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

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Comments of the Government of Armenia on the Fifth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Armenia

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Observations of the Government of the Republic of Armenia on the Fifth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Armenia

OPINION	COMMENT
Summary of the findings, Freedom of expression	
Paragraph 2 Limited progress has been observed in the realm of national minority rights legislation and its effective implementation over the last monitoring cycle. The authorities have emphasized that the combined effect of the Covid-19 pandemic and the outbreak of hostilities in the Nagorno-Karabakh conflict in 2020 have contributed to this legislative stasis in the field of national minority protection. In addition, the Advisory Committee has observed that the conflict has had a negative impact on the implementation of human rights, including minority rights.	During the specified period, all the planned works envisaged by the state have been carried out, except for the *force majeure* situations that emerged due to the mentioned problems, which objectively did not allow to work more effectively.
Paragraphs 3, 8, 99-104 …criminal proceedings against Yezidi human rights defender Sashik Sultanyan; …with regard to recent developments of the case; … with regard to serious concerns of international and national human rights actors, including the Council of Europe	**The circumstances of the case have been changed (please see below)** In regard to the Chairman of the "Yezidi Center for Human Rights" NGO Sashik Sultanyan case, we would like to re-confirm the position presented in the course of communication with the FCNM Advisory Committee Experts in Yerevan, that Sultanyan is not considered as human rights defender by the Yezidi community of Armenia, nor as a prominent person. He was criticized by many Yezidis for spreading disinformation through foreign media (yezidinews.com website operating in the Republic of Iraq, interview of 8 June, 2020) about the alleged mistreatment and discrimination of Yezidi minority by the Armenian authorities, thus inciting national enmity between Armenians and Yezidis.

Human Rights Commissioner and others in relation to the criminal prosecution against Sashik Sultanyan.	The preliminary investigation of the criminal case had been completed, the indictment had been confirmed by the supervising Prosecutor and the criminal case was sent to the court on 2 August 2021 for examination on the merits. During the regular Court session held on 18 July, 2022, the defence counsel of Sashik Sultanyan filed a motion to allow a temporary suspension of the existing restrictions regarding S. Sultanyan in the EBMI system during the period of 20 July, 2022, to 26 July, 2022, including, and the period of 20 August, 2022, to 13 September, 2022, taking also into consideration that S. Sultanyan received an invitation to participate in the "Future of Human Rights, Human Rights of the Future" Conference held in Paris and organised by the "International Federation of Human Rights", and the "International Visitor Leadership Program" organised by the US government. Taking into consideration that Sashik Sultanyan received the invitations from international partner organisations, the prosecuting body had no objections to the motion, and the motion of the defence counsel had been rewarded upon Decision of the First Instance Court of General Jurisdiction of the City of Yerevan of 18 July, 2022. The Court sessions scheduled for 8 August and 26 October, 2022, were not held due to the absence of Sashik Sultanyan. According to the requests made by the Court, it has been found that on 24 July, 2022, S. Sultanyan left the Republic of Armenia. In fact, Sashik Sultanyan is currently hiding from the body conducting the criminal proceedings, thus hindering the judicial examination of the case. Since he is not appearing without a valid reason and is avoiding criminal liability, the prosecuting authority, during the court session on 26 October, 2022, filed a motion to change the measure of restraint to detention and to place him on a wanted list. The First Instance Court of General Jurisdiction of the City of Yerevan, upon its decision of 26 October 2022, has satisfied the motion of the prosecuting authority.
Legislative and institutional framework on discrimination, equality data; **Legislative and institutional anti-discrimination Framework**	

