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

Third Opinion on Armenia adopted on 14 October 2010

EXECUTIVE SUMMARY

Since the adoption of the Advisory Committee's second Opinion in May 2006, Armenia has taken a number of measures to advance the implementation of the Framework Convention. The authorities continue to show an inclusive approach concerning the scope of application of the Framework Convention and co-operate with all national minority communities living on its territory. A general climate of tolerance and understanding between national minorities and the majority prevails in the country.

The Department for Ethnic Minorities and Religious Affairs and the Coordinating Council for National and Cultural Organizations of National Minorities continue to play an active role in raising awareness on issues affecting national minorities and in seeking to resolve outstanding issues.

Problems remain, however, in the implementation of some of the provisions of the Framework Convention. In particular, the formulation and the mandatory nature of the answers to questions on nationality/ethnicity and language contained in the proposed questionnaire for the population census planned for 2011 raise problems as regards the right of persons belonging to national minorities to choose to be treated or not to be treated as such.

No comprehensive anti-discrimination legislation has yet been adopted and there remains a lack of reliable statistics in this field.

The plans for the reform of local self-government in Armenia may have a negative impact on the right of persons belonging to national minorities to participate effectively in public affairs at local level.

Issues for immediate action

- **Review, in the context of the preparation of the population census of 2011, the proposed wording of the questions relating to a person's identification with a national minority and to his or her minority language and the selected methodology of the questionnaire;**
- **Take resolute measures to ensure that the rights of persons belonging to national minorities are duly taken into account when planning and implementing the local government reform and to guarantee that the reform has no negative impact on the right of persons belonging to national minorities to participate effectively in public affairs at local level.**

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

THIRD OPINION ON ARMENIA

1. The Advisory Committee adopted the present Opinion on Armenia in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 5 November 2009, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Yerevan, from 21 to 24 June 2010.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Armenia. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Armenia, adopted on 16 May 2002 and 12 May 2006 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 15 January 2003 and 7 February 2007.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Armenia.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Armenia as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.
6. The Advisory Committee would also like to bring to the attention of State parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities).

I. MAIN FINDINGS

Monitoring process

7. The Armenian authorities have pursued their constructive approach to the monitoring process under the Framework Convention, including by submitting their State Report in a timely manner. The Advisory Committee wishes to emphasise, as a positive step, that the Armenian authorities organised a follow-up seminar in 2007 which was instrumental in disseminating the results of the second monitoring cycle.

8. The Advisory Committee notes that the third State Report was prepared in consultation with national minority organisations represented in the Coordinating Council for National and Cultural Organizations of National Minorities (the Coordinating Council). The Armenian authorities also reported that they organised a round-table discussion with a number of non-governmental organisations with a view to ascertaining their opinion on the situation of persons belonging to national minorities and to preparing a State Report providing full information from various sources.

9. The Advisory Committee visited Armenia from 21 to 24 June 2010. The visit, organised at the invitation of the Armenian Government, provided an opportunity to engage in direct dialogue with the parties concerned. The additional information gathered from the Government and other sources, including representatives of national minorities, proved particularly useful. Talks were held not only in Yerevan but also in surrounding areas (Zovuni and Verin Dvin in the Ararat region) inhabited by persons belonging to the Assyrian and Yezidi minorities. The Advisory Committee welcomes the spirit of co-operation shown by the Armenian authorities during the process which led to the adoption of the present Opinion.

General overview of the implementation of the Framework Convention after two monitoring cycles

10. Since ratifying the Framework Convention in 1998, Armenia has continued its efforts to protect national minorities. The Armenian authorities continue to show their commitment to the implementation of this treaty and often draw on it when deciding on the future course of their policy in favour of national minorities.

11. In addition, the authorities have always adopted a genuinely co-operative approach in their exchanges of information with the Advisory Committee.

12. The Advisory Committee acknowledges that the current economic crisis is having a significant impact in Armenia, including on the allocation of resources for the implementation of the Framework Convention. However, it finds it important to pursue the efforts to protect national minorities developed since the ratification of the Framework Convention, to build on the results already achieved.

13. The continuing economic difficulties have a negative impact on Armenian society, including persons belonging to national minorities, many of whom have emigrated from Armenia in recent years. The awareness of minority rights and discrimination issues remains insufficient, including among persons belonging to national minorities.

Legislative and institutional framework

14. There have been no significant changes as regards legislation since the last Opinion. There is an overwhelming consensus in Armenia among persons belonging to national minorities that there is no need for adopting a law on national minorities, and that the current sectoral legislative and administrative arrangements are satisfactory.

15. There have been no significant changes as regards anti-discrimination legislation, which is fragmented and does not guarantee adequate protection against discrimination. The Office of the Human Rights Defender continues to enjoy wide-spread public support and it receives a substantial number of individual complaints.

16. The principal bodies responsible for the implementation of the Government's policy on national minorities are the Department of the Government of the Republic of Armenia for Ethnic Minorities and Religious Affairs and the Coordinating Council for National and Cultural Organizations of National Minorities, composed of representatives of eleven national minorities. Both bodies continue to play an active role in raising the awareness on issues affecting national minorities and seeking to resolve outstanding issues through a regular dialogue.

