newspaper is issued three times a month with support from the government.

186. The Committee of Experts recalls that the definition of a newspaper is a publication issued at least once a week. Therefore it considers that the undertaking is not fulfilled for Assyrian, Greek, Kurdish and Yezidi. It encourages the authorities to provide more information on the development of the funding scheme in relation to regional or minority languages, including proactive measures to promote newspapers in these languages, and to provide more exact information regarding the presence of regional or minority languages in the existing publications.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

187. The Committee of Experts was unable to conclude during the first monitoring round due to lack of relevant information (see paragraph 137).

188. The information received in the second monitoring round has not enabled the Committee of Experts to evaluate what measures have been undertaken by the authorities to ensure that the

interests of the users of regional or minority languages are represented or taken into account within bodies responsible for guaranteeing the freedom and pluralism of the media.

189. The Committee of Experts has been informed of recent amendments to the "Regulations of the National Commission on Television and Radio" adopted by the Parliament in February 2007. The National Commission on Television and Radio is redefined as an "independent regulatory body, which ensures the freedom, independence and diversity of the broadcasting media". According to the amendments, the Commission is composed of eight members, half to be appointed by the National Assembly and the other half by the President. However, as underlined by the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, there are no provisions stating that the members should reflect Armenia's social and political diversity, or that the appointment process should be open and transparent⁸.

190. The Committee of Experts considers that the undertaking is not fulfilled and invites the Armenian authorities to come back to this undertaking in their next periodical report.

The Committee of Experts encourages the authorities to ensure that the interests of users of regional or minority languages are taken into account in the National Commission on Television and Radio.

Article 12 – Cultural activities and facilities

Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of expression, festivals and the cultural industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a. ***to encourage types of expression and initiatives specific to regional or minority languages and foster the different means of access to works produced in these languages;***

191. The present undertaking was considered fulfilled in the first evaluation report, although the Committee of Experts requested information on the allocation and amount of funds provided by the authorities through the Co-ordinating Council (see paragraph 138-140).

192. The Committee of Experts refers to the assessment made by other monitoring bodies, and in particular the Advisory Committee of the Framework Convention on the Protection of National Minorities and the European Commission against Racism and Intolerance. Both recommended that the support granted by the Armenian authorities shall be allocated in accordance with the needs of the various groups⁹.

193. The Armenian authorities state that it is planned to review and increase the amount of funding allocated in 2008 (see paragraph 152 of the 2nd periodical report). However, the Committee of Experts continued to receive complaints during the on-the-spot visit about the low amount of money granted and the share of distribution.

194. The Committee of Experts has been informed of a number of festivals, stage plays, literature and other cultural manifestations that have received public support, either directly or by funds allocated to the Coordinating Council of National Minorities. Based on the information received during the on-the-spot visit, the Committee of Experts nevertheless encourages the authorities to assess with the speakers of regional or minority languages their needs, in order to further develop schemes and support projects for the preservation and development of their languages and cultures.

⁸ See paragraphs 131-136 of the Report by the Commissioner for Human Rights on his visit to Armenia 7 – 11 October 2007, CommDH(2008)4.

⁹ See paragraphs 82 and 85 of the 2nd report on Armenia of the European Commission against Racism and Intolerance (CRI(2007)1), and paragraphs 10 and 54 of the 2nd Opinion on Armenia of the Advisory Committee of the Framework Convention for Protection of National Minorities (ACFC/OP(2006)005).

195. The Committee of Experts considers that the undertaking is fulfilled. It looks forward to receiving information about the increase in the funding, and the outcome of the review of the distribution of funds in the next periodical report.

- d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing.*

196. The Committee of Experts was unable to conclude on this undertaking in the first evaluation report due to insufficient information (see paragraphs 141-142).