Paragraphs 5, 50 …absence of comprehensive legislative framework prohibiting discrimination; …comment on elaboration but not adoption of the draft Law on Ensuring Equality in 2016.	Adoption of the Law of the Republic of Armenia "On National Minorities", Law of the Republic of Armenia "On ensuring legal equality" and related draft laws has been enshrined in the National Strategy for Human Rights Protection and the 2020-2022 Action Plan stemming therefrom. In relation to COVID-19 pandemic and the aggression unleashed against Nagorno Karabakh (Artsakh) by Azerbaijan in September-November 2022, resulted in humanitarian crisis, the time frame for the adoption of the drafts have been extended. The adoption of the Laws is under consideration.
Protection from gender-based violence	
Paragraph 7 …early and forced marriage of Yezidi girls, which continues to be a matter of concern in Armenia.	During the years of 2021-2022, the representative of the Police of Armenia were involved in the workshop held by the "Yezidi Center for Human Rights" NGO and participated in the workshop within the scope of "Prevention of early marriages through co-operation between decision-makers and the Yezidi community" Programme implemented with the support of the Embassy of the Kingdom of the Netherlands in the Republic of Armenia. An alternative strategic document and a road map aimed at preventing early marriages in the Yezidi community was developed within the framework of the mentioned programme. A manual on efficient work with cases of early marriages was also elaborated within the scope of the same programme, and was used during the July-August, 2022, training for social workers of Armavir province, Kotayk province and Ararat province communities, members of the Guardianship and Trustee Commission, as well as for the employees of the Police sub-divisions of Juvenile Affairs and Domestic Violence Prevention. The purpose of the training was the development of capacities of public servants performing their duties towards prevention of early marriages in Yezidi communities.
Protection from gender-based violence	
Paragraph 7, 80 ... early and forced marriage of Yezidi girls continues to be a concern in Armenia;	The data underlying the conclusions in points 7 and 80 of the 5th Opinion on the Republic of Armenia, approved by the Advisory Committee, are extremely one-sided. They do not reflect the real state of measures by the government in the sphere of criminal justice, nor they present the essence of the problem. And the problem is that early and forced marriages of Yezidi girls, as a rule, the abductions of the Yezidi girls are carried out by the Yezidi men - even in case of early marriages upon the mutual consent of the parents of the "spouses" within the community. Those cases are hidden from the law

…the Advisory Committee's interlocutors stressed the authorities' positive obligations to protect all persons from harm and to uphold the right to education. Several interlocutors stated that even in the presence of prima facie evidence, the State fails to implement its positive obligations.	enforcement bodies, and besides, after being revealed, are justified by the representatives of the Yezidi community as national customs. In one criminal case, when a sentence of punishment has been imposed on all persons of the group who have participated in abduction of a minor Yezidi girl for the purpose of marriage, the defendants have justified their actions with national customs, presenting this argument also in the cassation appeal. Referring to the characteristics of the crime of kidnapping a minor by a group of persons, the Court of Cassation of the Republic of Armenia has emphasised that "(...) Article 29 of the Constitution of the Republic of Armenia enshrines: "Discrimination based on gender, (...) belonging to a national minority, (...) shall be prohibited." Pursuant to Article 30 of the Constitution of the Republic of Armenia "Women and men shall have equal rights". Pursuant to Article 35 of the Constitution of the Republic of Armenia: 1. "A woman and a man having attained the marriageable age shall have the right to enter into marriage and form a family with free expression of their will. (…) 2. A woman and a man shall have equal rights when entering into marriage, during marriage and at its dissolution (…)." Pursuant to Article 1 of the Family Code of the Republic of Armenia, "(...) 3. Women and men shall enjoy equal rights when entering into marriage, during marriage, and at its dissolution. 4. Legal regulation of family relations shall be carried out in accordance with the principle of voluntariness of the marital union of a man and a woman (...). 5. Any restrictions of the rights of citizens on the elements of social, racial, national, language or religious background shall be prohibited when entering into marriage and in family relations (...)." Pursuant to part 2 of Article 16 of the 1948 UN Universal Declaration of Human Rights: "Marriage shall be entered into only with the free and full consent of the intending spouses." Article 5 of the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) prescribes: "States Parties shall take all appropriate measures: (a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (...)." Pursuant to Article 16 of the same Convention: "1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of

men and women:

(a) the same right to enter into marriage;

(b) the same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) the same rights and responsibilities during marriage and at its dissolution (...)."

Points 3-6 of the Resolution 1468 of 2005 on "Forced marriages and child marriages" of the Parliamentary Assembly of the Council of Europe specifies: "It is outraged by the fact that, under the cloak of respect for the culture and traditions of migrant communities, there are authorities which tolerate forced marriages and child marriages although they violate the fundamental rights of each and every victim. The Assembly defines forced marriage as the union of two persons at least one of whom has not given their full and free consent to the marriage. Since it infringes the fundamental human rights of the individual, forced marriage can in no way be justified. The Assembly stresses the relevance of United Nations General Assembly Resolution 843 (IX) of 17 December 1954 declaring certain customs, ancient laws and practices relating to marriage and the family to be inconsistent with the principles set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights.