Census and ethnic data collection

17. A new population census is planned in Armenia in 2011 and the authorities have already begun preparations for this process. According to the information currently available, the answers to questions on nationality/ethnicity, language and religion are to be mandatory and the questions themselves are not open-ended, restricting the choice of respondents to a list with limited options. This raises serious problems as regards the right of persons belonging to national minorities to choose to be treated or not to be treated as such, provided for in Article 3 of the Framework Convention. The questionnaire is also not in conformity with the Recommendations for 2010 Censuses of Population and Housing by the United Nations Economic Commission for Europe and the Statistical Office of the European Communities (Eurostat).

18. Apart from the data collected during the 2001 census and some targeted information on migration flows of population disaggregated by ethnicity, there is a significant lack of reliable statistics on national minorities, disaggregated by age, gender and geographical distribution, especially in the field of employment, which impacts negatively on the authorities in their preparation, implementation and monitoring of public policies with regard to the protection of national minorities and especially disadvantaged groups.

Intercultural dialogue and tolerance

19. A general climate of tolerance and understanding between persons belonging to national minorities and the majority population prevails in Armenia and the representatives of national minorities did not report intolerance towards members of their communities. In spite of economic difficulties affecting Armenia, the authorities continue to allocate resources for promoting the traditions and the cultures of national minorities. School curricula were amended to include thematic units on "rights of national minorities" and "tolerance" with an aim to raise awareness of children to the historical, social and cultural aspects of the role of national minorities and their contribution to Armenian society.

20. The tensions and intolerance between the Kurdish and Yezidi minorities observed during the first and second cycle of monitoring persist, despite the authorities' efforts to facilitate good relations between them.
21. Church property seized under the communist regime has been returned to the Assyrian and Russian Orthodox communities.

Media

22. The Armenian public radio and television services continue to broadcast programmes addressed to national minorities, including in the languages of national minorities. In general, the representatives of national minorities indicate that the coverage of issues concerning them is fair and balanced. However, anti-Semitic statements which have been voiced in some media outlets, including the press and the privately-owned ALM TV channel, have not prompted an adequate reaction from the authorities and the public, in spite of complaints from representatives of the Jewish minority.
23. Amendments to the Law on Television and Radio adopted in 2008, set upper limits of one hour daily for the public radio and two hours weekly for public television broadcasting in minority languages.

Patronymics

24. The existing practice of translating/transcribing into the Armenian language patronymics in birth and marriage certificates and identity documents of persons belonging to the Russian, Belarusian and Ukrainian national minorities does not take into account the grammatical rules of these languages and is therefore not in line with Article 11 paragraph 1 and the overall principle of inclusive interpretation of the Framework Convention.

Education

25. Languages of national minorities are taught in schools located in regions where persons belonging to these minorities live in substantial numbers and efforts have been made to publish textbooks for teaching Russian, Assyrian, Yezidi and Kurdish as minority languages.
26. Priority in admitting candidates belonging to national minorities, who have passed the university entrance exams, has significantly improved access of such candidates to the relevant higher educational establishments.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

Recommendations from the two previous cycles of monitoring

27. In the previous cycles of monitoring, the Advisory Committee encouraged the Armenian authorities to maintain their inclusive approach with regard to the scope of application of the Framework Convention and to envisage, where appropriate, the possibility of including persons belonging to other groups, including non-citizens, in the application of the Framework Convention.

Present situation

28. The Advisory Committee notes with satisfaction that there has been no change since the second monitoring cycle in the inclusive approach taken by the authorities of Armenia concerning the scope of application of the Framework Convention. The authorities continue to show an open approach and co-operate with all national minority communities irrespective of their involvement in the Coordinating Council.¹

29. The Advisory Committee finds that there are still debates among some representatives of the Kurds and the Yezidi as to whether they have distinct national identities or are rather a part of the same national group with distinct religious identities. In this connection, the Advisory Committee finds it essential to reiterate that the right of every person belonging to a national minority to choose freely to be treated or not as such, must be respected, in line with Article 3 of the Framework Convention.

30. The Advisory Committee notes however with concern that persons belonging to the national minorities which are not represented in the Coordinating Council do not benefit on an equal footing with those minorities which are represented, from the opportunities afforded to larger minorities. This is particularly pertinent as far as the consultation process and allocation of funds are concerned.

Recommendations

31. The Advisory Committee encourages the authorities to maintain an inclusive approach in the scope of application of the Framework Convention.

32. The Advisory Committee encourages the Armenian authorities to continue to respect strictly the principle of free self-identification contained in Article 3 of the Framework Convention.

33. The Advisory Committee invites the authorities to maintain the possibility for persons belonging to other groups, including non-citizens where appropriate, on an article-by-article basis to be included in the application of the Framework Convention.

¹ The eleven national minorities represented in the Coordinating Council are: Assyrian, Belarusian, Georgian, German, Greek, Jewish, Kurdish, Polish, Russian, Ukrainian and Yezidi. Less numerous minorities, such as the Abkhazians, Abazins, Bulgarians, Iranians, Latvians, Lithuanians, Moldovans, Mordvans, Ingushetians, Ossetians, Romanians, Tatars, Udins, and others, are not represented in the Coordinating Council.

The draft Law on National Minorities

Recommendations from the two previous cycles of monitoring

34. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to pursue consultations on the draft Law on Minorities with the representatives of national minorities and to ensure compliance of such legislation with international standards in the field of minority protection.

