

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF ARMENIA SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 18 June 2019¹

Published on 10 September 2019

¹ Except where specifically indicated, any developments which occurred after 29 April 2019, the date on which the response of the authorities of Armenia to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, have not been taken into account in this analysis.

ECRI Secretariat
Directorate General II - Democracy
Council of Europe
F-67075 STRASBOURG Cedex
Tel.: +33 (0) 390 21 46 62
E-mail: ecri@coe.int

www.coe.int/ecri

FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1) *In its report on Armenia (fifth monitoring cycle) published on 4 October 2016, ECRI recommended that the authorities bring their criminal law, in general, into line with General Policy Recommendation No. 7; in particular they should (i) explicitly include the grounds of colour, language, nationality (understood as citizenship), national or ethnic origin, sexual orientation, and gender identity in the list of “prohibited grounds”; (ii) criminalise incitement to violence and incitement to racial discrimination, and (iii) criminalise the public denial, trivialisation, justification or condoning of crimes of genocide, crimes against humanity and war crimes.*

ECRI was informed that, in 2017, the government proposed a new draft Criminal Code. Several articles of the draft concern the prohibition of discrimination and of incitement to racial hatred. However, the draft does not address ECRI’s recommendation sufficiently as, for example, not all the grounds listed by ECRI are included. Furthermore, none of the relevant provisions of the new draft Criminal Code have so far been adopted. The adoption of the new Criminal Code is currently only planned for 2020.

Although ECRI recognises the efforts made by the Armenian authorities to address existing shortcomings in the country’s criminal law, it considers that the recommendation has not been implemented.

2) *In its report on Armenia (fifth monitoring cycle), ECRI recommended that the various action plans containing programmes for the integration of vulnerable groups include a description of their objectives, understood as changes to be obtained in the situation of all vulnerable groups concerned, a complete set of criteria for assessing the impact on these groups, and a clear financial plan, identifying actions to be funded by the State budget and actions for which financing has to be sought from external donors. This recommendation applies to existing stand-alone programmes and to future programmes deriving from the comprehensive integration policies currently being developed.*

The authorities informed ECRI that the Migration Strategy for 2017-2021 was approved by the government in March 2017. The strategy contains several priority areas, including: facilitation of legal migration, improvement of the international protection system, assistance to integration of long-term migrants and refugees, migration and development, as well as the further development of the migration management system.

The Strategy was followed by an Action Plan, which was adopted in August 2017 and focuses on the implementation of actions mentioned in the Strategy and specifies the responsible state institutions and timelines. The main target groups include labour migrants, refugees and asylum seekers. The Action Plan contains 173 activities, each of which contains sub-actions, expected outcomes, the responsible agencies, as well as a timeframe. However, ECRI notes that no financial details or budgetary allocations are included. Thus, there is no clear financial plan, identifying actions to be funded by the state budget and actions for which financing has to be sought from external donors, as recommended.

ECRI therefore considers that this recommendation has been partially implemented.