Decision of the Court of Cassation of the Republic of Armenia No ARAD1/0023/01/15 of 23 December 2016 in case of R. Broyan and others.

On the basis of the combined analysis of the above-mentioned provisions, which have been enshrined in domestic legislation, as well as in international treaties and other international documents ratified by the Republic of Armenia, the Court of Cassation states that marriage is a voluntary union of a man and a woman for the purpose of forming a family. A woman must freely express her will to choose a spouse and form a family, and, moreover, any restrictions of rights based on social, racial, national, linguistic or religious belonging in this regard shall be prohibited. Persons forming a marital union have equal rights and responsibilities. In other words, when entering into marriage, each of the persons entering into the marriage must show a conscious and thoughtful desire, the consent must be given freely and independently, without influence of threat, violence or coercion.

Therefore, taking into consideration, the nature and significance of this legal relationship, the Court of Cassation states that abduction committed for the purpose of restricting the right of a person to choose a spouse with free expression of his or her will, to enter into marriage, testifies to the high degree of danger posed to public by the crime committed.

At the same time, the Court of Cassation emphasises that this circumstance cannot be considered as a condition in itself for recognising that it is inappropriate not to apply the imposed sentence conditionally.

	When settling the mentioned issues, the conclusion of the courts in each case should, among other circumstances, be based on a complete assessment of all factors having an impact on the criminal act in question and the degree of danger posed to the public by the criminal. Moreover, it should be based also on the circumstances such as the good and neighbourly relations between the victim and the criminal before the crime was committed, positive attitude of the victim towards the criminal, the nature of the relationship formed between the victim and the defendant after the crime was committed, etc. (...)" (See points 17.1-17.2 of Decision of the Court of Cassation of the Republic of Armenia No ARAD1/0023/01/15 of 23 December 2016 in case of R. Broyan and others). As a result of the analysis presented above, the Court of Cassation of the Republic of Armenia has rejected the request of the appellants not to conditionally impose the punishment in the form of imprisonment. Moreover, referring to the argument of the appellants to the effect that their action has been conditioned by national customs, the Court of Cassation of the Republic of Armenia, taking into consideration the above-mentioned legal positions, has recorded that "(…) re-presenting the purpose of committing the crime as national customs in this Case may not testify to the smaller risk of the criminal act committed, therefore the appellant's arguments in that regard are not substantiated (…)" (See point 21 of Decision of the Court of Cassation of the Republic of Armenia No ARAD 1/0023/01/15 of 23 December 2016 in Criminal Case regarding R. Broyan and others).
Legislative and institutional framework on discrimination, equality data	
Paragraph 11 …education in Yezidi is only offered as an extra-curricular subject.	In Aragatsotn province, where there are compact settlements of Yezidis, the Yezidi language is taught as part of the curriculum at local public schools.
Effective participation	
Paragraph 12 …the Council of National Minorities continues to be the vehicle through which national minority representatives have an official dialogue	The Division of Ethnic Minorities and Religious Affairs of the Staff of the Prime Minister can also act as a mediator for the representatives of national minorities of the Republic of Armenia.