197. In the second report, the authorities state that the Ministry of Culture carries out preliminary discussions and co-operates with representatives of the speakers of the regional or minority languages in planning and organising annual cultural events where the national minority cultures are represented, and for which it provides support. In addition, the funding channelled to the Coordinating Council for National Minorities is used to a large extent for cultural and linguistic activities. The authorities informed the Committee of Experts that in general the authorities involve representatives of the speakers of the regional or minority languages when planning and organising cultural events where manifestations of minority cultures are included.

198. The Committee of Experts considers that the undertaking is fulfilled.

- f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

199. The Committee of Experts was unable to conclude in the previous monitoring round (see paragraph 143 of the first evaluation report).

200. Following the Armenian Government Decision No.565-A of 22 April 2004, the authorities have provided space for a cultural centre for national minorities that occupies two floors in a building in central Yerevan (see paragraphs 26 and 157 of the 2nd periodical report). The building was renovated in 2006 and opened in 2007. It is currently used by national minorities as an office for organising the teaching of regional or minority languages, cultural activities, etc¹⁰. During the on-the-spot visit, representatives of national minorities expressed their satisfaction with the facilities at their disposal. The Committee of Experts also understands that steps have been taken to revive and renovate the cultural centres that used to operate in the regions, with a view to preserving national traditions and promoting folk art (see paragraph 155 of the 2nd periodical report). It invites the authorities to provide more specific information about these cultural centres in the next periodical report.

201. The Committee of Experts has also been informed of the co-operation between the authorities and representatives of the national minorities in the planning and organising of two annual national festivals, the "Exhibition of National Minorities' Fine, Decorative and Applied Arts" and the "National Minorities' Children's Music Festival". The festivals present minority cultures in Armenia and are funded by the authorities.

202. The Committee of Experts considers the undertaking fulfilled.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of regional or minority languages justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

203. The Committee of Experts did not receive sufficient information in the first monitoring round to be able to conclude on this undertaking (see paragraph 144 of the first evaluation report). The Committee of Experts recalls that the present undertaking deals with cultural activities and facilities in territories where there is a concentration of speakers, but where the languages have not been traditionally used.

¹⁰ See also paragraph 43 of the 2nd Opinion on Armenia of the Advisory Committee of the Framework Convention for Protection of National Minorities (ACFC/OP(2006)005).

204. The Armenian authorities have not provided any information in that respect, but the Committee of Experts is aware of the support in terms of cultural facilities granted by the authorities in Yerevan, where most of the minority languages are used. It refers especially to the annual festivals and the cultural centre mentioned above, and in particular the national festival held in Alaverdi organised by the regional authorities of Lori supported by the Ministry of Culture in September 2008.

205. The Committee of Experts considers that the undertaking is fulfilled.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

206. In the first evaluation report the Committee of Experts considered that the present undertaking was fulfilled as regards Russian but it could not reach a conclusion regarding other Part III languages (see paragraph 145).

207. The authorities refer to the support granted by the Republic of Armenia to NGOs representing national minorities which participate in events abroad, i.e. the Assyrian "Atur" non-governmental organisation when they participate in annual sport events at the International Assyrian Games in Iran and the Greek "Pontos" national dance troupe on concert tours to Greece (see paragraph 160 of the second periodical report).

208. The Committee of Experts recalls that the present undertaking refers to the way the different cultures and languages of the Republic of Armenia are portrayed when the Republic of Armenia is presenting the country abroad. It considers that the undertaking is not fulfilled. It encourages the authorities to make the necessary provisions to implement this undertaking regarding Assyrian, Greek, Kurdish and Yezidi.

Article 13 – Economic and social life

209. According to the Armenian authorities, recent changes in legislation, in particular Section 8.b of the Advertising Act, have sought to strengthen the position of the regional or minority languages and to further highlight the prohibition of advertisements containing insulting phrases, statements, comparisons or images relating to race, nationality, profession, social origin, age group, sex, language or religious or other belief (see paragraph 11 above).

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

...

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic and social activities;*

210. In the first monitoring round the Committee of Experts considered the undertaking fulfilled. It nevertheless requested the Armenian authorities to clarify how they counteract practices aimed at preventing minority language use in economic and social activities.

