

ECRI REPORT ON ARMENIA

(sixth monitoring cycle)



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to racism, discrimination (on the grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, racial discrimination, xenophobia, antisemitism and intolerance.

As part of its remit, ECRI conducts country monitoring work which analyses the situation in each member state of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals to deal with the problems identified.

ECRI’s country monitoring deals with all member states on an equal footing. The work takes place in five-year cycles. The reports pertaining to the first cycle were completed at the end of 1998, those pertaining to the second cycle at the end of 2002, those pertaining to the third cycle at the end of 2007, those pertaining to the fourth cycle at the beginning of 2014 and those pertaining to the fifth cycle at the end of 2019. Work on the sixth cycle reports began at the end of 2018.

The working methods by which reports are prepared involve documentary analyses, a visit to the country concerned and then confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The *in situ* visit provides an opportunity to meet the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities enables the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors that the report might contain. At the end of this dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth cycle country reports focus on three themes common to all member states: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of issues specific to each one of them.

In the sixth cycle, priority implementation is once again required for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years after this report is published.

ECRI was fully and solely responsible for the drawing-up of this report. Unless otherwise indicated, it covers the situation up to 8 December 2022; as a result, developments since that date are, as a rule, neither covered in the following analysis nor taken into account in the conclusions and proposals herein.

SUMMARY

Since the adoption of ECRI's fifth cycle report on Armenia on 28 June 2016, progress has been made and good practices have been developed in a number of fields.

In the field of inclusive education, the authorities took emergency measures ensuring continuation of education for 80% of schoolchildren from low-income families in rural areas affected by school closures in primary and upper-secondary education due to the Covid-19 pandemic.

Reforms in the field of education are under way. These reforms involve inter alia the opening or refurbishing of schools, additional training for teachers and the adoption of new general educational standards.

Measures aimed at training relevant professionals on addressing hate speech and hate crime have been taken by the authorities and civil society organisations, notably within the awareness-raising component of the National Plan for the Protection of Human Rights for 2020-2022.

In 2021/2022, training sessions on countering discrimination and racism were organised for police officers, investigators, prosecutors and judges.

ECRI was also pleased to note that the new Criminal Code and Code of Criminal Procedure, which came into force in July 2022, took account of Council of Europe expert opinions and that a controversial provision on grave insult had been withdrawn. Also, the new criminal legislation contains anti-discrimination and anti-hate crime provisions with an open list of protected grounds, including "race", skin colour, belonging to an ethnic minority, religion and "other circumstances of a personal and social nature".

As regards migrants, a free-of-charge mobile application (MigApp) was developed to assist them with country-specific migration services and obtain other relevant information. Special measures have been taken to ensure the integration of migrant children into the school system. Furthermore, the launch of a new electronic platform in January 2022 to register work permit applications considerably simplified the access of migrants to work.

In addition, ECRI is pleased to note that representatives of ethnic and religious minorities generally have not faced obstacles concerning their participation in public life and their relations with other groups.

ECRI welcomes these positive developments. However, despite the progress achieved, some issues continue to be a cause for concern.

Even though the Human Rights Defender institution remains widely trusted and respected, it does not have a full equality mandate and has hardly received any complaints about discrimination in areas of relevance to ECRI, mainly due to the absence of comprehensive anti-discrimination legal provisions.

In the field of education, there is a lack of awareness of equality issues among students and school staff, which may hinder any anti-bullying action. There is also no specific system to tackle discrimination and bullying, in particular vis-à-vis LGBTI students.

Concerning action against hate speech, the authorities have not taken any initiative or provided support to discourage hate speech through counter-speech and alternative speech.

In addition, there is no possibility for the Media Ethics Observatory or internal self-regulation mechanisms to issue binding decisions or effectively enforce sanctions if a broadcaster violates ethical standards. It is also of particular concern that the existing self-regulation rules, codes of ethics and monitoring mechanisms do not cover online hate speech.

There are still shortcomings in the handling of asylum requests, including for people at risk of ill-treatment if returned to their country of origin or an unsafe third country because of their sexual orientation or gender identity.

In this report, ECRI requests that the authorities take additional measures in a number of areas and makes a series of recommendations, including the following.

ECRI recommends that a full equality mandate be given by law to the Human Rights Defender and that the draft Equality Law cover all the discrimination grounds of relevance to ECRI and provides for effective, proportionate and dissuasive sanctions for discrimination cases. The authorities should take steps to ensure that the law is adopted within a reasonable time.

ECRI recommends that effective school policies and mechanisms are established to prevent, monitor and respond to bullying, in particular regarding LGBTI-phobic incidents, through the

development of guidelines for pupils and students, teachers and parents.

ECRI recommends that the authorities engage in awareness-raising activities on the importance of diversity and tolerance in society by supporting concrete actions in co-operation with the Human Rights Defender and relevant civil society representatives from different backgrounds, including ethnic, religious and sexual minorities, with a view to preventing and combating racist and LGBTI-phobic hate speech, hate-motivated violence and discrimination.*

ECRI recommends that the authorities take relevant action to prevent and combat online hate speech, in particular by i) defining and delineating the duties and responsibilities of State and non-State actors in addressing online hate speech; ii) creating clear rules and procedures for effective co-operation with and between those actors regarding the assessment and investigation of online hate speech; iii) ensuring that removal procedures and conditions as well as related responsibilities and liability rules imposed on internet intermediaries are transparent, clear and predictable and that those procedures are subject to due process; and iv) strongly encourage and support training for media professionals and journalists, without encroaching on the independence of the media, on how to recognise, report on and react to hate speech, as well as on how to avoid using and disseminating it.

ECRI recommends that the authorities adopt an Integration Strategy accompanied by suitable financial resources and capacity-building activities that will ensure effective implementation of concrete support actions for refugees, asylum seekers and migrants, as well as any other persons or groups of persons in similar situations, including, among others, language and civic orientation courses.*

* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies¹

1. Armenia has not yet established a fully-fledged equality body dealing with discrimination in areas falling within ECRI's mandate, in accordance with General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level. A draft law on Ensuring Equality (hereafter draft Equality Law), which also aims at establishing an equality body and has been modified on several occasions, was still pending in parliament at the time of ECRI's visit and continued to display a number of shortcomings (see § 23). The authorities confirmed that, in the framework of the National Human Rights Strategy, the adoption of the draft Equality Law remains a priority, even if the legislative process is hindered by various obstacles of a political nature. Pending the adoption of the draft law, the function of equality body is *de facto* carried out by the Human Rights Defender as far as the public sector is concerned.
2. The Constitution and the Constitutional Law on the Human Rights Defender (hereafter "HRD Law") provide that the Defender is an independent official, guided only by the Constitution, the HRD Law and relevant international treaties.² The Defender is appointed by the National Assembly from a list of candidates nominated by the President of the Republic, for a mandate of six years, renewable once.³ Despite reforms carried out in January 2020, which subjected the institution to the civil service regime,⁴ the amendments that were eventually adopted did not undermine the independence of the institution.⁵ The Defender indicated that an increase in staff and budget was expected, which would allow a better territorial coverage, and confirmed that no governmental control applied to the use of the institution's budget and the designation of job descriptions and activities. ECRI is pleased to observe that, despite the limits to the Defender's mandate, this institution remains widely trusted and respected.
3. The Defender regularly engages with civil society actors and may conduct public awareness campaigns. ECRI encourages the authorities to strengthen their support to any Defender's public awareness initiative aimed at promoting equality, diversity, and inclusion within the Armenian society.
4. The Defender may also receive individual complaints, carry out inquiries and request information from the authorities.⁶ ECRI was satisfied to learn that, in general, the authorities respect the deadlines for reply and that the Defender has not been confronted with lack of co-operation on the part of the authorities.