with the authorities. The requirements to join this Council may be exclusionary to any minorities claiming recognition more recently; …the lack of consultations regarding administrative and territorial reforms in the mentioned "enlargement" process is worrying. The Advisory Committee considers that effective consultation with national minorities is important when making such decisions.	The considerations and hearings on enlargements have been held in all communities included in the merging programmes, and in all the communities where there are national minorities. The representatives of national minorities have participated in the considerations both as residents of the beneficiary community and as citizens of the Republic of Armenia, as well as they have expressed their opinions.
Further recommendations	
Paragraph 27 … the Advisory Committee calls on the authorities to gather data on the socio-economic situation of national minorities, especially in the fields of employment, access to proper infrastructure and the impact of climate change.	The main source of the statistics of labour market is the Labour Force Survey, which is a statistical study of households selected by a certain sampling method. The study is conducted by the methodology and procedure recommended by the International Labour Organisation (ILO). According to the results of the last census of the Republic of Armenia (2011), national minorities comprise 2% of the population, whereas the Labour Force Survey is a random survey, and the phenomena with a relatively low prevalence objectively have a small probability of being included in the selection, therefore, they have low reliability of the relevant data. Due to the above-mentioned, the questionnaire of the Labour Force Survey does not provide for a question about ethnic background. However, depending on the results of the 2022 Census of the Republic of Armenia regarding the subject in question, the Labour Force Survey questionnaire may be reviewed accordingly to provide official statistics on the degree of involvement of ethnic minorities in the labour market.
Scope of Applications	
Paragraph 35 ...following the constitutional amendments of 2015, the Co-	The Co-ordinating Council functioning within the Staff of the President of the Republic of Armenia until 2018, and the Council of National Minorities established thereafter in 2019 within the Staff of the Prime Minister, included the non-governmental organisations of the ethnic groups that complied with

ordinating Council for National and Cultural Organisations of National Minorities, the main forum of representatives of 11 larger national minorities, terminated its activities under the staff of the President of Armenia; …the Advisory Committee observes again that this composition gives them increased visibility and access to regular funds compared to other minorities which are not represented in the Council, such as Udins, who have requested to be on the Council in order, inter alia, to have access to some level of funding, but were reportedly informed of the need to have proof of five years of activities to be a member of the Council, raising questions about the potential inclusivity of the Council according to the provisions of Decree 486-L (see Article 15). The Udins are reportedly in the process of being recognised as a national minority — by being a member of the Council — by the authorities, and they also state that funding has been given for Udins' activities in 2018, although they are not included in the list of the Draft Law.	the below-mentioned criteria - rather than the "11 largest" organisations not subject to any definition", as it is mentioned in the text of the 5th Opinion. Failure to register the Udi as a national minority is conditioned by the lack of appropriate legal mechanisms. There is no existing law on national minorities in the Republic of Armenia, which would prescribe the requirements and relevant procedures for registration of national minorities. The 11 national minorities, recognised in the Republic of Armenia, have been declared as such during the session of the Congress on national minorities held in 2000. Once the Draft Law "On National Minorities" is adopted, the definition of national minorities and subsequent registration process thereof will be more clearly regulated.
Population census	
Paragraph 42 The population census, due to take place	The latest census in Armenia was held on 13-22 October, 2022, in accordance with the Recommendations for the 2020 Censuses of Population and Housing of the Conference of European

in 2020, had to be postponed and will now take place from 13-22 October 2022. The draft census form presents open questions on ethnic and linguistic affiliation although interviewers will use a list to record responses — and no possibility for declaring multiple ethnic affiliations. The authorities have indicated that preference will be given to persons belonging to national minorities when recruiting census interviewers.	Statisticians (United Nations Economic Commission for Europe, UN, New York and Geneva, 2015, https://unece.org/info/Statistics/pub/21844) and in accordance with the main requirements of the Document ECE/CES/41 and Census Programme (Questionnaire) adopted by Decision of the Government of the Republic of Armenia No 1149-N of 28 July, 2022. For the first time, the combined method has been selected for the implementation of the 2022 Census of the Republic of Armenia, that is by combining the data of the State Register of Population unified with the Electronic Border Management Information System by a special software programme, and the data collected by the census program from 25 percent of sample addresses. This census methodology, like the previous ones in 2001 and 2011, is based on the provisions defined by the aforementioned UN recommendations. Questioning about national and/or ethnic belonging, according to the above-mentioned UN recommendation, is not a core topic as it is included in non-core topic list, and the necessity for collecting the data on more than one ethnic belonging is mainly conditioned by the characteristics of the national composition of the country, a circumstance of exclusion of the possibility of disclosing the nominal data collected ("Privacy and Security" Section of Chapter 1) and available resources. The selection of only one ethnic belonging in the 2022 Census Questionnaire of the Republic of Armenia is conditioned not only by the above-stated. The fact that the questionnaire also includes a question about the person's religious background, which completes the information collected, is also taken into consideration. At the same time, it should be emphasised that the information on national affiliation is available in the data of the State Population Register, and it has also been included in Census Programme of the Republic of Armenia in 2022.
Paragraph 43 Minority representatives expressed concern at the previous practice of the census, whereby the interviewers conducting the census may have wrongly interpreted and recorded a refusal to respond by a person belonging to a national minority to the nationality/ethnicity question as the response “Armenian”, leading to a skewing of the figures of persons belonging to national minorities. Nevertheless, they stated their	Questions about national/ethnic belonging and citizenship of a person are clearly differentiated by methodology of holding 2001, 2011 and 2022 censuses, which are recorded in the instructions and methodological guidelines on filling out the questionnaires. They could not be misinterpreted by the persons conducting the census, since the enumerators recruited for the purpose of the census, including the representatives of ethnic minorities, underwent special training/instruction and knowledge testing, and their works have been monitored by instructors during the actual record-registration of the process. As it was done during the previous censuses, clarifications were provided to the general public through mass media and the Internet, along with posters and brochures covering the 2022 census of the Republic of Armenia. The materials included the formats of meetings with representatives of national minorities, written clarifications for them, particularly for the leaders of the Yezidi and Kurdish minorities.