Present situation

35. The Advisory Committee notes that according to an overwhelming consensus among persons belonging to national minorities in Armenia, there is no need for the adoption of a law on national minorities in Armenia. The interlocutors of the Advisory Committee consider that such a law would create more problems than it would solve, and that the current sectoral legislative and administrative arrangements (for example in the fields of education, culture and media) are satisfactory.

Recommendations

36. The Advisory Committee encourages the authorities to continue the dialogue with representatives of national minorities on the most suitable way of guaranteeing effectively to persons belonging to national minorities the enjoyment of the protection of the Framework Convention.

37. The Advisory Committee urges the authorities to ensure that persons belonging to national minorities have access to full information about their rights under the provisions of the Framework Convention, where possible in their own language.

Data collection and self-identification

Recommendations from the two previous cycles of monitoring

38. In the previous cycles of monitoring, the Advisory Committee welcomed the application of the principle of self-identification of persons belonging to national minorities.

Present situation

39. The Advisory Committee notes that a new population census is planned for 2011 and that the authorities have already begun preparations for this.

40. The Advisory Committee notes however with regret the fact that the representatives of the national minorities have not been consulted either on the wording of the questions or on the selected methodology of the questionnaire. The Advisory Committee is further concerned that according to the information obtained from the National Statistical Service the answers to questions on nationality/ethnicity, language and religion are mandatory and the questions themselves not open-ended.

41. The Advisory Committee wishes to recall that census questions relating to nationality/ethnicity and language (and religion) must be optional and open-ended as stipulated in the Recommendations for 2010 Censuses of Population and Housing by the United Nations Economic Commission for Europe (UN ECE) and the Statistical Office of the European Communities (Eurostat).² The Advisory Committee wishes to emphasise that the

² See http://www.unece.org/stats/publications/CES_2010_Census_Recommendations_English.pdf § 425: “Information on ethnicity should therefore always be based on the free self-declaration of a person, questionnaires should include an open

questionnaire should also include the possibility for multiple identity affiliations (e.g. for children of mixed marriages)³ – in order for the census results to reflect effectively each individual's choice.

42. The Advisory Committee wishes to emphasise that the questionnaire, in its present form, does not afford to persons belonging to national minorities the freedom to choose to be treated or not to be treated as such and is thus contrary to Article 3 of the Framework Convention. Moreover, it is not in line with the Recommendations of the UN ECE and the Eurostat cited above.

Recommendations

43. The Advisory Committee calls on the authorities to review, in consultation with the representatives of national minorities, the current wording of the questions relating to a person's affiliation with a national minority and to his or her minority language or the selected methodology of the questionnaire.

44. The Advisory Committee calls on the authorities to take specific measures to include persons belonging to national minorities, and persons speaking a minority language, among the census officials. It also encourages the translation of the census questionnaires into minority languages.

45. The authorities should undertake awareness-raising activities among persons belonging to national minorities well in advance of the next census, particularly via the media and in co-operation with minority representatives. These activities should underline the importance and usefulness of the collection of information about the ethnic composition of the population, as well as about the national safeguards and international standards for the protection of personal data. Ethnic data collection should be conducted in close co-operation with national minority representatives and with full respect for the safeguards, notably those related to the protection of personal data, the specific and limited use of such data by the authorities, and the free, informed and unambiguous consent of the persons concerned, as laid down in the Committee of Ministers Recommendation (97)18 concerning the protection of personal data.

Article 4 of the Framework Convention

Institutional and legal developments in the area of discrimination

Recommendations from the two previous cycles of monitoring

46. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to remain vigilant with regard to possible cases of discrimination, and to monitor carefully the situation in this respect.

Present situation

47. There have been no significant changes as regards anti-discrimination legislation since the last Opinion. The Constitution of Armenia provides in Article 14.1, which was added following the constitutional reform of 2005, that "Everyone shall be equal before the law. 2.

question and interviewers should refrain from suggesting answers to the respondents" and § 427. "In order to guarantee the free self-declaration of ethnicity, respondents should be allowed to indicate "none" or "not declared" when asked for their ethnicity. Countries should explain in the census instructions and the census documentations how the ethnicity of children from mixed couples is determined."

³ See http://www.unecce.org/stats/publications/CES_2010_Census_Recommendations_English.pdf § 426: "Respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so".

Discrimination on the ground of gender, race, colour, ethnic or social origin, genetic features, language, religion, outlook, political and other views, membership to a national minority, property status, birth, disability, age or other circumstances of a personal or social nature shall be prohibited.”

48. The Criminal Code⁴ criminalises actions aimed at the “incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity”. In addition, the Law on Non-Governmental Organisations forbids the establishment of an organisation advocating the overthrow of the constitutional order, incitement to national, racial or religious hatred, or propaganda on violence and warfare. Such a prohibition also exists in the Law on Political Parties. The Advisory Committee notes also that, according to the information provided by the authorities, there are some anti-discrimination provisions in the legislation on criminal procedure, social security and labour relations.

49. According to the information available to the Advisory Committee, there have been a few isolated cases of discrimination against persons belonging to religious minorities, including one case concerning a person belonging to a recognised national minority. Some of the victims of discrimination sought redress in courts and obtained satisfaction.