¹ The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2 published on 27 February 2018.

² Article 191, paragraph 1 of the [2015 Constitution](#), states that "The Human Rights Defender is an independent official who pursues the protection of human rights and freedoms by state and local government institutions, and in cases envisaged by the Law on the Human Rights Defender, the protection of human rights and freedoms by private organizations". Furthermore, according to Art. 5 of the HRD Law, "the Defender is independent in exercising their powers. The latter is guided only by the Constitution, this very same law and international treaties ratified by the Republic of Armenia".

³ See the [Constitutional Law on the Human Rights Defender](#).

⁴ Council of Europe (2021, October 15-16), Venice Commission, Opinion on the legislation related to the Ombudsman's staff, adopted by the Venice Commission at its 128th Plenary Session, [Doc. CDL-AD\(2021\)035-e Armenia. See, in particular, §§56-57.](#)

⁵ As of 13 July 2022, the institution remains accredited with "A"-status by the Global Alliance of National Human Rights Institutions (GANHRI) and considered fully compliant with the United Nations Principles relating to the Status of National Institutions (Paris Principles).

⁶ The authorities shall provide the necessary information and documents no later than within 30 days after receiving the Defender's request, unless an earlier deadline is specified. See also ECRI(2016) §19. Failure to provide the materials, documents, information or clarifications requested by the Defender within the deadlines prescribed by this Law shall entail administrative liability (Article 10§3 of the HRD Law). Furthermore, cases of ineffective cooperation can be raised before the National Assembly.

5. When an inquiry discloses a human rights violation, the Defender may ask the authorities to remedy it within a reasonable time and indicate the remedial measures to be taken, as well as the disciplinary steps that might be applied to the responsible official(s) involved. While his or her decisions are not binding, the Defender may raise the issue of non-compliance in public statements, before the National Assembly, in reports to international organisations or initiate court proceedings with a view to invalidating fully or partially the legal acts that have been found in breach of human rights. In addition, it may seize the Constitutional Court or intervene before it as *amicus curiae* on pending cases.⁷ However, the Defender is not entitled to provide legal representation to victims.
6. The Defender has hardly received any complaints about discrimination in areas of relevance to ECRI, mainly due to the absence of comprehensive anti-discrimination legal provisions.
7. ECRI recommends that a full equality mandate be given by legislation to the Human Rights Defender and that suitable human and financial resources be allocated to it for the carrying out of that mandate. Alternatively, a distinct equality body or bodies should be set up by law. In either case, the authorities should take due account of revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level.
8. ECRI recommends, in this connection, that the authorities ensure that the draft Equality Law covers all the discrimination grounds of relevance to ECRI, provides for effective, proportionate and dissuasive sanctions for discrimination cases and is adopted within a reasonable time. In this context, due consideration should also be given to ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination and other ECRI standards on legislation aimed at combating discrimination on the grounds of sexual orientation, gender identity and sex characteristics. If necessary, Council of Europe support should be further sought.

B. Inclusive education

9. This part of the report deals with policies aimed at combating exclusion and marginalisation through inclusive education and fostering a society that is respectful of diversity (Sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education). As regards specific measures concerning the education of migrants (including displaced persons from outside national borders) and ethnic minority groups, reference is made to chapter III.
10. The Armenian law guarantees the right to education to all without discrimination.⁸ Some inequalities in the effective enjoyment of this right have been reported in practice, depending on the socio-economic status and place of residence of pupils and students. Children from low-income families in rural areas were particularly affected by school closures as a result of the Covid-19 pandemic. However, the authorities took emergency measures that made it possible for 80% of schoolchildren in primary school and upper-secondary school to continue their education.⁹ ECRI encourages the authorities to build on these initiatives with a view to better assessing school dropouts and increasing the resources available to inclusive education. In this context, reference should be made to paragraph 79.

⁷ Ara Ghazarian, June 2019, Baseline study for assessing the national non-discrimination mechanisms in Armenia.

⁸ Article 38 of the [Constitution](#), as amended in 2015 and Article 6, paragraph 1 of the Law on Education.

⁹ See on this topic [Unicef \(2022\), Distance Education and Remote Learning Practices in Armenia – Analysis of the Education System Response to Covid-19](#); See also [European Training Foundation \(2020\) Armenia - Education, Training and Employment Developments](#)

11. The authorities informed ECRI that education on human rights and equality is part of a general pre-certification mandatory module on values of democratic culture in teachers' training. School curricula deal with these subjects in the context of moral education and, in secondary schools, in thematic chapters. However, according to civil society actors, there is no comprehensive framework for teaching issues relating to discrimination and hate speech in schools, in particular when it comes to discrimination based on grounds of religion, sexual orientation, gender identity and sex characteristics. In addition, possibilities for external actors, including from NGOs, to intervene in schools on these matters are very limited.
12. The lack of awareness of equality issues for pupils, students and school staff may also hinder any anti-bullying action. Incidents of harassment are said to be under-reported¹⁰ and no guidelines exist on how to tackle discrimination and bullying, in particular vis-à-vis LGBTI students. It emerges from ECRI's findings during the visit that these students are particularly exposed to stigma, discriminatory treatment and aggression, a situation which creates an unsafe environment for them. The ECRI delegation learned that, as a result, this often prevents them from completing their studies and leads to their further social exclusion.
13. Against this background, ECRI was glad to learn, as a positive development, that extensive reforms in the field of education were under way.¹¹ Such reforms would involve inter alia the opening or refurbishing of schools, also at pre-school level, in rural areas, additional training for teachers and an increase in their salaries and new general educational standards.¹² Although the Education Strategy and Action Plan remain to be adopted in parliament, some measures were already under way during the ECRI visit. By way of illustration, training of a number of teachers on hate speech and discrimination had taken place in co-operation with the Council of Europe.¹³
14. ECRI recommends that, within the framework of the ongoing education reforms, the authorities strengthen teacher training and ensure that it mandatorily addresses human rights issues, respect for diversity in society and the prevention of discrimination against any person or group of persons on the grounds of ethnic or national background, religion, sexual orientation, gender identity and sex characteristics. These issues should be reflected in schools' curricula, by developing appropriate materials and activities.
15. ECRI furthermore recommends that effective school policies and mechanisms be set up to prevent, monitor and respond to bullying, in particular with regard to LGBTI-phobic incidents, through the development of guidelines for pupils and students, teachers and parents.

C. Irregularly present migrants

16. In its GPR No. 16,¹⁴ ECRI recommends that governments set up "firewalls" so that providers of public services such as schools and hospitals do not share the personal data of irregularly present migrants with immigration control and enforcement authorities. "Firewalls" protect these migrants' fundamental human

¹⁰ Republic of Armenia ([2015 Human Rights Defender Annual Report of Activities](#)) ; UN General Assembly (2020), Human Rights Council, Working Group on the UPR, 35th session, 20-31.01.2020, Summary of Stakeholders' Submission on Armenia, [Report of the Office of the UN High Commissioner for Human Rights](#)

¹¹ [European Union \(2022, May 17\), Partnership Implementation Report on Armenia](#); See also [Republic of Armenia \(2022, February 23\) Ministry of Education, Science, Culture and Sports, Draft Education Development Strategy is discussed with development partners](#).