expectation that the number of persons belonging to national minorities would be markedly decreased at this census — owing to emigration. They indicated a lack of awareness among persons belonging to national minorities of the possibilities to self-identify, and stated that this could have been misinterpreted as not identifying as an Armenian citizen — thereby indicating some disloyalty to the country.	
Paragraph 44-45 …the authorities list of possible responses to the ethnicity and language questions of the census should be open and not closed	As mentioned, the 2022 Census Program was approved on 28 July, 2022, and the questions about national/ethnic background and languages were open questions, and persons involved in sample surveys were free to choose their nationality and language, as well as they could exercise their right to refuse to answer those questions (Part 15, Article 21 of the Law of the Republic of Armenia "On official statistics"). To ensure quality and efficiency of the implementation of systematic instructions, special electronic guidelines have been developed for the instruction of personnel involved in conducting of the census 2022. The guidelines included both the order of filling out the questionnaire and filling out the answers using electronic devices (tablets).
Legislative and institutional anti-discrimination Framework	
Paragraph 51 …by a Decree of 26 December 2019, the Government approved the National Strategy on the Protection of Human Rights for the period between 2019 and 2023.	The mentioned Strategy for Human Rights Protection of the Republic of Armenia was adopted for the years 2020-2022. The document can be found at the link https://www.arlis.am/DocumentView.aspx?docid=159241 (available in Armenian)
Equality data	
Paragraph 57	In 2021, the Statistical Committee of Armenia (ARMSTAT), within the framework of co-operation with

…the state report did not provide specific data, more recent than the information obtained in the census of 2011, disaggregated by ethnicity. There is a lack of readily available data disaggregated by age, gender and geographical distribution, especially in the fields, inter alia, of education, employment, healthcare services, the beneficiaries of social welfare services, domestic violence affecting women and children belonging to national minorities.	"International Centre for Human Development" LLC, conducted a survey on domestic violence against women (see: https://armstat.am/en/?nid=82&id=2487) using the methodology recommended by the World Health Organisation. Information collected included also women of ethnic minorities aged 15-59, but due to the very small number of cases the statistics was not presented in the summary analytical report of the survey as disaggregated data.
Support for national minority cultures	
Paragraph 63 …the Greek minority has asked that the Pontic Greek language be included on the list of intangible cultural heritage, and that its church in the village of Hankavan (Kotayk province) is given the status of a monument. It was also reported that Yezidis do not get funding for the construction of their shrines or temples. Persons belonging to the Udins also regretted that the funding was mainly available through the Council, and that there was little other support for their cultural events in 2018.	Preservation, dissemination and development of the cultural heritage and culture of national minorities is one of the priorities of the cultural policy of the Republic of Armenia. In 2019, the construction of the world's largest Yezidi temple in Armenia, the Malek Taus and the Seven Angels was completed. The white granite and marble temple with seven domes was built in the small Yezidi village of Aknalich, 35 kilometres away from the capital city of Yerevan. The 25-meter-hight temple has a large prayer hall, religious school and museum. The seven domes symbolize the seven saints of the Yezidi faith. The consecration ceremony of the temple took place on 29 September 2018, led by the Spiritual Leader of All Yezidis, and the opening ceremony thereof took place on 29 September 2019, with the participation of thousands of Yezidis from around the world. Monuments to the victims of Yezidi, Assyrian and Jewish Genocide are located in different parts of the Circular Park of Yerevan, where regular tribute ceremonies are held.
Paragraph 64 …Yezidi representatives regretted that much of the authorities' work to support their culture and minority in	Government funds allocated annually from the state budged to national minority organizations of Armenia are being distributed upon the approval of the Council of National Minorities composed of representatives of 11 national minority organizations and after discussion with all of them. This approach ensures both awareness and transparency of the distribution process.

