

## APPENDIX

ECRI wishes to point out that the analysis contained in its report on Armenia, is dated 13 December 2002, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Armenia to engage in a process of confidential dialogue with ECRI on its draft text on Armenia and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Armenian governmental authorities expressly requested that the following observations on their part be reproduced as an appendix to ECRI's report.

### *OBSERVATIONS PROVIDED BY THE AUTHORITIES OF ARMENIA CONCERNING ECRI'S REPORT ON ARMENIA*

*"Observations and Comments by the Government of the Republic of Armenia on para. 31 (reception and status of non-citizens, asylum seekers and refugees), para. 46 (national minorities) and para 59. (M. the NK conflict)*

*Due to the lack of appropriate mechanisms of protection of minorities Armenians living outside Nagorno Karabagh, in different regions of Azerbaijan, suffered personal tragedies, not only during decades of Soviet Azerbaijan but also during the early years of Azerbaijan's independence.*

*Discrimination against Armenian minorities living in Azerbaijani towns and villages culminated in the late 80-ies when the people of Nagorno Karabagh expressed their constitutional right for self-determination.*

*The Nagorno Karabakh, historically an ancient Armenian entity, was subjugated to Azerbaijan only in 1921, by an arbitrary decision of a legally incompetent Caucasian Bureau of Russian Communist party. The decision was made by Joseph Stalin.*

*Ever since Azerbaijan appeared on the world map, history witnesses gross violation of HR resulting large-scale war in 1918-20, launched by Azerbaijan against Nagorno-Karabagh.*

*As a result of this Azeri aggression aimed at the total ethnic cleansing of Armenians of Nagorno Karabakh, 20% of all Armenians were killed. In Shushi, which was one of the biggest towns of Transcaucasis, 20.000 Armenians were massacred.*

*Subjugated to Azerbaijani rule throughout the Soviet period, the Armenian population of Nagorno Karabakh suffered severe discrimination by the authorities of Azerbaijan and their protests were strongly suppressed. As a result, approximately 75 years of Azerbaijani domination resulted in reducing the Armenian population of Nagorno Karabakh from 95 to 75%. Meantime, the Azeri population of the enclave grew tenfold.*

*These actions and aggressive policy pursued by the leadership of Azerbaijan left the only choice for Armenians of the NK to defend their rights in 1988 by exercising their right to self-determination.*

*The rise of violence was the only response of the Azeri authorities to the peaceful demand of the Armenians for respect for their rights both within the NK and against the Armenian minorities residing in different regions of Azerbaijan. In February 1988, the majority of the Armenian population of Azerbaijani town of Sumgait was slaughtered by the bloodthirsty armed groups. There are numerous witnesses of barbaric killings of Armenians - such as burning people alive. The Armenians were killed, tortured and maimed. Military forces and OMON had no mercy even on infants. Due to continuous shelling thousands innocent Armenians - citizens of the NK were killed.*

*As a result of the Azerbaijani discriminatory policies massacres and pogroms were organised against the Armenian population in the Azerbaijani towns and cities of Sumgait, Kirovabad, Baku, to name only a few. In its turn this resulted in the exodus of the Armenian population from Azerbaijan. Armenia became home for some 400,000 refugees, in 1988-1994. Since then, the Armenian government has done everything to ease the burden of the refugees, and actually refugees in Armenia smoothly integrated in the society and have all the rights and privileges that the Armenian citizens have. In the contrary the Azeri government has used the refugees as victims, who have been suffering from the "internal racism", and being kept in the refugee camps.*

*As a consequence of the Nagorno Karabakh conflict during the period of 1988-1994 until the establishment of the temporary cease-fire, more than half a million of Armenians were forcibly moved from Azerbaijan, of which 360 thousand forcibly moved to the RoA.*

*After the collapse of USSR the Armenian population of Azerbaijan was the first victim of ethnic violence committed by Azerbaijani authorities. Overall assessment of aggressive policy of Azerbaijan is reflected in the statement of Azerbaijani president Heydar Aliiev made at the regular session of the Milli Mejlis „We caused such losses to Armenians that they will never forget it „ (Bakinski rabochi, N. 39, 24.02.01):*