¹² [EVN Report \(2020, August 31\) Armenia's New General Education Standards: What will it change?](#) ; [OC media \(2020, August 19\) Armenia's new education standards under fire for lack of 'Armenianness'](#); [World Bank \(2022, May 20\) Armenia to improve Education System and Learning Outcomes, with World Bank Support](#); [JAM News \(2022, September 1\) "Every child is talented, but they need an education": the day of knowledge in Armenia](#).

¹³ [Council of Europe \(2021, February 1\) Awareness-raising activities in Armenia on Hate Speech](#)

¹⁴ ECRI [General Policy Recommendation No. 16](#) on safeguarding irregularly present migrants from discrimination.

rights by ensuring that they can access essential public services, such as health care and education, without fear of deportation. According to the authorities, such safeguards exist in Armenia, in particular in healthcare facilities and schools.

17. The authorities also underlined that all people living in Armenia, regardless of their citizenship or residence status, are entitled to emergency medical care, including the prevention and treatment of transmissible diseases. Similarly, all children were said to have access to education, irrespective of their citizenship or residence status.
18. According to ECRI's different interlocutors, few migrants are irregularly present in Armenia.¹⁵ There are reportedly two reasons for this. Firstly, there is a generally low immigration rate. Secondly, there are strict controls at the borders, with some 20-25 irregular crossings only per year.
19. The attention of the ECRI delegation was nevertheless drawn to shortcomings in the handling of asylum requests, including for people at risk of ill-treatment if returned to their country of origin or to an unsafe third country because of their sexual orientation or gender identity, and to the lack of individual proper risk and needs assessments.¹⁶
20. ECRI recommends that all professionals dealing with asylum and migration issues be provided with mandatory human rights and equality training. Such training should particularly focus on vulnerable categories, including migrants irregularly present in Armenia and people seeking asylum on the grounds of sexual orientation, gender identity or sex characteristics.

D. LGBTI equality¹⁷

21. LGBTI people living in Armenia have become more visible and active in the public sphere over the last few years.¹⁸ However, there are no official data or studies on their situation. At the same time, the information made available to the ECRI delegation shows that intolerance towards LGBTI people remains predominant in Armenia. For instance, 95% of Armenians under 35 would disapprove gay marriage, according to a 2018 study.¹⁹
22. As pointed out by the civil society representatives met by the ECRI delegation, it remains very difficult for the people concerned to come out in a society where they are at best ignored as long as they do not make themselves visible or otherwise exposed to discrimination, marginalisation and attacks with little protection in law or in practice. Civil society actors indicated that the situation was particularly challenging for LGBTI persons when lockdown measures were taken as a result of the Covid-19 pandemic. Many LGBTI people were no longer able to earn a living and were at times subject to domestic abuse, without receiving appropriate support from the authorities and with limited possibilities to have safe contacts with associations.²⁰
23. The lack of legal protection results mainly from the fact that sexual orientation, gender identity and sex characteristics are not explicitly included among the

¹⁵ See for an assessment of the situation in 2013: [International Organisation for Migration \(IOM\) \(2013\) Baseline Research on Irregular Migration in the Republic of Armenia](#)

¹⁶ See, in this connection, UN High Commissioner for Refugees (UNHCR) (2020, January 29), [UNHCR Comments on the Drafts of Criminal and Criminal Procedure Codes of the Republic of Armenia](#), and [GRETA's Report and Government's Comments](#), published 31 May 2022, §§173-175.

¹⁷ For the terminology, see [ECRI's Glossary \(2022\)](#).

¹⁸ ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in [Armenia](#) covering the period of January to December 2021.

¹⁹ [Pew Research Centre \(2018\), Eastern and Western Europeans Differ on Importance of Religion, Views of Minorities, and Key Social Issues](#)

²⁰ The Emergency state restrictions were in force from 16 March to 13 July 2020. See for details <https://www.ohchr.org/sites/default/files/Documents/Issues/SexualOrientation/IESOGI-COVID-19/CSOs/Pink.docx>.

grounds of discrimination prohibited by the Constitution, nor in any other civil, administrative or criminal piece of legislation. Furthermore, it is of concern to ECRI that the draft Equality Law under examination at the time of ECRI's visit did not include these grounds and that there was no planned action aimed at raising awareness among the general population with regard to the situation of LGBTI persons and their families.

24. ECRI also regrets to note that Armenia does not provide for any form of legal recognition of same-sex partnership. LGBTI couples are excluded from the rights enjoyed by heterosexual couples as regards filiation, inheritance, and social benefits. Single lesbian women up to 53 years of age are entitled to assisted reproduction. In addition, the legal status of children of same-sex unions contracted abroad would need to be clarified. ECRI also learned that gay men were at risk of serious physical and psychological abuse in prisons or when serving in the army. Exemption from military service would require them to undergo a psychological examination and imply that a mention of "mental disorder" be recorded in their documentation, which may expose them to future discrimination in the labour market or in accessing adequate healthcare.²¹ However, on a related note, such a mention is no longer an obstacle for getting a driving licence.
25. In a judgment of March 2021, a domestic court found that the discriminatory banning of a gay man and two transgender persons from a sport club fell under the open list of discrimination grounds in the Constitution.²² However, as confirmed by the authorities during the visit, this remained an isolated case with no precedent effect. ECRI therefore considers that the explicit inclusion of grounds of sexual orientation, gender identity and sex characteristics in the legislation remains absolutely necessary to ensure a more effective protection of LGBTI people from discrimination.
26. Some of ECRI's official interlocutors admitted that the human rights of LGBTI persons were not seen as a priority, considering acute national security concerns before and during the visit. In contrast, a number of civil society interlocutors pointed to long-standing concerns about discrimination against LGBTI people, which should prompt more determined government action. In this connection, reference is made to Resolution 2418 (2022) adopted on 25 January 2022 by the Parliamentary Assembly of the Council of Europe and to the related report of the Assembly's Committee on Equality and Non-Discrimination on alleged violations of the rights of LGBTI people in the Southern Caucasus.²³
27. During its visit to Armenia, the ECRI delegation visited a Safe Space, which was being set up under the private initiative of a transgender activist with the aim of providing legal, psychological and healthcare services, organising educational and awareness raising activities as well as other initiatives to promote equality for LGBTI persons and, in particular, for the transgender community and their families. NGO representatives explained to the ECRI delegation that transgender persons in Armenia experience discrimination at a higher rate than other groups, that they are often rejected by their families and that they have more difficulties to complete their studies and find employment, which in turn increases their social marginalisation.
28. ECRI learnt that the procedures for changing the first names of transgender people had been simplified. However, it had become virtually impossible to register a change of gender in identity documents since a gender-reassignment surgery

²¹ See on this point also <https://pace.coe.int/en/files/29711#trace-3>

²² <http://rightsidengo.com/news/the-violation-of-rights-on-the-basis-of-discrimination-was-recognized-by-the-court/>.

²³ <https://pace.coe.int/en/files/29711#trace-3>

seemed no longer to be a sufficient criterion.²⁴ ECRI is furthermore deeply concerned by allegations of breaches of personal data protection standards about changes of name or gender, which exposed the persons concerned to attacks. As regards the change of gender registered in passports, police senior officials told the ECRI delegation that this required the birth certificate entry to be changed, which was under the competence of the Ministry of Justice.