general was limited to folkloristic expressions of dance and song, rather than using funds to address other key areas, … minorities stated that Armenia's efforts to preserve and develop their culture were welcome, but could most likely not avoid this disappearance; … regarding the decrease in the number of representatives of small communities; … In relation to the issue of baptism of representatives of the Greek community in the Armenian Apostolic Church.	Since the scope of cultural activities is larger than in other spheres, the spending on culture prevails when it comes to the distribution of funds by sectors. The methodology of distribution of funding can be reviewed upon the request of national minority organizations to include wider scope of activities. Regarding the decrease in the number of representatives of small communities, it largely depends on the security situation in the region along with the economic situation due to the blockade of Armenia by Azerbaijan and Türkiye. Regarding the issue of baptism of representatives of the Greek community in the Armenian Apostolic Church, it should be mentioned that the above-mentioned conditions in the Republic of Armenia contributed to migration (emigration) of already small ethnic groups since 1991 and in particular the Greek community who left their traditional settlements where they had their churches.
Intercultural dialogue	
Paragraph 79 …the Advisory Committee calls on the authorities to take active steps to raise awareness of Armenia's ethnic diversity and of the culture, history, traditions, religions and languages of national minorities in society, counter ethnic and religious stereotypes and promote the conditions necessary for intercultural dialogue.	In the 5th grade of public schools, the subject "My Homeland" contributes to the study of the history, language, and culture of national minorities of Armenia. "National Center for Education Development and Innovation" Foundation of the Ministry of Education, Science, Culture, Sport of the Republic of Armenia has initiated a series of events dedicated to the promotion of traditions and holidays of the national minorities of the Republic of Armenia. The project will be carried out with participation of representatives of the national minority communities.
Protection from gender-based violence	
Paragraph 82	To combat the domestic violence effectively, the Police of Armenia prioritizes both the prevention of the violence and the protection of persons subjected to domestic violence ensuring their safety

…according to the Council of Europe Commissioner for Human Rights, "domestic violence remains a serious, widespread, and to some extent still underestimated phenomenon in Armenia"; …according to the interlocutors of the Advisory Committee, domestic violence, particularly affecting women and children, is also a widespread issue for national minority communities.	irrespective of gender, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age or other personal or social circumstances. There are no reports to the Police specifically on violence against women belonging to ethnic minorities.
Paragraph 84 …the Advisory Committee reiterates its concerns regarding the damaging consequences of early and forced marriage which is widely acknowledged as a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations. This issue also hinders the right to education to which every child is entitled.	The identifying the children dropped out of education is within the scope of responsibility competent officers of the specialised sub-division of the Police, who co-work on this issue with general education schools, Guardianship and Custody Commissions, departments for protection of family, women and children rights, general education departments of administrations of the country regions (marzes). The duties of the Police officers include conversations of preventive nature held with children who are dropped out of general education, as well as their parents and legal representatives. At the same time, competent police officers pay visits to the administrative regions and conduct preventive explanatory works with the population, including with minors. Children of school age who have been regularly absent from classes and showed suspicious behaviour, become in the focus of special attention and are offered special educational activities.
Hate speech and hate crime	
Paragraph 92 …as regards the conclusion of the Advisory Committee to the effect that the racial discrimination must be observed as an aggravating circumstance for any offence and the aggravating circumstance mentioned by	Article 71 of the new Criminal Code of the Republic of Armenia, which prescribes the circumstances aggravating criminal liability or punishment, specifies, *inter alia*, commission of the crime with motives of hatred, intolerance or enmity conditioned by racial, national, ethnic or social origin, religion, political or other views or other circumstances of a personal or social nature as circumstances aggravating the punishment and liability. It should be clearly emphasised that within the scope of the new Criminal Code of the Republic of Armenia, when imposing punishment for all crimes committed with the motive of racial discrimination, the court may consider that motive as a circumstance aggravating criminal