50. The Advisory Committee considers that the current fragmented approach of the Armenian authorities to anti-discrimination legislation does not guarantee adequate protection against discrimination. It further considers that the authorities should review their approach and should envisage adopting comprehensive legislation against discrimination drawing inspiration from the relevant provisions of the General Policy Recommendations of the European Commission against Racism and Intolerance.⁵

51. The Advisory Committee notes with satisfaction that the Office of the Human Rights Defender continues to enjoy wide-spread public support and that it receives a substantial number of complaints (3,783 in 2009), including from organisations representing persons belonging to national minorities. The Advisory Committee notes that these complaints were of a general nature and did not allege violations of specific rights of persons belonging to national minorities.

52. The Human Rights Defender also has the authority to start investigations on his/her own initiative, especially in alleged cases of mass violations of human rights and basic freedoms. The Advisory Committee notes however, that the recommendations of the Human Rights Defender are of an advisory, rather than a legally binding nature.

53. The Advisory Committee notes with regret that the authorities do not collect statistical data on the number and nature of cases of discrimination in various fields.

Recommendations

54. The Advisory Committee calls on the authorities to envisage adopting, in consultation with representatives of civil society and the Human Rights Defender, comprehensive legislation on the prohibition of discrimination and provide effective remedies against discrimination by public and private entities. Definitions of discrimination which include *inter alia* direct and indirect forms of discrimination should be incorporated in this anti-discrimination legislation.

⁴ See § 226 of the Criminal Code

⁵ See <http://www.coe.int/t/dghl/monitoring/ecri>

55. The Advisory Committee also encourages the authorities to continue to take all necessary measures to prevent and combat discrimination.

56. The Advisory Committee considers that the authorities should put in place mechanisms to collect data on complaints regarding discrimination, including cases of discrimination registered in courts, in order to facilitate the evaluation of the effectiveness of the legislative and institutional mechanisms in place.

57. The Advisory Committee calls on the authorities to maintain their support for the activities of the Office of the Human Rights Defender by continuing to provide it with appropriate resources, including financial ones, to allow it to fulfil its duties effectively and independently and to intensify the monitoring of alleged cases of discrimination.

Ethnic data collection

Recommendations from the two previous cycles of monitoring

58. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to undertake collection of statistical data on national minorities in order to facilitate the development of effective positive measures targeting persons belonging to national minorities.

Present situation

59. The Advisory Committee notes that the State Report did not provide specific data, more recent than the information obtained in the census of 2001, other than those concerning migration flows of population disaggregated by ethnicity. The Advisory Committee regrets, having received complaints from persons belonging to the Yezidi national minority concerning their difficult socio-economic situation, that the authorities do not collect information on the situation of persons belonging to the various national minority groups, in the various relevant sectors, such as access to employment, health care services, housing, etc.

60. The Advisory Committee is of the opinion that the lack of reliable statistics, disaggregated by age, gender and geographical distribution, especially in the field of employment, leads to increased difficulties in elaborating targeted policies to remedy these problems. It considers that collecting such statistical data in a way that conforms to international standards on data protection is indispensable to design well-targeted and sustainable measures, which meet the needs of persons belonging to national minorities. The Advisory Committee wishes to emphasise the importance of such data for the preparation, implementation and monitoring of public policies with regard to the protection of minorities and especially disadvantaged groups. It is also important to organise awareness-raising campaigns among national minorities on the necessity to collect such data for the elaboration of adequate policies.

Recommendation

61. The authorities should adopt measures aimed at collecting reliable socio-economic data disaggregated by age, gender and geographical distribution, in all relevant fields, in particular in relation to employment, and to this end, develop adequate methods of ethnic data collection while fully respecting the principle of self-identification and in accordance with international standards on personal data protection.

Article 5 of the Framework Convention

Conditions enabling minorities to maintain and develop their culture

Recommendations from the two previous cycles of monitoring

62. In the previous cycles of monitoring, the Advisory Committee invited the authorities, notwithstanding the country's economic difficulties, to further support projects for the preservation and development of minority cultures, in consultation with representatives of national minorities, and to allocate support in accordance with the needs of the various groups.

Present situation

63. The Advisory Committee notes with satisfaction that the authorities allocate annual resources for promoting the traditions and the cultures of national minorities. The Advisory Committee notes with interest in particular that, notwithstanding the current economic difficulties, the funding allocated by the Ministry of Culture in the framework of the project “Support to the Culture of National Minorities”, which was used to support art exhibitions and music festivals, has increased progressively over the years. Funding is also allocated by the Ministry of Culture and other State institutions to support libraries, film productions and the publication of books in minority languages.

64. The Advisory Committee is pleased to note that church property seized under the communist regime was returned to the Assyrian religious communities in Arzni and Verin Dvin villages and to the Russian Orthodox community in Yerevan. The Advisory Committee also welcomes the financial support provided by the Armenian authorities to the restoration of the historical Jewish cemetery in Vayots Dzor and the construction in Yerevan of a monument dedicated to the memory of Assyrian victims who perished in World War I.

65. The Advisory Committee notes, however, that various interlocutors have underlined that public financial support for national minorities’ activities is still limited and insufficient to meet the needs of these groups in order to preserve their cultural identity.

Recommendation

66. The Advisory Committee invites the authorities to pay increased attention to the needs of all the national minorities, including numerically smaller ones, with a view to preserving and developing the culture and language of persons belonging to national minorities.