29. It emerged from discussions with civil society representatives that there are serious concerns as regards access to healthcare for LGBTI persons, in particular for transgender persons, due to the lack of a legal framework and clear guidelines, as well as of competent medical specialists on gender reassignment surgery and hormonal therapy for transgender persons. As a result, transgender persons cannot rely on appropriate non-judgmental advice in terms of mental health and hormonal therapy through their transition. Furthermore, in the absence of suitable guidance for healthcare professionals, they are exposed to abuse by unethical professionals and treatments often taking place in semi-clandestine conditions, without proper follow-up in the event of complications and without any legal remedy available. According to civil society representatives, the fact that issues related to LGBTI persons are still dealt with in Armenian medical faculties as “mental disorders”, “sexual deviations” or from the mere angle of prevention of sexually transmitted diseases contributes to stigmatisation and prejudices.
30. As concerns intersex persons,²⁵ the ECRI delegation understood that their situation is largely unknown in Armenia. It appears from ECRI’s findings during the visit that there are serious questions as to whether they may be subject to unnecessary and unconsented irreversible surgical gender assignment at childbirth.²⁶ ECRI recalls in this regard that children’s right to physical integrity and bodily autonomy should be effectively protected and that medically unnecessary sex-“normalising” surgery and other treatments should be prohibited until the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent. ECRI strongly invites the authorities to enact legislation that prohibits unnecessary surgery and therapies on intersex children.
31. ECRI recommends that the authorities give a higher priority to LGBTI equality, notably by: i) collecting and publishing appropriate equality data, in accordance with personal data protection standards, to help identify any systemic issues and priority areas for policy responses to discrimination against LGBTI people; ii) reviewing the compatibility of the Armenian legislation with Council of Europe standards on LGBTI equality, including the case-law of the European Court of Human Rights, and consult relevant civil society organisations when proposing any necessary changes to the existing legislation; and iii) taking action in co-operation with LGBTI communities, aimed at raising awareness among the general population with regard to the situation of LGBTI persons and their families in all areas of life (including in the education and employment sectors).
32. ECRI further recommends that the authorities provide healthcare professionals with adequate initial and in-service training and guidelines to deal with healthcare issues of relevance to LGBTI persons appropriately and ensure their access to

²⁴ For example, some transgender women had been unable to travel abroad because their new names did not match the birth gender marked in their passports <http://rightsidenango.com/news/three-armenian-transgender-women-barred-from-entering-egypt-because-of-male-marker-in-the-passport/>

²⁵ During this cycle, ECRI examines the situation of intersex persons who are born with chromosomal, hormonal or anatomical characteristics which do not match strict medical definitions of male or female (EU FRA (2015): 2). According to prevailing scientific studies, the number of intersex persons varies between 0.02% and 1.7% of any given population, depending on how many forms of intersexuality are considered. See Blackless, M. and others 2000; Intersex Campaign for Equality (2015).

²⁶ <https://ngngo.net/en/2022/02/08/intersex-what-does-it-mean-what-are-the-main-issues/>

healthcare without discrimination. In this connection, homosexuality should not be considered and recorded as a mental health disorder.

33. As far as transgender persons are concerned in particular, ECRI recommends that the authorities clarify the procedure and criteria required for the official recognition of gender and of first name changes in documents. In this context, the authorities should ensure that there is no requirement for mental health diagnoses.²⁷

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech²⁸

Data

34. Hate speech incidents, including calls for violence, occur occasionally in the political and public spheres in Armenia. However, they do not usually have a racist or xenophobic motivation. According to several independent observers met during the visit, such incidents are mainly related to political figures, NGO representatives or journalists. It appeared during the ECRI visit that the limited public awareness of what constitutes hate speech, including incitation to hatred and discrimination, has led to some confusion about what can be seen as acceptable debate in politics and in the media, including online, as well as to insufficient action to prevent and sanction hate speech, including criminal hate speech. Reference to the “Armenian identity” is all too often misused to fuel intolerance in speech and action towards LGBTI communities and, to some extent, religious and other minorities, instead of promoting respect for diversity, which is considered to be closely associated with Armenian tradition. The same applies to hate speech referring offensively to “Azeris” and “Turks”,²⁹ with adversarial narratives deeply rooted in resentment in the context of the long-standing conflict and confrontations with neighbouring Azerbaijan and used as tools against political opponents to exacerbate internal divisions and hinder any peace negotiations.³⁰
35. It emerges from ECRI’s findings during the visit that the few data available on hate speech incidents of a criminal nature and hate crimes do not reflect the actual size of the problem. According to the OSCE/ODIHR, 19 hate crime cases were recorded in 2020, including 17 offences of “public calls for violence, public justification or propaganda of violence”.³¹ According to the information provided by the authorities, 24 and 18 hate-motivated incidents of a criminal nature were registered in 2020 and 2021 respectively. However, a comprehensive monitoring of hate speech incidents and a proper data collection mechanism are still lacking in Armenia, despite ECRI’s long-standing recommendations on this matter.³²

²⁷ See also ECRI(2016) §93.

²⁸ See definitions of hate speech and hate crime in [ECRI’s Glossary](#).

²⁹ At the time of the visit, there was no Azeri community in Armenia and the number of Turks living or visiting Armenia was unknown.

³⁰ See also the CoE Commissioner for Human Rights’ [Memorandum](#) on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh, CommDH(2021)29 of 8 November 2021, §§76-87.

³¹ <https://hatecrime.osce.org/armenia>.

³² See in this respect the recommendations previously formulated in ECRI(2003) §58, ECRI(2011) §15 and §27, ECRI(2011) §137.

In this context, reference should be made to a 2019 report, commissioned by the Council of Europe, on the collection of data on discrimination, hate crimes and hate speech, which contains a set of recommendations aimed at developing consistent disaggregated data collection and reliable processing mechanisms, together with training and guidance for law enforcement officials and other relevant professionals.³³

36. The attention of ECRI was also drawn to the problem of under-reporting. For example, civil society actors indicated that potential victims of LGBTI-phobic hate crime, including hate speech of a criminal nature, refrained from making complaints: they reportedly feared being further exposed to hate speech and discrimination as a result of public disclosure of their sexual orientation or gender identity or simply had serious doubts about the effectiveness of the investigations into incidents affecting them.
37. ECRI recommends that the authorities take action to develop an appropriate monitoring of hate speech incidents, in close co-operation with relevant civil society organisations and taking due account of Council of Europe and other international standards, as well as detailed guidance for consistent and disaggregated hate speech and hate crime data collection.
38. Several documented cases of threats, insults and other manifestations of hate speech targeting LGBTI persons have been reported to ECRI. These cases involved in particular political figures on social media and in Parliament, before and after the Armenian 2018 revolution. They include for example public calls to “*get out homosexuals, sectarians, and their defenders*” from the country, advocating discrimination on the grounds of sexual orientation or gender identity, or comparing LGBTI people to viruses and suggesting that they “*should be isolated to avoid making other people sick*”. A public parliamentary hearing on human rights organised in April 2019, during which a transgender activist intervened to raise the issue of transphobic hate crimes in Armenia, was accompanied by an unprecedented flow of anti-LGBTI hatred. For instance, some members of parliament stated that “*such individuals should be burned*” and committed to fight “*sexually deviants*”. On social media, several individuals called for the physical extermination of LGBTI people and posted explicit death threats against the transgender activist, with details of her home address.³⁴ Homophobic hateful content is spread very rapidly, as was the case after the tragic suicide of two gay young partners in October 2022.³⁵
39. On a more general note, LGBTI-phobic arguments depicting LGBTI people as threats to family values, national identity and national security have been frequently used in the political sphere and remained grossly unchallenged.³⁶
40. The same applies, to a lower degree, to incidents of hate speech targeting other people on account of their ethnic or national background or skin colour. For example, a few years ago, a photo showing a mixed-marriage family in traditional Armenian costume was withdrawn after virulent racist comments were made. This