the new Criminal Code of the Republic of Armenia refers only to certain crimes exhaustively listed.	liability or punishment. Thus, a clear set of tools has been stipulated by the new Criminal Code of the Republic of Armenia to address the issue.
Paragraph 96 The Advisory Committee asks the authorities to set up a comprehensive data collection system with regard to hate crimes and hate speech, with fully disaggregated data on offence and hate motivation, thereby allowing the assessment of the impact on national minorities and the way these phenomena have been addressed by authorities.	Currently, the Police of the Republic of Armenia does not separately register hate crimes. At the same time, there are certain provisions in the Criminal Code of the Republic of Armenia which refer to the commission of the crime with motives of national, racial or religious hatred or enmity, whereby relevant count is carried out.
Freedom of religion	
Paragraph 108 …the Advisory Committee reiterates that effective access to places of worship is a key element of the manifestation of religion, including under the case law of the European Court of Human Rights. It regrets in this context that authorities have not acted in order to postpone work to renovate the church inserting symbols of the Armenian Apostolic Church has been ongoing even while the court case is pending before the Civil Court of Appeal. The authorities should seek to ensure that the Assyrian	The Head of the Assyrian NGO "Khayadta", I. Gasparyan, and the Department of National Minorities and Religious Affairs of the Staff of Prime Minister of Armenia have reached an agreement with the Head of Ararat province of Armenia to stop the renovation works of the church until the final decision of the court is issued.

minority's right to freely manifest their religion is respected.	
National minorities and the media	
Paragraph 110 By law, public television and radio have to provide a level of airtime for broadcasting programmes about the life, culture and languages of Armenian national minorities.	Besides "National Flavours" and "Side by Side" programmes mentioned in the Opinion, the programme dedicated to the 11 national minorities of the Republic of Armenia entitled "A part of the whole" is being broadcasted on H1 TV channel.
Intercultural education	
Paragraph 133 …the authorities reported no significant initiatives to promote intercultural education via curricula, teacher training or textbooks or other resources, but they did inform the Committee that a new curriculum was being piloted in the Tavush region, which includes information about national minorities in Armenia, in conformity with its predefined objectives.	On February 4, 2021, the Government of the Republic of Armenia upon its the Decision N136-N approved new state criteria of general education defining the expected outcomes of elementary, basic and secondary programmes of general education. Those outcomes also include the requirements for students of national minorities to be able to communicate, write and read in their national language, to recognise and be able to represent their culture.
Effective access to education	
Paragraph 138, 144, 147 … according to Article 12(3), equal opportunities for access to education at all levels for persons belonging to national minorities must be promoted.	The 2021-2026 Action Plan of the Government of the Republic of Armenia approved by Decision of the Government No 1902-L of 18 November, 2021, in line with the conclusions and recommendations related to the field of the higher education, allocates up to 7 tuition-free places annually for bachelor's degree in the higher education (including continuing and integrated education programmes) for representatives of national minorities.

Paragraph 140, 144 …international organisations including UN CERD, UN CEDAW and others, have continued to raise the issue of school drop-outs among minority groups in Armenia.	Currently, a new procedure for identification and reference of children dropped out of compulsory education has been presented for public discussion and consideration. It is aimed at improving an electronic sub-system called "Identification of children dropped out of compulsory education", regulating the process of record-registration of school-aged children, clarifying the scope of obligations of territorial administration and local self-government bodies, all responsible structures and interested bodies in the process of including children in general education.
Minority language education	
Paragraph 148 **…i**n terms of materials, the authorities report that textbooks for teaching Assyrian are produced by the community — and the Advisory Committee has seen for itself recently republished textbooks including an alphabet book for Assyrian (republished in 2019).	Assyrian language textbooks are being developed by relevant experts of the Assyrian community, then published and re-published at the expense of the state budget. In 2020-2021, the Assyrian community, as a member of the Council of National Minorities, was granted, on a competitive basis, an opportunity to develop also an electronic versions of Assyrian language textbooks for the grades 1-4 of public schools and place them on the relevant electronic platform (https://schoolbooks.am/#/groups.).
Paragraph 149 Limited information about minority language preschools has been made available to the Advisory Committee, but it has been informed of a trilingual (Armenia, Russian and Assyrian) kindergarten established in the village of Verin Dvin (Ararat province). At university, minority languages may most often be studied as foreign languages (especially German, Greek and Ukrainian), but Assyrian cannot be studied.	Russian, Polish and Hebrew are also among the listed minority languages studied as foreign languages in the universities.