211. In preparing the second periodical report, the authorities have consulted NGOs and private companies on that matter. It seems that they have not received any reports of such practices. During the on-the-spot visit, representatives of the speakers of the regional or minority languages informed the Committee of Experts that they knew of no such problems related to the use of regional or minority languages.

212. The Committee of Experts considers the undertaking fulfilled.

- d. to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

213. The Committee of Experts was not able to conclude on this undertaking and described a set of measures that the Armenian authorities could carry out to facilitate and/or encourage the use of the regional or minority languages.

214. The authorities report on meetings and conferences on the use of Russian in social and economic activities, but acknowledge that no policies have yet been developed in Armenia to encourage the use of the other regional or minority languages in that field (see paragraph 163 of the 2nd periodical report).

215. The Committee of Experts considers that the undertaking is fulfilled for Russian but not fulfilled with regard to Assyrian, Greek, Kurdish and Yezidi. It invites the authorities to facilitate and/or encourage the use of Assyrian, Greek, Kurdish and Yezidi in economic and social activities, and to provide information with regard to these languages in the forthcoming periodical report.

Paragraph 2

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

...

- b. in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;***

216. In the first evaluation report the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to insufficient information.

217. The information provided by the Armenian authorities in the second periodical report does not correspond to the present undertaking, but rather describes the use of languages in local elections and assemblies, in school buildings etc. The Committee of Experts would be interested to know in particular if the Assyrian, Greek, Kurdish, Russian and Yezidi languages are used in sectors which provide a public service mission, such as transportation, postal services, airports, etc.

218. The Committee of Experts urges the authorities to provide such information in the next periodical report.

- c. to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons.***

219. The Committee of Experts considered in the first monitoring round that the undertaking was not fulfilled with regard to Assyrian, Greek, Kurdish and Yezidi. Apart from Russian, minority languages are not used in hospitals mainly because of the lack of staff with language skills.

220. The authorities recall that members of national minorities use either Armenian or Russian in hospitals and that in the rare cases where patients cannot speak Armenian or Russian, communication in their national language takes place through their relatives or other people who master the language or through interpreters (see paragraph 165 of the 2nd periodical report). The Committee of Experts understands that the patient would not pay any extra expenses in that respect.

221. In addition, the authorities report that Assyrian, Greek, Kurdish and Yezidi doctors are working in the health sector in the Republic of Armenia and they can help to solve any problems which may arise.

222. During the on-the-spot visit, representatives of the Assyrian speakers informed the Committee of Experts that most of them have Russian as mother tongue and that they would use Russian in hospital. They would only use Assyrian in communication with an Assyrian doctor.

223. The Committee of Experts recalls that according to the undertaking chosen by Armenia, measures have to be taken to ensure that staff (doctors, nurses, etc) in hospitals or retirement homes have the necessary skills to serve persons who are in need of care in their regional or minority languages.

224. The Committee of Experts is aware of the difficult economic situation faced by the Republic of Armenia and of the limited number of speakers, but it invites the Armenian authorities to find ways to progressively implement the present undertaking based on a more structured approach. The Committee of Experts considers that the undertaking is not fulfilled for Assyrian, Greek, Kurdish and Yezidi.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a. *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

225. In the first monitoring cycle, the Committee of Experts could not reach a conclusion with regard to Assyrian, Kurdish and Yezidi.

226. In the second report, the authorities state that the “bilateral agreements also provide an opportunity for Yezidi, Kurds and Assyrians, who do not have their own ethnic states, to communicate with the corresponding ethnic communities in other countries.” In the report, a number of examples of such exchanges are mentioned. During the on-the-spot visit, representatives of the speakers of Assyrian, Kurdish and Yezidi confirmed this information.