³³ Council of Europe (2022, January) Mapping National Responses to hate speech in Armenia, Systemic Analysis and policy report. See in particular the “[Collection of data on discrimination, hate crimes, and hate speech in Armenia - Situational analysis report](#)”, which assesses the information contained in the database of the Information Centre run by the Police, the annual report on crimes of the General Prosecutor, the Judiciary statistical indexes, the reports of the National Statistical Committee and the reports of the Human Rights Defender. It nevertheless concludes that none of these sources lists hate crimes or aggravating circumstances and that some limited information can, at best, be deduced on the basis of the legal provisions invoked, if these are registered and if the proceedings are not discontinued. In this connection, the authorities have informed ECRI that, following the adoption of the new Criminal Code, which entered into force on 1 July 2022, the General Prosecutor issued on 11 January 2023 a Decree on establishing new forms of statistics management, which covers the collection of comprehensive and complete statistical data on crimes motivated by prejudice and hatred.

³⁴ <https://www.frontlinedefenders.org/en/case/armenia-death-threats-against-lgbt-rights-defender-lilit-martirosyan>

³⁵ PINK Armenia, “[homophobia claimed two more lives](#)”, 22 October 2022.

³⁶ 2021 [Report](#) on Armenia by Human Rights Watch.

did not lead to proper investigations on the part of the authorities.³⁷ According to civil society interlocutors met during the visit, “Turk” or “Yezidi” were sometimes used as insults.³⁸

41. The authorities and the Human Rights Defender have been particularly vigilant of widespread hateful content, notably on social media, targeting Armenians in relation to confrontations and conflicts in the region.³⁹ However, some of ECRI’s interlocutors indicated that anti-Azeri/anti-Turk rhetoric was also growing in the political sphere. In this context, ECRI refers to its statement on preventing and combating ultra-nationalistic and racist hate-speech and violence in relation to confrontations and unresolved conflicts in Europe and the recommendations contained therein⁴⁰ as well as the relevant recommendations by the Council of Europe’s Commissioner for Human Rights.⁴¹

Responses to hate speech

42. Measures aimed at training relevant professionals on hate speech and hate crime and how to respond to them have been taken by the Armenian authorities and civil society organisations,⁴² notably within the framework of the awareness-raising component of the National Plan for the Protection of Human Rights (hereafter, NHRAP) for 2020-2022.⁴³ In 2021, for example, an online seminar⁴⁴ and training courses⁴⁵ were organised in co-operation with the Council of Europe and other international partners, involving participants from public institutions, civil society organisations, media organisations and religious organisations. The ECRI delegation also learned that, in 2021 and 2022, training sessions on countering discrimination and racism were organised for, investigators (Investigative Committee), prosecutors and judges as well as for police officers.⁴⁶ In addition, a

³⁷ Many of these comments used the word “nigger”, others blamed the woman for “spoiling Armenian genes by marrying a black man and giving birth to a black child who would never become a true Armenian”, another harsh comment by a schoolteacher said “don’t convince me to consider the mixed marriage of an Armenian woman and a Negro as normal”. Mapping National Responses to hate speech in Armenia, Systemic Analysis and policy report, Council of Europe, January 2022.

³⁸ A case was initiated against Armen Grigorian, a film maker, for incitement to hatred for having qualified as “Turks” the inhabitants of a certain Armenian region. However, the case was dropped following his death in the courtroom in July 2022. <https://news.am/eng/news/712046.html>, <https://en.armradio.am/2022/07/15/film-producer-armen-grigoryan-has-died/>.

³⁹ Ad hoc [public report](#) “On the situation of the Azerbaijani policy of Armenophobia and enmity after the 44-day war” of the Human Rights Defender of Armenia.

⁴⁰ <http://rm.coe.int/statement-of-ecri-on-preventing-and-combating-ultra-nationalistic-and-/1680a20d58>

⁴¹ CoE Commissioner for Human Rights’ Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh, [CommDH\(2021\)29](#) of 8 November 2021, §§76-87.

⁴² See, inter alia, the setting-up of an alternative media platform to raise awareness of LGBTI issues: <https://ngngo.net/en/alternative-media/>. Some NGOs working on LGBTI issues indicated that they had been able to conduct awareness-raising and training activities for the police, health operators, mass media, civil society operators.

⁴³ Action No. 44 of the NHRAP provides for measures to raise public awareness on hate speech but no information has been provided to ECRI about the details of these measures and the progress made, if any, in their implementation.

⁴⁴ The seminar on “Hate speech: concept, standards and measures to combat it” was attended by some 70 participants <https://www.coe.int/en/web/inclusion-and-antidiscrimination/-/actions-to-combat-hate-speech-in-armenia-with-an-inclusive-and-participatory-approach>

⁴⁵ In the framework of the “[Strengthening access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in the Eastern Partnership](#)” project funded by the European Union and the Council of Europe and implemented by the Council of Europe, the Ministry of Justice organised online training courses on Council of Europe standards to combat hate speech on 8-9 April 2021, involving 40 participants. A specific training on hate speech was organised in May 2021 for 30 officials.

⁴⁶ On 23 February 2021, two memoranda of understanding were signed respectively between the Police of Armenia and ODIHR regarding the implementation of ODIHR’s Training Against Hate Crimes for Law Enforcement (TAHCLE) programme and between the Academy of Justice, Office of the Prosecutor General, and the Investigative Committee of the Republic of Armenia regarding the implementation of the ODIHR’s Prosecutors and Hate Crime Training (PAHCT) programme. See <https://hatecrime.osce.org/armenia>. A need assessment meeting was held on 10 May 2021 between the Police and representatives of OSCE/ODIHR, followed on 25 May 2021 by an awareness-raising seminar. On 25-27 January 2022, a training course on “Fight against hate crimes” organised by OSCE/ODIHR was attended by 14 police officers. According to the authorities, some 300 participants have already been trained.

course on non-discrimination was included in the curriculum of the School of Advocates of the Bar Association (Chamber of Advocates). ECRI takes positive note that a handbook was under preparation for police investigators and would include hate crime issues. These initiatives are welcomed and should be encouraged. That said, their impact remains to be assessed as they have only involved a relatively low number of participants so far, mostly on a voluntary basis.