Article 6 of the Framework Convention

Interethnic and intercultural relations

Recommendations from the two previous cycles of monitoring

67. In the previous cycles of monitoring, the Advisory Committee invited the authorities to pay particular attention to allegations of discrimination against persons belonging to national minorities and to investigate carefully possible cases. It also recommended careful monitoring of possible cases of incitement to ethnic hatred in the media.

Present situation

68. On a general level, the Advisory Committee is pleased to note that a general climate of tolerance and understanding between national minorities and the majority prevails in Armenia and that the representatives of national minorities did not report intolerance towards members of their communities.

69. The Advisory Committee notes that, according to the authorities, no crime on the grounds of national/ethnic origin or racial hatred has been recorded in the period 2002–2008.⁶

70. However, information brought to the attention of the Advisory Committee from different sources indicates that the Yezidi minority continues to be victim of stereotyping and intolerance.

71. The Advisory Committee has also received information about repeated acts of vandalism committed in 2005, 2006 and 2007 against the Holocaust memorial in one of the parks in central Yerevan. It commends the immediate and adequate reaction of the authorities.

72. The Advisory Committee is concerned that anti-Semitic statements, which were voiced in some media outlets, including the printed press and the privately-owned ALM TV channel, have not prompted an adequate reaction from the authorities, in spite of complaints from representatives of the Jewish minority.

73. The Advisory Committee notes that the authorities have recognised the persisting intolerance between some representatives of the Kurdish and Yezidi national minorities, and have taken a number of steps, such as the publication of school textbooks in Yezidi and in Kurdish, aimed at diminishing ethnic tensions between the two groups.

Recommendations

74. The authorities must take more resolute measures to combat all forms of intolerance and promote understanding and mutual respect amongst the various ethnic and religious groups in Armenia, including respect for religious diversity.

75. The authorities should intensify their efforts to adopt awareness-raising measures on tolerance and anti-discrimination issues, aimed at law enforcement officials, the media, the judiciary and the public.

76. The Advisory Committee encourages the authorities to ensure that more vigorous action is taken to prevent, investigate and prosecute perpetrators of offences committed with a racial, anti-Semitic or xenophobic motive and to provide for constant monitoring of this phenomenon within society.

77. The Advisory Committee urges the authorities to adopt further legislative measures and policies in order to combat racist manifestations in the media, in the spirit of the Committee of Ministers' Recommendation N° R(97)20 on "Hate Speech".

⁶ See also § 59 of the fifth and sixth periodic reports submitted by Armenia to the Committee on the Elimination of Racial Discrimination <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/437/44/PDF/G1043744.pdf?OpenElement>

Article 9 of the Framework Convention

Access of persons belonging to national minorities to the media

Recommendations from the two previous cycles of monitoring

78. In the previous cycles of monitoring, the Advisory Committee invited the authorities to remove possible obstacles to further broadcasting in minority languages, in particular the legal limitations of airtime for broadcasting in minority languages on public radio and television, and it encouraged them to identify ways to increase participation of national minorities in the media.

Present situation

79. The Advisory Committee is pleased to note that radio and television channels continue to broadcast in the languages of national minorities. In particular, according to the information contained in the State Report, the public radio transmits daily programmes in 13 languages of national minorities and the public television news programme “Haylur” covers regularly issues affecting national minorities.

80. The Advisory Committee notes that there are no legal obstacles to private television and radio broadcasting and that there are twenty-two private television broadcasters, including in languages of national minorities. The Advisory Committee also notes, that according to the information provided by the authorities, representatives of the Assyrian national minority have expressed an interest in establishing a private radio station, but , as yet, this project has not been brought to fruition.

81. The Advisory Committee also notes with regret that, following amendments to the Law on Television and Radio adopted in 2008, upper limits for broadcasting in minority languages have been set at one hour daily for public radio stations and two hours weekly for public television channels. Moreover, the amendments do not establish any minimum for such programmes.

Recommendations

82. The Advisory Committee calls on the authorities to ensure that public radio and television networks continue to produce and disseminate minority language programmes in line with relevant provisions of the Framework Convention.

83. The Advisory Committee further calls on the authorities to review, in co-operation with the representatives of national minorities, existing legislative provisions on public broadcasters, in particular with the view to establishing a guaranteed minimum time-frame for broadcasts in the languages of national minorities and removing the time limits set for public radio and public television broadcasting in these languages.

Article 10 of the Framework Convention

Use of minority languages in relations with administrative authorities

Recommendations from the two previous cycles of monitoring

84. In the previous cycles of monitoring, the Advisory Committee encouraged the Armenian authorities to continue to pursue an open and pragmatic approach with regard to the use of minority languages in dealings with administration and to further promote full

implementation of the rights established by the Law “on the foundations of administration and administrative proceedings”.

Present situation

85. The Advisory Committee notes that the situation with regard to the use of minority languages in dealings with the administrative authorities has not changed significantly in Armenia since the adoption of the second Opinion. The Law “on the foundations of administration and administrative proceedings”, adopted in 2004, established the right to use minority languages in oral and written dealings with administrative authorities, provided that a translation into Armenian was attached in the case of written applications. Moreover, an amendment to the Civil Procedure Code, adopted in 2007, established the right for participants in the proceedings to use languages other than Armenian, on the condition that they provide at their own expense interpretation into Armenian. While welcoming these developments, the Advisory Committee notes that, according to the information at its disposal, use of languages other than the Armenian language in public life is neither actively encouraged nor supported.