227. Based on information received, the Committee of Experts considers the undertaking fulfilled.

Chapter 3. Findings

3.1. Conclusion of the Committee of Experts on how the Armenian authorities have reacted to the recommendations of the Committee of Ministers (Recommendation RecChL(2006)2)

1. improve the offer of Assyrian, Yezidi and Kurdish language education at all levels, in particular by ensuring adequate teacher training and up-dating teaching materials;

228. The Committee of Experts notes the efforts made by the Armenian authorities in developing teaching materials in Assyrian, Kurdish and Yezidi, as well as regarding teacher training, through scholarships to students. A number of teachers of Assyrian were trained in 2006 and new textbooks have been published. The training of teachers of Kurdish and Yezidi is on the agenda of the Ministry of Education and Science and is included in the curriculum for 2008.

229. However, the authorities acknowledge that there are still problems as regards teacher training and with producing a sufficient number of updated textbooks.

2. improve the legal basis ensuring the use of regional or minority languages before courts;

230. The authorities have clarified that the use of regional or minority languages in criminal court proceedings is guaranteed in legislation even if the accused masters Armenian, and that interpretation and translation will be provided free of charge. However, there is little information on the use of regional or minority languages before courts in practice. Additional measures to promote the use of these languages before courts are needed.

3. take measures to improve the presence of Assyrian and Greek on radio, and of Assyrian, Greek, Yezidi and Kurdish on television;

231. In 2007, the Armenian authorities amended Section 28 of the Radio and Television Act, thereby lifting the limitation on broadcasting time in regional or minority languages. The amended version entered into force in October 2008, and programmes broadcast in the languages mentioned are no longer subject to time limitations.

232. Except for the increase in radio programmes broadcast in Assyrian, no increase in radio or television broadcasting time in Greek, Kurdish and Yezidi, or in television broadcasting time in Assyrian, has been reported.

4. clarify whether there are regional or minority languages used in Armenia other than those mentioned in Armenia's instrument of ratification.

233. The Armenian authorities have provided factual information with regard to Byelorussian, Georgian, German, Polish and Ukrainian. However, it is not yet clarified whether these languages are traditionally spoken in Armenia, and thus are to be considered as regional or minority languages within the meaning of the Charter.

3.2 Findings of the Committee of Experts in the second monitoring round

General situation

A. The Committee of Experts commends the Armenian authorities for their continued efforts to further improve the use of regional or minority languages and for their positive attitude towards regional or minority language speakers. The Committee of Experts expresses its gratitude to the authorities for the good cooperation with regard to the preparation and organisation of the on-the-spot visit. This has allowed the Committee of Experts to obtain additional relevant information on policy and legal developments in the promotion and protection of regional or minority languages in Armenia.

B. There is a prevailing climate of tolerance with regard to regional or minority languages in Armenia. The Committee of Experts did not receive any complaints that speakers of regional or minority languages suffer from hostility or a negative image on the part of the majority population. There are obviously a number of different factors behind the creation and maintenance of this climate of tolerance. The Committee of Experts will point to the expressed political will by the Armenian authorities to protect and promote the regional or minority languages in Armenia and to the institutions established to promote cooperation with representatives of the national minorities. The Committee of Experts is aware of the financial difficulties the Armenian authorities are faced with when implementing certain undertakings of the Charter and commends the authorities for their efforts, despite difficult economic conditions.

C. The Republic of Armenia has developed a legal and institutional framework for the protection and promotion of its regional or minority languages. However, the Committee of Experts has found that the implementation of the legal framework is incomplete in a number of areas covered by the Charter. Structured policies are needed in different sectors to ensure the use of regional or minority languages in practice in the field of education, the judiciary, the relations with the administration, and in social and economic life.

D. In the field of education, the Armenian authorities have strengthened their efforts to increase the publication of teaching materials in the regional or minority languages and to develop teacher training. However, despite the efforts made, shortcomings still exist. Teaching materials for the whole curriculum are not yet available in Assyrian, Greek, Kurdish and Yezidi, and there is a shortage of properly trained teachers. The Committee of Experts found that the situation of education in regional or minority languages at pre-school level is of concern and requires strong measures to be operational. Finally, the Committee of Experts is concerned about the possible negative impact of the "optimization" programme on regional or minority language education and needs some clarification regarding this issue.