Paragraph 151 Interlocutors of the Advisory Committee informed it that minority language teaching may also take place in the form of 'Sunday schools' organised at the premises of the Council of National Minorities, or in the offices of the minorities themselves. This is an extracurricular initiative of the minorities to preserve and pass on their minority language, with small numbers of pupils (7 studying the Belarusian language), and these classes have now moved online due to the Coronavirus pandemic. The German minority also reported that it teaches the language through classes and Biblical study, as well as through folk music. It was further reported that this is often run voluntarily by the minorities. Assyrians stated that some Assyrian language sections of schools have been threatened with closure in the past, and also with the quality of teacher training.	Teaching the languages of national minorities is also provided through the training courses organised in the format of "Sunday schools" held in the venue of the "Educational and cultural centre of national minorities" with the support of the Government of Armenia.

Paragraph 154 The Advisory Committee emphasises the importance of updated and high-quality textbooks as an integral part of the teaching of minority languages. It praises the efforts of the Assyrian minority in ensuring their textbooks continue to be published. It however wishes to remind the authorities of its obligations under the Framework Convention to ensure that teaching materials are available for students and pupils of minority languages.	Yezidi and Kurdish textbooks are re-published every year with the funds allocated from the state budget of Armenia and are provided to students free of charge. Electronic versions of the textbooks and subject programmes published for representatives of national minorities are also available on the "Database of Resources" website of the "Armenian Educational Environment" portal (http://lib.armedu.am)". The Community Assyrian language teaching is organized with the involvement of the representatives of the community, who also participate in the elaboration of the textbooks. At the same time, according to the draft Law "On Approving the State Program for Educational Development in the Republic of Armenia by 2030" approved by the National Assembly, a qualitative improvement of educational resources and literature, both printed and electronic, in the Armenian language and the language of ethnic minorities is one of the priorities of the quality education and shall be implemented.
Yezidi language education	
Paragraph 158 …Yezidi representatives informed the Committee of their dissatisfaction that teaching of their language is generally available informally, in the form of elective classes outside normal teaching hours, and for only one or two hours per week… and emphasised the need for a greater offer of vocational, adult and continuing education in Yezidi.	Teachers belonging to national minorities participate in the advancement training courses in the same manner as other teachers.
Paragraph 160 The Advisory Committee considers that the teaching of minority languages as an optional subject does not sufficiently encourage minority pupils to learn their minority language…The Advisory Committee therefore regrets the continued absence of Yezidi language from the general curriculum, and its	Yezidi language is a part of the school curriculum in the compact Yezidi settlements where the schools have certain number of students. The allocation of the funds for teaching in the Yezidi language is based on the number of students visiting school.

continued presence in the margins of the school timetable.	
Territorial and administrative reform	
Paragraph 187 …the authorities further state that the benefit to this consolidation is to increase funding.	The following wording is suggested to better reflect the situation in place: "…to consolidate the resources, including financial resources, and provide better quality services to the population".
Bilateral and multilateral relations	
Paragraph 194 …the Advisory Committee reaffirms the importance of bi- and multi-lateral arrangements in the protection of national minorities, but reiterates that this is not a substitute for active state support. Additionally, it cautions that a reliance on "kin-state" support can lead to a situation whereby those without a "kin-state" are put at a disadvantage. Therefore, whilst welcoming the unhindered cooperation and financing of national minorities from abroad, the Advisory Committee regrets the disparities which this can create in minority protection.	The Council of National Minorities takes into account that the Yezidi, Kurdish and Assyrian communities of Armenia do not have a "kin-state" state, in particular, when it comes to the distribution of resources allocated from the state budget of Armenia. In general, national minorities without "kin-state" are under special care and protection in Armenia, and this is a priority of the state policy in respect to national minority rights.