

APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Armenia

ECRI wishes to point out that the analysis contained in its third report on Armenia, is dated 30 June 2006, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Armenia was subject to a confidential dialogue with the Armenian authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

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

*Observations and Comments of the Government of Armenia
concerning the ECRI report on Armenia*

The Government of Armenia welcomes the continued dialogue with ECRI and uses this possibility to submit some comments as concerns to its third report regarding the points where, as Government believes, there is a further need for clarifications or additional information. In order to better reflect the current situation and developments in the field of combating racism and promoting tolerance and non-discrimination in Armenia the following remarks relating to individual paragraphs of the Report are made.

P. 11-15

The Government continues to closely cooperate with the representatives of national minorities to overcome the difficulties and disagreements in order to ensure the development of an inclusive legislation which would satisfy all the minority groups. In its work the drafting group strongly follows the principle of continued dialog and of achieving a broadest possible agreement.

The national minorities have been actively involved in the elaboration of the draft law and most of their comments were incorporated in the text. However, understandably, the positions of the minority groups varied and sometimes were even mutually exclusive, and the drafting group made every effort to try to find compromise wordings. Such compromise solutions could not, for obvious reasons, satisfy all the representatives of all the minority groups.

P. 16, 18 and 19

The Report has taken in the comments of the Armenian Government with regards the constitutional amendments, but we would like to stress that process of relinquishing the Armenian citizenship takes certain time and the delays do not affect representatives of minorities but have impact on all citizens.

In this regard, the Government would also like to ensure the Commission that in elaborating the legislation on dual citizenship, the drafting commission will be guided by the principles and provisions of the Constitution (in particular by Article 14(1)) and cannot propose or adopt any legislation which would be in violation of such provisions.

P. 52

The Law on Refugees and the Law on Political Asylum differ in the field of application and in their goals. They clearly define the difference between a refugee and a political asylum seeker. Besides, the Law on Political Asylum stipulates that the Law does not apply to those foreign nationals and persons without citizenship, who have acquired the refugee status or any other status as stipulated by law.

P. 56-58

Armenia received a significant number of refugees during the escalation of the situation in the Middle East in summer 2006. The existing capacities and the support from the communities and families, allowed to receive and provide shelter to all those who applied for asylum and assistance.

However, if inflow of refugees increases, Armenia would need to set up a more efficient government body, in which regard the Government might need consulting and guidance from relevant international bodies.

The Government would also highly appreciate if in its comments and recommendations the Commission takes into account the Government's limited resources.

P. 107

Pursuant to 1991 law on Rural and Rural Collective Farms and the Land Code, Armenia privatized its agricultural lands, livestock and equipment. Around 460 thousand hectares of the total 1.391 thousand hectares of agricultural land has been privatized as of January 2001. The allocation of land among villages was based on the lands owned by former kolkhoz and sovkhoz farms and on the place of residence.

The allocation was done as per 3 members of the household, and Yezidi and Kurdish communities, having larger households, received larger land slots. The average size of land slot was estimated at 1.4 hectares, while in the case of Yezidi families I can reach from 7 to 10 hectares.

The other problem, however, is the scarcity of land resources in Armenia, especially for animal husbandry, and the animal breeding communities sometimes do not have enough land slots to satisfy their needs. But the problem is common for all communities and ethnic groups, Armenian or non-Armenian in origin.

P. 108

The village of Zovuni is only one among the mostly Yezidi populated villages, at least 7 or 8 other villages have a very dense Yezidi population. However, the root of the problem lies in the fact that the Yezidi households of Zovuni did not take part in the privatization of the land, hence does not possess certificate of ownership.

The Government has decided to grant them ownership certificate for plots attached to the houses and the real estates. This process is financed through budget allocations because the Yezidi community continues to refuse to pay for the certificates at the State Cadastre. In fact the Government has engaged in a positive discrimination of the Zovuni Yezidi community and made an exception from its own regulations and policies.

P. 126

The Report refers to the complaint of the conscientious objectors about being required to wear military uniform. Such complaints are groundless since Article 16 of the Law on Alternative Service clearly defines the special uniform for those opting for alternative service and the regulations for wearing it. Such uniform can under no circumstances be of military nature.