E. The authorities have clarified that the use of regional or minority languages in criminal court proceedings is guaranteed in legislation even if the accused masters Armenian, and that interpretation and translation will be provided free of charge. However, apart from Russian, there is little information on the use of other regional or minority languages before criminal, civil and administrative courts in practice. Measures to promote the use of these languages before courts are needed, in particular through information campaigns for court personnel and the public.

F. The use of regional or minority languages in dealings with administrative authorities is marginal, as speakers tend to interact in Armenian with the authorities or possibly in Russian. A structured policy is needed to facilitate the practical implementation of the undertakings related to Article 10 and to ensure that regional or minority languages are used in dealings with local and regional authorities in regions where there is a strong presence of regional or minority language speakers.

G. In the field of media, the restrictions on airtime for regional or minority languages were removed by the Armenian authorities in October 2008. In practice however, the situation of broadcasting in regional or minority languages has changed very little. A structured approach is needed to ensure an appropriate presence of regional or minority languages in radio and television now that the legal restrictions have been withdrawn.

H. The Armenian authorities provide core state funding to the national minorities represented in the Coordinating Council for National Minorities. The 11 minorities receive the same amount of money regardless of their size. This system is currently under review. Representatives of national minorities expressed their satisfaction regarding the minority cultural centre provided by the Armenian authorities in Yerevan in 2007. It is primarily used by national minorities as an office for organising teaching of regional or minority languages and cultural activities.

I. Armenian and Russian are the languages primarily used in economic and social life. A structured policy is needed to promote the appointment of public services employees with skills in a regional or minority language in territories where the respective regional or minority language is used.

J. The Armenian authorities have not yet given a clear answer as to which regional or minority languages are traditionally used in Armenia in addition to those mentioned in Armenia's instrument of ratification. Based on the information provided by the authorities in the second periodical report, the Committee of Experts has dealt with Byelorussian, Georgian, German, Polish and Ukrainian under Part II of this report.

Overview of the situation of the regional or minority languages

K. Education in *Assyrian* has been subject to recent measures by the Armenian authorities, with the publication of textbooks. However, a syllabus needs to be developed for teaching in Assyrian in different grades and classes. Assyrian is practically absent in the court cases sector and in the economic and social sector. Assyrian is only used orally when interacting with public administration. It has a certain presence on radio but substantial measures are needed to ensure the use of this language, in particular by supporting print media and supporting the foundation of a cultural centre for the promotion of Assyrian in Dnipro.

L. Most of the obligations undertaken by the Armenian authorities in relation to *Greek* are not fulfilled as the number of speakers is very low. In addition, ethnic Greeks rather use Armenian or Russian in public life. The situation in most sectors of public life is weak. There is a need for the authorities to develop a structured policy, in cooperation with the speakers, to promote the use of Greek in public life.

M. There is no pre-school education available in *Kurdish*, nor is Kurdish used in judicial proceedings. Local authorities are using Kurdish both in oral and to a certain extent in the written form. There is a presence of Kurdish in the press and in radio. However, support is needed to ensure that programmes are broadcast in Kurdish on TV.

N. The Russian language is used not only by ethnic Russians but also by members of other national minorities. The situation of the Russian language in education, the media, in relations with regional and local administration and in the cultural field is good. Complaints were received regarding textbooks, which are imported from the Russian Federation, and as a result differ from the Armenian syllabus.

O. The Committee of Experts is concerned by the irregular attendance in primary and secondary education by Yezidi pupils. Yezidi is used with local authorities both in oral and to a certain extent in the written form. There is radio broadcasting in Yezidi but no TV broadcasting. Support is granted to written Yezidi publications, although only one of the three Yezidi periodicals is edited in Yezidi.