*Forty eight thousand displaced people from the Republic of Nagorno-Karabakh and neighbouring populated with Armenia Shahumian region emigrated to Armenia. Additionally eleven thousand Armenians moved to the Armenia in the results of conflicts in the post-soviet areas. The organisation of the assistance to the above mentioned people, as well as to 530 thousand people who were left without shelter in the result of the 1988 December 7 Earthquake, was the major problem for the new independent RoA. In the past years the shelter provision for these people has been solved partially -26,000 families in the earthquake zone, and 14,000 families from the refugees forcibly moved to Armenia in 1988 - 1992, are continuing to live in temporary shelters (communal centres, hostels, hotels, iron dwellings, administrative buildings, etc.).*

## *Minority rights in Armenia*

*Approximately 97% of the population of Armenia, an absolute majority, are native Armenians. Traditionally speaking, minorities have always enjoyed the same rights and freedoms as the Armenians themselves.*

*This is clear from the situation of Kurds, for example, who, for many decades, have formed a more or less stable 1.7% of the population in Armenia. As distinct from their compatriots living in neighboring countries, they have enjoyed full minority rights - schools, newspapers, etc. - even today denied to them in other countries.*

*Respect for minority rights extends fully to Russians, Jews, Assyrians, Greeks, Ukrainians, Georgians, Polish, Germans and other minorities. The mechanism for dialogue between and among minorities and the government was established in 1994. Right after independence, national minorities in Armenia founded the Union of Nationalities representing twelve different communities of Armenia. The role of this institution is to deal with economic, social, cultural, educational and other issues concerning minorities.*

*The Constitution of Armenia and the laws adopted formed the legal framework for the protection of human rights of citizens regardless of their national, ethnic, religious and linguistic affiliations, providing guarantees for the enjoyment of their basic rights and freedoms as set out in the Constitution.*

*NM-s acquired here their second Motherland and take an active part in economic and cultural development of Armenia. Due to changes in political, economic, social spheres, migration processes representation of separate ethnic groups in Armenia has substantially changed.*

*Since 1994 there are different organizations dealing with the problems of NM-s: Union of Nationalities, Association of Public National Organizations, Co-ordination Council under the Advisor of the President etc.*

*Establishment of the Co-ordination Council under the Advisor of the President of the Republic in March 2000 at the First Assembly of representatives of public national and cultural organizations was an important intermediate step on the way of foundation of the state structure on NM. Council consists of 22 representatives from 11 national minorities: Russian, Ukrainian, Belorussian, Georgian, Jewish, Greek, Ezids, Kurdish, German, Polish, Assyrian.*

*Despite a heavy socio-economic conditions process of democratic reforms in Armenia is going on including those which relate to the protection of the rights of minorities, respect of their ethnic, language and religious identity.*

*Armenia always demonstrates its commitment and adherence to observance of international standards in the field of protection of the rights of NM-s enshrined in the Conventions signed including Convention on securing rights of the persons belonging to National Minorities in CIS countries and European Framework Convention on Protection of the Rights of NM-s.*

*At present the draft law on NM-s which envisages protection of political, economic, social, judicial, ethnic, linguistic, cultural and religious rights of minorities, guarantees the right to*

*the equal access to education and participation in governance is under consideration of the National Assembly.*

*Though NM-s are not represented in National Assembly some 15 of them occupy high posts in the regional bodies of territorial administration.*

*National minorities publish their periodicals and newspapers. There are daily radio and TV broadcasts in Russian, Kurdish, Persian, Georgian, Assyrian etc. Among foreign languages being taught in secondary schools are Russian, Greek, Kurdish, Spanish, Arabic, French, German, English. There is a Department of Oriental Studies within the State University with separate Turkish and Persian sections.*

*In educational system there is no restriction for any national minority. They are equal to Armenians and they can have every opportunity to receive any education available for Armenians.*

*The children of the representatives of national minorities are free to choose classes, conducted on their own national language, if such classes exist. Such provision found place in the draft law as well.*

*In case of absence of such classes, the children belonging to national minorities can study in schools or classes with state language.*

*The fact that the examinations for the University admission are conducted in Armenian language is because 98-99% of applicants are Armenians and there is a lack of teachers with relevant qualifications. There are several international and foreign higher educational institutions, where the studies are carried out in foreign language. Due to their wish the representatives of national minorities may study in such institutions. However, main part of national minorities prefers Russian language."*