Recommendation

86. The Advisory Committee recommends that the authorities take adequate measures to implement existing legislation which grants persons belonging to national minorities the right to use their own language when dealing with the administrative authorities.

Article 11 of the Framework Convention

Use of minority languages for patronymics

Present situation

87. The Advisory Committee notes that the existing practice of transcription in birth and marriage certificates and identity documents of patronymics used by persons belonging to the Russian, Belorussian and Ukrainian minorities into the Armenian language does not take into account the grammatical rules of these languages and does not allow the addition of the suffix “-ovich”, “-ovna”, “-yievich”, “-yievna” or “-yich”, “-yivna” to patronymics. The patronymics of these persons are written following the grammatical rules of the Armenian language with a suffix “-i”.

88. The Advisory Committee considers that the way of spelling patronymics is an essential part of cultural tradition. For this reason, the Advisory Committee considers that the existing situation regarding the transcription of patronymics is not in line with Article 11 paragraph 1 and the overall principle of the inclusive interpretation of the Framework Convention. The Advisory Committee therefore encourages the Armenian authorities to take the necessary steps to bring the respective legislation fully in line with Article 11 of the Framework Convention.

Recommendation

89. The Advisory Committee encourages the authorities to amend the legislative and administrative provisions on translating/transcribing the patronymics of persons belonging to national minorities into the Armenian language in order to ensure that their needs are accommodated, in accordance with the provisions laid down in Article 11 of the Framework Convention.

Topographical indications

Recommendations from the two previous cycles of monitoring

90. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to have inclusive consultations with national minorities in the process of introducing clearer legal guarantees concerning the use of minority languages in topographical indications and signposting.

Present situation

91. The Advisory Committee notes with regret that the regulation concerning the use of minority languages in topographical indications has not changed in Armenia since the previous monitoring cycle. According to information available to the Advisory Committee, there have been no changes to the legislative provisions in this field and the authorities have not carried out any studies in order to assess the existing needs and demand in the geographical areas inhabited by a substantial number of persons belonging to national minorities. The Advisory Committee finds this lack of regulation unsatisfactory, in particular in light of the fact that, in practice, multilingual signs are displayed in many locations in Armenia.

Recommendations

92. The authorities should, in consultation with representatives of national minorities, assess whether there is sufficient need or demand concerning the use of minority languages in topographical indications in the geographical areas inhabited by a substantial number of persons belonging to national minorities.

93. The Advisory Committee urges the authorities to introduce the appropriate legal safeguards to enable national minorities to display traditional local names, street names and other topographical indications intended for the public in minority languages. Legislation and practice must be in conformity with Article 11 paragraph 3 of the Framework Convention and the conditions stipulated therein.

Article 12 of the Framework Convention

Equal access to education for persons belonging to national minorities

Recommendations from the two previous cycles of monitoring

94. In the previous cycles of monitoring, the Advisory Committee considered that the authorities should ensure that persons belonging to national minorities could enjoy equal access to education and that they could be aware of their culture, history, languages and traditions as well as of those of the majority population. In particular, the Advisory Committee encouraged the authorities to place special emphasis on the preparation and dissemination of quality textbooks and urged the authorities to take steps to reintroduce pre-school education in communities where children do not speak the language of instruction (Armenian or Russian) at home.

Present situation

95. The Advisory Committee notes that in 39 Armenian schools there are classes in which all subjects are taught in the Russian language. These schools, which serve primarily citizens of the Russian Federation residing in Armenia, also admit children belonging to the Russian and other national minorities. The Advisory Committee further notes that, in accordance with

the agreement between Armenia and the Russian Federation, textbooks produced in Russia are used in such schools.

96. The Advisory Committee notes with interest the efforts of the authorities to elaborate curricula for teaching Russian, Assyrian, Yezidi and Kurdish as minority languages in all grades of public schools. It also welcomes the publication of textbooks for teaching Russian, Assyrian, Yezidi and Kurdish as minority languages. It notes however that the current efforts do not fully meet the needs of children belonging to national minorities.

97. The Advisory Committee welcomes the introduction in the curriculum of a social science course which teaches the basic principles on the “rights of national minorities” and “tolerance”. These lessons aim to raise pupil awareness of the historical, social and cultural aspects of national minorities and their contribution to Armenian society.

98. The Advisory Committee further welcomes the approach taken by the Republican Admission Commission to give priority in admitting candidates belonging to national minorities, who have passed the university entrance exams to the relevant higher educational establishments.

99. The Advisory Committee is concerned by the low number of children belonging to the Yezidi and Kurdish minorities attending pre-school education. This lack of attendance puts these children at a distinct disadvantage when beginning primary school education due to their insufficient command of the Armenian language. The Advisory Committee welcomes the initiatives of the State authorities aimed at assisting local authorities to establish kindergartens in the localities inhabited by persons belonging to these minorities.

Recommendations

100. The Advisory Committee is of the opinion that the authorities should pursue their dialogue with national minority representatives in order to analyse the demand which exists amongst national minorities to receive instruction in or of their minority languages and to take appropriate follow-up measures.

101. The Advisory Committee calls on the authorities to review the existing needs to ensure an adequate supply of school manuals and textbooks in minority languages.