43. At the same time, the authorities took no action to launch or support campaigns aimed at promoting diversity and countering hate speech. In this connection, ECRI deplores the fact that advertising billboards commissioned by an NGO and advocating a respectful attitude towards LGBTI people were removed by the authorities in 2017. This decision was validated in 2022 by the Administrative Court, which did not consider them to be in the public interest.⁴⁷ This is all the more regrettable since ECRI has not been made aware of any other initiative taken or supported by the authorities to discourage hate speech through counter speech and alternative speech. ECRI considers that the authorities should raise awareness of the dangers posed by hate speech and its unacceptability inter alia by combating misinformation, negative stereotyping and stigmatisation; supporting NGOs and institutions working on preventing and combating hate speech and encouraging prompt reactions by public figures to hate speech.
44. ECRI recommends, as a matter of priority, that the authorities engage in awareness-raising activities on the importance of diversity and tolerance in society by supporting concrete actions in co-operation with the Human Rights Defender and relevant civil society representatives from different backgrounds, including ethnic, religious and sexual minorities, with the aim of preventing and combating racist and LGBTI-phobic hate speech, hate-motivated violence and discrimination.
45. ECRI cannot but deplore the lack of progress as regards the introduction in Parliament of a code of conduct sanctioning, inter alia, racist and LGBTI-phobic political discourse.⁴⁸ As actors in a democratic political process,⁴⁹ political leaders and members of parliament should make it clear that the use of hate speech by persons affiliated with them is unacceptable and take action to prevent and sanction such use.
46. ECRI recommends that the authorities encourage public figures, such as politicians, high-level officials and religious, economic and community leaders, to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech, react promptly to any such expression with strong counter-speech and alternative speech, and promote understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
47. The new Audiovisual Media Law, which entered into force in 2020,⁵⁰ explicitly prohibits the broadcasting of programmes that aim to promote discrimination based

⁴⁷ The billboards placed in Yerevan were removed two days later. PinkArmenia NGO sued the municipality and asked the Ministry of Culture to recognize the billboards as public service announcements, which the Ministry of Culture refused to do. On 1 March 2022, the Administrative Court of the Republic of Armenia issued a judgment rejecting the recognition of the three advertisements as social advertisements. See <https://www.pinkarmenia.org/en/news/trial-protest/>.

⁴⁸ See, in this connection, ECRI(2016) §§50-51.

⁴⁹ See <https://rm.coe.int/16806fe48b>.

⁵⁰ <https://cis-legislation.com/document.fwx?rgn=126700>

on national, racial, gender or religious grounds and makes it mandatory for all licensed broadcasters either to sign a code of ethics or to adopt their own self-regulation rules. ECRI considers that this represents a positive development. Certainly, a code of ethics, including provisions on hate speech,⁵¹ is in force since 2007, under the supervision of a Media Ethics Observatory. However, neither the Observatory nor internal self-regulation mechanisms can issue binding decisions or effectively enforce sanctions if a broadcaster violates ethics standards. In such case, for example, the broadcaster may merely publish its conclusion that a breach of standards was found while the standards in question continue to be breached, as representatives of the Commission on Television and Radio pointed out to the ECRI delegation. In addition, the existing self-regulation rules, codes of ethics and monitoring mechanisms do not cover online hate speech. Illegal content spread through traditional and social media can nevertheless be investigated by a special unit of the police,⁵² *ex officio* or upon a complaint, and lead to criminal proceedings. The possibility to report hateful content on social media and to have it blocked and withdrawn, including hateful content originating from abroad, does not seem to be regulated yet.

48. ECRI recommends that the authorities take action to prevent and combat online hate speech in accordance with ECRI's General Policy Recommendation No. 15 on combating hate speech and the Committee of Ministers' Recommendation CM/Rec(2022)16 on combating hate speech, in particular by: i) defining and delineating the duties and responsibilities of State and non-State actors in addressing online hate speech; ii) creating clear rules and procedures for effective co-operation with and between those actors regarding the assessment and investigation of online hate speech; iii) ensuring that removal procedures and conditions as well as related responsibilities and liability rules imposed on internet intermediaries are transparent, clear and predictable and that those procedures are subject to due process; and iv) strongly encourage and support training for media professionals and journalists, without encroaching on the independence of the media, on how to recognise, report on and react to hate speech, as well as on how to avoid using and disseminating it.

49. ECRI learnt that the new Criminal Code and Code of Criminal Procedure, which came into force in July 2022, had taken into account of Council of Europe expert opinions and that a controversial provision on grave insult had been withdrawn.⁵³ The new legislation expressly criminalises hate speech, which is generally understood as publicly inciting or calling for hatred, discrimination, intolerance or hostility, or distributing materials or items for that purpose (Articles 329-330), as well as public denial, justification, promotion or trivialisation of genocide or crimes against humanity (Article 136). In this connection, it is positive to note that the new criminal law contains anti-discrimination and hate crime provisions in an open list

⁵¹ The Code of Ethics, as revised in May 2021, provides notably (Rule 5) for the obligations for editors and journalists: "5.1. *To avoid prejudice against people on the ground of their race, sex, age, religion, nationality, geographic origin, sexual orientation, physical handicap, external look or social status*"; "5.2. *Not to promote in any way ethnic or religious hatred and intolerance, or any discrimination on political, social, sexual, and language grounds, exclude hate speech*"; "5.3. *Not to advocate pornography, violence, war, in any form; not to deny genocide and crimes against humanity*". Another rule (§3.5) provides that media should also set and apply rules of conduct in social networks for their editorial staff.

⁵² The authorities informed ECRI that the Unit for the Fight against Crimes in the Field of High Technologies of the Department for Operational Intelligence Information and the Fight against Cybercrime of the General Department of Criminal Police of the Police of the Republic of Armenia monitor the Internet to detect acts of sharing racist or xenophobic material through the computer, and those of fostering hostility and hatred on national, racial and other grounds, and to promptly respond to them.

⁵³ This provision was applied between August 2021 and July 2022 and provided that individuals voicing "grave insults" or offending others' dignity in an "extremely indecent manner" must be fined up to 500,000 drams (about €1,250). Such insults publicly and repeatedly directed at persons because of their "public activities" were punishable by fines ranging from 1 million to 3 million drams (€2,500-€7,500) and by imprisonment of up to three months. The persons protected by this provision included state officials, politicians, civic activists and other public figures.

of protected grounds, including race, skin colour, belonging to an ethnic minority, religion and “other circumstances of a personal and social nature”.

50. However, ECRI raises questions as to whether the new provisions will be sufficient for criminal justice actors to deal with all forms of hate speech, hate crime and discrimination of a criminal nature. When it comes to criminal provisions pertaining to aggravating circumstances, ECRI regrets to note that they fail to cover all grounds falling within its mandate (notably language and citizenship).

51. ECRI recommends that the authorities review the new criminal provisions on hate speech, aggravating circumstances and discrimination with a view to enabling criminal justice actors to combat racist and LGBTI-phobic criminal hate speech, other hate crime and discrimination effectively.

52. ECRI is concerned about allegations of retaliatory or abusive procedures initiated by law enforcement officials against individuals reporting publicly about discrimination. By way of illustration, ECRI was alerted about a pending case initiated under criminal hate speech provisions against a Yezidi activist following the authorities’ wiretapping of his private conversation with a journalist.⁵⁴ ECRI shares the concerns expressed by several human rights actors at international and national level, including the Council of Europe’s Commissioner for Human Rights⁵⁵ and trusts that the authorities will ensure that criminal, civil and administrative law provisions pertaining to hate speech will always be interpreted and applied in full compliance with Council of Europe standards, including on freedom of expression.

B. Hate-motivated violence

53. The shortcomings described earlier about the lack of comprehensive data collection mechanisms, the extensive under-reporting and the predominant targeting of LGBTI people apply equally to hate-motivated violence.