The Armenian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter, but did not avail itself of this opportunity.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Armenia. At the same time it emphasised the need for the Armenian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1066th meeting on 23 September 2009, the Committee of Ministers adopted its Recommendation addressed to Armenia, which is set out in Part B of this document.

Appendix I: Instrument of ratification



Armenia :

Declaration contained in the instrument of ratification deposited on 25 January 2002 - Or. Engl.

In accordance with Article 3, paragraph 1, of the Charter, the Republic of Armenia declares that within the meaning of the European Charter for Regional or Minority Languages, minority languages in the Republic of Armenia are Assyrian, Yezidi, Greek, Russian and Kurdish languages.

Period covered: 1/5/2002 -

The preceding statement concerns Article(s) : 3

Declaration contained in the instrument of ratification deposited on 25 January 2002 - Or. Engl.

According to Article 2, paragraph 2, of the Charter, the Republic of Armenia declares that it shall apply the following provisions of the Charter to the Assyrian, Yezidi, Greek, Russian and Kurdish languages:

Article 8 - Education

Sub-paragraphs 1.a.iv ; 1.b.iv ; 1.c.iv ; 1.d.iv ; 1.e.iii ; 1.f.iii.

Article 9 - Judicial authorities

Sub-paragraphs 1.a.ii, iii, iv ; 1.b.ii ; 1.c.ii and iii ; 1.d.
Paragraph 3.

Article 10 - Administrative authorities and public services

Sub-paragraphs 1.a.iv and v ; 1.b ; 2.b ; 2.f ; 2.g ; 3.c ; 4.c.
Paragraph 5.

Article 11 - Media

Sub-paragraphs 1.a.iii ; 1.b.ii ; 1.c.ii ; 1.e.
Paragraphs 2 and 3.

Article 12 - Cultural activities and facilities

Sub-paragraphs 1.a.d.f. (*)
Paragraphs 2 and 3.

Article 13 - Economic and social life

Sub-paragraphs 1.b ; 1.c ; 1.d ; 2.b ; 2.c.

Article 14 - Transfrontier exchanges

Paragraphs a and b.

[(*) Declaration contained in a Note verbale from the Ministry of Foreign Affairs of Armenia, dated 23 March 2004, transmitted by a Note verbale from the Permanent Representation of Armenia, dated 31 March 2004, registered at the Secretariat General on 1 April 2004 - Or. Engl.

The Ministry of Foreign Affairs of the Republic of Armenia draws the attention of the Secretariat General to a technical error contained in Armenia's instrument of ratification of the Charter. When depositing the instrument of ratification, an error of translation occurred, namely Armenia made undertakings concerning Article 12 of the Charter, where the subparagraph c) was included. Indeed, by decision N-247-2 of 28 December 2001 of the National Assembly, Armenia is bound by subparagraph d) of Article 12.]

Period covered: 1/5/2002 -

The preceding statement concerns Article(s) : 2

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Armenia

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Recommendation RecChL(2009)4 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Armenia

*(Adopted by the Committee of Ministers on 23 September 2009
at the 1066th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by Armenia on 25 January 2002;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Armenia;

Bearing in mind that this evaluation is based on information submitted by Armenia in its national report, supplementary information provided by the Armenian authorities, information submitted by bodies and associations legally established in Armenia and information obtained by the Committee of Experts during its "on-the-spot" visit;

Recommends that the authorities of Armenia take account of all the observations and the recommendations of the Committee of Experts and, as a matter of priority:

1. develop a structured policy to make available sufficient teacher training and up-dated teaching materials in Assyrian, Yezidi and Kurdish at all levels;
2. ensure the use of regional or minority languages before courts and inform courts and the public on the rights and duties related to Article 9 of the Charter;
3. take measures to improve the presence of Assyrian and Greek on radio, and of Assyrian, Yezidi and Kurdish on television;
4. clarify whether there are regional or minority languages used in Armenia other than those mentioned in Armenia's instrument of ratification.