102. The Advisory Committee calls on the authorities, as a matter of priority, to make more sustained efforts to ensure access to kindergartens for all Yezidi and Kurdish children and guarantee that the curriculum in such kindergartens corresponds to the diverse needs and multi-lingual composition of these groups.

Article 14 of the Framework Convention

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

103. In the previous cycles of monitoring, the Advisory Committee urged the authorities to take duly into account the preferences of the persons concerned with regard to the language of education and to make efforts to respond to the specific needs of persons belonging to national minorities who choose Russian as their language of education. It also encouraged the authorities to provide more support to the teaching of minority languages other than Assyrian, Yezidi, Kurdish and Russian and to support further relevant initiatives by national minorities in this respect.

Present situation

104. The Advisory Committee notes that the education system in Armenia has undergone significant changes over the last six years. The Advisory Committee further notes with interest the adoption of the “State Program for Education Development for 2009-2013” which addresses key issues such as curriculum development, performance assessment and teacher training. The State policy on teaching in and of languages of national minorities has been elaborated in the framework of the State Programme of Language Policy which declares that the aims are to “preserve and develop minority languages for the democracy of Armenia and for creating democratic and civic society.”

105. According to the information provided in the State Report, the existing constitutional provision which in Article 41 reads “Everyone shall have the right to preserve his or her ethnic identity. Persons belonging to national minorities shall have the right to preserve and develop their traditions, religion, language and culture” has been further developed by the adoption in 2009 of the Law on Education. In particular Article 4 of this Law provides a possibility to organise education in and of minority languages within public schools.

106. The Advisory Committee notes with satisfaction that the teaching of minority languages is incorporated into the public education system and takes note that the Russian, Yezidi, Kurdish, Greek and Assyrian languages are taught in schools located in regions where persons belonging to these minorities live in substantial numbers. The authorities have also informed the Advisory Committee about possibilities existing in Yerevan to learn the Belarusian, Georgian, German, Polish and Ukrainian languages.

Recommendation

107. The Advisory Committee calls on the authorities to continue their dialogue with the representatives of national minorities in order to analyse the existing demands of minorities, including the numerically smaller ones, to receive instruction in or of their minority language.

Article 15 of the Framework Convention**Representation of minorities in elected bodies***Recommendations from the two previous cycles of monitoring*

108. During the previous cycles of monitoring, the Advisory Committee encouraged the authorities to design measures to improve the representation of national minorities in elected bodies, especially at national level. It also invited the authorities to consider alternative ways to establish a democratic system of appointment of representatives of national minorities in local elected bodies.

Present situation

109. The Advisory Committee notes that the local elections of 2008 confirmed the strong interest of national minorities to participate in public affairs. National minorities candidates participated and were elected local councillors and community chiefs. In some villages councillors representing the Assyrian, Kurdish or Yezidi minorities constitute the majority among all elected councillors to these councils.

110. The Advisory Committee has learned however about the plans for the reform of local self-government in Armenia which may result in a weakening of the possibilities for persons belonging to the Assyrian and Yezidi minorities to influence local affairs (see related comment under Article 16). Such a development could be prejudicial to the effective participation of persons belonging to national minorities in public affairs at local level.⁷

111. The Advisory Committee regrets that, since the adoption of its second Opinion, no notable progress has been made with regard to minorities' representation in the Parliament.

Recommendations

112. The authorities are encouraged to examine, in consultation with the representatives of national minorities, legislative and practical measures which would create the necessary conditions for the political representation of minorities in Parliament.

113. The authorities should take all necessary measures to ensure that the possibilities necessary for the effective participation of persons belonging to national minorities in public affairs at local level are not diminished.

Consultative mechanisms

Recommendations from the two previous cycles of monitoring

114. In previous cycles of monitoring, the Advisory Committee encouraged the authorities to continue to support the work of the Co-ordinating Council and to ensure that its views were, where appropriate, duly taken into account by the relevant authorities.

Present situation

115. The Advisory Committee notes that the Department for Ethnic Minorities and Religious Affairs, established in 2004 and the Coordinating Council continue to play an active role in raising the awareness on issues affecting national minorities seeking to resolve outstanding issues through a regular dialogue. The Advisory Committee also notes that representatives of national minorities participate in the work of the Public Council, which is a consultative body set up by a decree of the President of Armenia.

116. The Advisory Committee further notes that organisations representing the eleven national minorities forming the Coordinating Council receive financial grants of 818,000 AMD (~1,770 €) each, irrespective of the estimated number of its members, to cover their running costs related to participation in the Coordinating Council. Representatives of national minorities met by the Advisory Committee expressed their dissatisfaction with the level of funding, which does not even cover the most basic needs of the organisations.

Recommendation

117. The authorities should ensure that funding provided for organisations of national minorities effectively meets their real needs and enables them to take part effectively in the work of the Coordinating Council and in public affairs.

⁷ See Advisory Committee on the Framework Convention for the Protection of National Minorities: second Thematic Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs (2008) §§88-90.