54. For example, over a period of twelve months, between 2016 and 2017, the NGO *Right Side* registered some 100 cases of hate-motivated violence against transgender persons.⁵⁶ PINK Armenia, an NGO specialised in promoting LGBTI equality, documented at least 17 incidents of physical assaults based on sexual orientation or gender identity from January to August 2019 and 12 assaults of this nature between January and July 2020.⁵⁷ In the first half of 2022, PINK Armenia registered, in addition to other cases of aggressions in the public space, four cases of domestic violence against LGBTI people (compared to 11 and 12 cases recorded during the same period in 2021 and 2020 respectively).⁵⁸

55. In a judgment of 17 May 2022 in the case of *Oganezova v. Armenia*, the European Court of Human Rights found that the authorities had failed to offer adequate protection to the applicant and to conduct a proper investigation into the homophobic abuses she suffered from, including the arson attack on her club and

⁵⁴ At the time of the visit, the case of the activist in question was dealt with by Yerevan General Jurisdiction Court under charges of public incitement to hatred under Article 226 (1) (2) of the Criminal Code (2003). His supporters and lawyers claimed that these criminal proceedings are retaliatory action against him for voicing violations of Yezidis’ human rights. For more details, see for instance <https://hcav.am/en/sashik-sultanyan-8-8-22/>.

⁵⁵ See the Council of Europe Human Rights Commissioner’s letter addressed to the Prosecutor General of the Republic of Armenia in November 2021, available at [Commissioner seeks clarification over criminal proceedings against Armenian human rights defender Sashik Sultanyan - View \(coe.int\)](https://rm.coe.int/commissioner-seeks-clarification-over-criminal-proceedings-against-armenian-human-rights-defender-sashik-sultanyan-view-coe-int/), and the response of the Public Prosecutor <https://rm.coe.int/reply-by-the-prosecutor-general-of-armenia-to-the-letter-of-dunja-mija/1680a4a18f>. See also the statement made by the UN Special Rapporteurs on human rights defenders, minority issues and freedom of expression, available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27372&LangID=E>; and the statement made by the Human Rights Watch, available at [Armenia: Malicious Prosecution of Activist | Human Rights Watch \(hrw.org\)](https://www.hrw.org/news/2022/05/17/armenia-malicious-prosecution-of-activist).

⁵⁶ ILGA 2018 Annual Report; LGBTI-phobic attacks reported in Armenia: <https://www.ilga-europe.org/resources/news/latest-news/lgbt-phobic-attacks-reported-armenia>

⁵⁷ LGBTI-phobic attacks reported in Armenia: <https://www.ilga-europe.org/resources/news/latest-news/violent-attack-lgbtq-community-armenia>

⁵⁸ <https://www.pinkarmenia.org/en/news/2022cases/>

the subsequent homophobic attacks.⁵⁹ Regrettably, victims of LGBTI-phobic hate crimes continue to experience similar problems when addressing law enforcement agencies and criminal cases are all too often dropped or re-qualified with lesser charges,⁶⁰ according to civil society representatives met by ECRI. For example, cases of violence against LGBTI persons by members of their family on account of their sexual orientation or gender identity are not always considered as domestic violence but are dealt with as offences punishable by light sanctions.⁶¹ In another instance, where a group of some thirty people confronted nine LGBT community members in Shurnukh and seriously wounding two of them,⁶² the case was initially dropped in 2018. The court decision was subsequently appealed, and the court examination of the case resumed in December 2019,⁶³ to be dropped again in February 2021, due to the expiry of the statute of limitations for criminal liability. An appeal against the latter decision was still pending at the time of ECRI's visit.

56. As noted earlier in the present report, the fact that the Armenian legislation does not explicitly acknowledge the existence of bias on grounds of sexual orientation, gender identity and sex characteristics, together with a perceived lack of willingness on the part of the authorities to respond to racist and LGBTI-phobic criminal offences, may contribute to create a climate of impunity, which in turn fosters hostility and violence towards persons belonging to LGBTI and potentially other communities.⁶⁴ It furthermore generates a feeling of mistrust between LGBTI associations and law enforcement agencies.⁶⁵ NGOs admitted that victims were reluctant to turn to the police, or even victim support or medical staff, but rather sought support with friends and NGO staff.⁶⁶ ECRI regrets to note that little or no progress was made in the implementation of its previous recommendations about the effective investigation and prosecution of cases of hate-motivated violence, including against LGBTI people and human rights defenders.⁶⁷ In this context, the deployment of a new police service focused on community policing may be seen as a positive development.

57. ECRI recommends that the authorities provide law enforcement officials, prosecutors and other criminal justice actors with appropriate training and develop clear guidelines to help them in the handling of hate crimes. The objective of such training and guidelines should be to help them to better identify hateful motives (bias indicators) in the context of police investigations and prosecutions and to ensure that any hate crime against members of ethnic, religious and sexual minorities is adequately dealt with by the criminal justice system.

III. INTEGRATION AND INCLUSION

58. Integration and inclusion policies in Armenia concern refugees, asylum seekers and migrants on the one hand and, on the other hand, ethnic, linguistic and religious minorities historically present in the country.

59. In respect of both categories of people, ECRI finds that the lack of reliable equality data and of effective remedies against discrimination continues to make it difficult

⁵⁹ *Oganezova v. Armenia*, app. Nos. 71367/12 and 72961/12, judgment of 17 May 2022, final on 17 August 2022. <https://hudoc.echr.coe.int/fre?i=001-217250>

⁶⁰ <https://www.pinkarmenia.org/en/news/2022cases/>

⁶¹ <https://www.pinkarmenia.org/en/news/dvcase-yerevan/>

⁶² LGBTI-phobic attacks reported in Armenia: <https://www.ilga-europe.org/resources/news/latest-news/violent-attack-lgbtq-community-armenia>

⁶³ See <https://www.pinkarmenia.org/en/news/shurnukh-trial/>

⁶⁴ ECRI(2016) §§63-64.

⁶⁵ <https://www.pinkarmenia.org/en/news/2022cases/>

⁶⁶ ILGA 2018 Annual Report; LGBTI-phobic attacks reported in Armenia: <https://www.ilga-europe.org/resources/news/latest-news/lgbt-phobic-attacks-reported-armenia>

⁶⁷ See ECRI (2016)§54 and §64.

to assess the impact of any integration and inclusion measures that might affect groups of relevance to ECRI.⁶⁸

60. ECRI nevertheless trusts that some progress in the collection of data will result from the new census carried out in 2022. The new census should rely on new methodology, drawing on data from the population registry as well as the daily updated records of the border management system. The authorities explained that the new census methodology had been adopted in consultation with international partners and NGOs and would cover issues related to various areas of life such as education, employment and housing.