Article 16 of the Framework Convention

Territorial reform

Present situation

118. The Advisory Committee notes the recent discussions on the plans for the reform of local self-government in Armenia with a view to economising and mainstreaming administration by the creation of a smaller number of larger municipalities (see remarks under Article 15). While welcoming the efforts to provide better municipal services to all inhabitants of Armenia, the Advisory Committee notes nonetheless that a number of isolated villages inhabited by large numbers of persons belonging to the Assyrian and Yezidi minorities, which currently are self-governing, may find themselves merged with the surrounding villages inhabited by persons belonging to the Armenian majority. Such a development would, in the opinion of the Advisory Committee, inevitably lead to the weakening of the possibilities for persons belonging to the Assyrian and Yezidi minorities to influence local affairs.

Recommendation

119. The Advisory Committee urges the authorities to ensure that the rights of persons belonging to the Assyrian and Yezidi minorities are duly taken into account when planning and implementing the local government reform and that there is no negative impact on the right of persons belonging to national minorities to participate effectively in public affairs at local level.

Article 18 of the Framework Convention

Transfrontier co-operation

Recommendations from the two previous cycles of monitoring

120. In the previous cycles of monitoring, the Advisory Committee regretted that developing cross-border co-operation was not possible with all of Armenia's neighbouring countries and hoped that a fair and lasting solution to the conflict related to Nagorno-Karabakh would open possibilities for transfrontier co-operation and that it would allow the safe voluntary return to their native lands of persons displaced by the conflict.

Present situation

121. The Advisory Committee regrets that the conflict related to Nagorno-Karabakh continues to hamper the overall transfrontier co-operation in the region and regrets that no political solution to the conflict has so far been found.

Recommendation

122. The Advisory Committee hopes that a fair and lasting solution to the conflict will be found soon and that it will allow the safe voluntary return to their native lands of persons displaced by the conflict.

III. CONCLUSIONS

123. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Armenia.

Positive developments following two cycles of monitoring

124. Armenia has pursued a constructive approach towards the monitoring process and has taken concrete steps to disseminate the results of the first two cycles of monitoring. The authorities have also maintained an inclusive approach in communication with representatives of the national minorities.

125. A general climate of tolerance and understanding between national minorities and the majority population prevails in Armenia and the authorities continue to show an inclusive approach concerning the scope of application of the Framework Convention. Representatives of national minorities did not report intolerance towards members of their communities.

126. In spite of economic difficulties affecting Armenia, the authorities continue to allocate resources for promoting the traditions and the cultures of national minorities.

127. Church property seized under the communist regime has been returned to the Assyrian and Russian Orthodox communities.

128. The Armenian public radio and television services broadcast programmes addressed to national minorities, including in the languages of national minorities. In general, the representatives of national minorities indicated that the coverage of issues concerning them is fair and balanced.

129. Languages of national minorities are taught in schools and efforts have been made to publish textbooks for teaching minority languages. Priority in admitting candidates belonging to national minorities, who have passed the university entrance exams, has significantly improved the access of such candidates to the relevant higher educational establishments.

Issues of concern following two cycles of monitoring

130. The planned census of 2011 raises serious concerns as regards the right of persons belonging to national minorities to choose to be treated or not to be treated as such. In particular, the formulation and the mandatory nature of the questions on nationality/ethnicity and language raise problems as regards the right of self-identification and are contrary to the Recommendations for 2010 Censuses of Population and Housing by the United Nations Economic Commission for Europe (UN ECE) and the Statistical Office of the European Communities (Eurostat).

131. The plans for the reform of local self-government in Armenia may have a negative impact on the right of persons belonging to national minorities to participate effectively in public affairs at local level.

132. No comprehensive anti-discrimination legislation has yet been adopted and there remains a lack of reliable statistics in this field.

133. Anti-Semitic statements, which were voiced in some media outlets, have not prompted an adequate reaction from the authorities and the public.

134. The amendments to the law on television and radio adopted in 2008 set upper limits of one hour daily for public radio and two hours weekly for public television broadcasting in minority languages, thus limiting the access of minorities to the public media.

135. The existing practice of translating/transcribing into the Armenian language patronymics in birth and marriage certificates and identity documents of persons belonging to the Russian, Belarusian and Ukrainian national minorities does not take into account the grammatical rules of these languages and is therefore not in line with Article 11 paragraph 1 and the overall principle of inclusive interpretation of the Framework Convention.

Recommendations

136. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action⁸

- **Review, in the context of the preparation of the population census of 2011, the proposed wording of the questions relating to a person's identification with a national minority and to his or her minority language and the selected methodology of the questionnaire ;**
- **Take resolute measures to ensure that the rights of persons belonging to national minorities are duly taken into account when planning and implementing the local government reform and to guarantee that this reform does not have a negative impact on the right of persons belonging to national minorities to participate effectively in public affairs at local level.**

Further recommendations⁹

- **Take measures to adopt comprehensive legislation and provide effective remedies against discrimination;**
- **Continue to support cultural activities of the national minorities' organisations;**
- **Take vigorous action to prevent, investigate and prosecute perpetrators of offences committed with a racial, anti-Semitic or xenophobic motive and to provide for constant monitoring of this phenomenon within society;**
- **Review the existing legislative provisions on public radio and television broadcasters, in particular with a view to establishing a guaranteed minimum time-frame for broadcasts in the languages of national minorities and to removing the time limits imposed on public radio and public television broadcasting in these languages;**

⁸ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

⁹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- **Amend the legislative and administrative provisions on translating/transcribing the patronymics of persons belonging to national minorities into the Armenian language in order to ensure that their needs are accommodated, in accordance with the provisions laid down in Article 11 of the Framework Convention.**