A. Migrants

Data and integration policies

61. Armenia continues to have a negative net migration rate, although the inflow of new migrants is increasing⁶⁹ with the arrival of a number of Indian medical students in recent years and ethnic Armenians fleeing Nagorno-Karabakh or Syria. An additional inflow of entries, mostly from the Russian Federation, has been observed since the outbreak of Russia's aggression against Ukraine in February 2022.⁷⁰ The number of Russians applying for Armenian citizenship sharply increased in the months following the beginning of the war and some 40-50 000 Russian citizens came to Armenia.⁷¹ In addition, during the same period, some 200 asylum seekers from Ukraine, mostly of Armenian origin, were also registered. ECRI is pleased to note that in general migrants are well accepted in Armenia and that no instances of discriminatory or aggressive behaviour against them have been reported.⁷²
62. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of July 2022, Armenia hosted 35 485 migrants, including 34 274 refugees and persons in a refugee-like situation (mostly persons fleeing Nagorno-Karabakh⁷³), 395 asylum seekers, and 816 stateless persons.⁷⁴ Around 220 people on average seek asylum in Armenia every year between 2017 and 2021. The latest statistics from the Migration Service indicate that, in 2021, out of 260 asylum seekers, 118 came from Iran, 52 from Iraq, 14 from Cuba, and 27 from the Syrian Arab Republic.⁷⁵ According to the statistical reports of the Police and to an 2020 study by the International Organisation for Migration (IOM), as of 31 December 2019, 16 648 foreign nationals had valid residence status in Armenia, of which 5 000 had temporary residence permits for up to one year (1 562 were Indian nationals, of whom 1 325 were students), 7 482 had permanent residence permits (including 3 680 Russian nationals and 66 Indian nationals), 4166 had special residence permits, for up to 10 years.⁷⁶ The authorities indicated that 2 450 migrants were granted permanent residence status in Armenia in 2021, 2 178 in 2020, 2 059 in 2019, 1 809 in 2018 and 1 301 in 2017. While almost 50% of these

⁶⁸ See on this point also ECRI (2016), §75-77 and §86.

⁶⁹ <https://www.iom.int/node/29931/facts-and-figures>

⁷⁰ According to some sources, up to 142 000 Russian citizens arrived in Armenia in the first quarter of 2022, see [The Guardian \(2022, May 13\)](#); <https://www.thetimes.co.uk/article/russian-exiles-in-armenia-fear-kremlins-long-reach-dc88p83ds>; [The Moscow Times \(2022, April 19\)](#); [The Irish Times \(2022, March 21\)](#).

⁷¹ [Osservatorio Balcani e Caucaso - Transeuropa \(2022, June 8\)](#); [France24 \(2022, September 22\)](#); [MassisPost \(2022, September 7\)](#). However, according to the authorities, many Russian nationals who migrated to Armenia in the course of 2022 have left the country.

⁷² See also [The Moscow Times \(2022, August 1\)](#)

⁷³ According to the Migration Service of Armenia, in 2020, around 90 000 people were displaced from Nagorno-Karabakh and found refuge in Armenia. [Armenia - People in a refugee-like situation from NK registered by the Migration Office as of 15 December 2020](#)

⁷⁴ [UNHCR Armenia](#)

⁷⁵ Migration Service of Armenia, [Statistical Report 2021](#)

⁷⁶ [IOM, Rapid needs assessment: COVID-19 Related Vulnerabilities Among Migrants In Armenia](#)

migrants were women in 2017, the proportion of women was slightly over one third in 2021.

63. The issues of family reunification of persons recognised as refugees are regulated by the Law on Refugees and Asylum. Simplified naturalisation procedures apply to returning ethnic Armenians,⁷⁷ refugees and stateless persons.⁷⁸
64. ECRI notes with satisfaction that the ongoing reforms of the refugee and asylum system are generally considered to lead to **promising practices**. These reforms are expected to be implemented as a priority in the framework of a two-year programme launched in 2022, with the support of the UNHCR, the European Union and the IOM and would involve the setting-up of a Ministry of Interior, which would be in charge of migration issues currently dealt with by the Police Service and the Migration Service (the latter being under the Ministry of Territorial Administration and Infrastructure).⁷⁹
65. ECRI notes that in 2018-2019, some 40 and 25 participants took part in language and civic orientation courses,⁸⁰ before they were suspended in 2020-2021 as a result of restrictions due to the Covid-19 pandemic and the 2020 conflict with Azerbaijan. A free-of-charge mobile application (MigApp) was also developed by the IOM in 2021 for migrants who wanted to learn about country-specific migration services and obtain other relevant information.⁸¹ Language courses and other forms of support to migrants are otherwise provided by NGOs and international agencies such as the UNHCR, even if their resources are generally inadequate to fully meet the needs. Refugees and persons who are granted temporary asylum are also entitled to free legal aid.⁸²
66. A number of issues related to the asylum procedure were nevertheless brought to ECRI's attention during the visit: the vulnerability criteria were not duly taken into account;⁸³ fair asylum procedures were not always ensured, notably as regards access to legal aid, translation/interpretation, security risks assessment; there was insufficient training for legal professionals dealing with asylum cases.
67. ECRI recommends, as a matter of priority, that the authorities adopt an Integration Strategy accompanied by suitable financial resources and capacity-building activities that will ensure effective implementation of concrete support actions for refugees, asylum seekers and migrants, as well as any other persons or groups of persons in similar situations, including, among others, language and civic orientation courses. In doing so, the authorities should draw on the model framework for an intercultural integration strategy at the national level adopted by the Council of Europe's intergovernmental Steering Committee on Antidiscrimination, Diversity, and Inclusion (CDADI) in 2021.

⁷⁷ Legislative proposals aimed at restricting this possibility have been introduced in July 2022, after some 10 000 people requested Armenian nationality not with the intention of settling in Armenia but in order to obtain Armenian passports and be able to travel elsewhere. At present, ethnic Armenians can request Armenian citizenship without any residence or language-test requirements, contrary to other categories of foreigners. <https://www.civilnet.am/en/news/668110/armenia-suggests-stricter-citizenship-requirements/>

⁷⁸ See the [Law of 1995 on Citizenship of the Republic of Armenia](#).

⁷⁹ <https://armenpress.am/eng/news/1088337/>; <https://armenia.un.org/en/191030-unhcr-and-migration-service-meet-stakeholders-initiate-comprehensive-package-law-amendments>

⁸⁰ The aim of civic orientation courses was to promote the knowledge of immigrants through the provision of information on the values, culture of the receiving community, as well as their rights, obligations and opportunities, according to the information provided by the authorities.

⁸¹ <https://armenia.un.org/en/138640-updated-migapp-un-migration-agencys-app-migrants-available-download>

⁸² See https://www.moj.am/en/page/advocacy_and_legal_assistance and <https://www.unhcr.org/am/en/20221-chamber-of-advocates-unhcr-free-legal-aid.html>

⁸³ According to ECRI's interlocutors, there is no effective mechanism for identifying special vulnerability factors, prioritising the treatment of case files concerning these persons and referring them, if need be, to psycho-social protection services.

Education and employment

68. ECRI welcomes as a **good practice** the fact that migrant children are entitled to education, regardless of their status, and that special measures have been taken by the authorities to integrate in the school system some 24 000 children displaced from Nagorno-Karabakh, such as the adoption of ad hoc solutions in respect of the administrative and practical issues, for example in order to facilitate their registration and ensuring their transport to schools. The authorities indicated that additional free-of-charge educational support is available upon request in extra-curricular groups including, if necessary, specialised assistance to migrant children in the field of pre-school and compulsory education.
69. As regards the employment of migrants, the ECRI delegation was told that professional integration was in general easier for migrants with an Armenian background and that a number of projects was under way to assist migrants' access to employment, in the framework of co-operation agreements supported by international organisations or through bilateral agreements, for example with India.
70. ECRI also learned that the recognition of foreign qualifications⁸⁴ was possible for refugees and asylum seekers as well, which is a **good practice**. Nevertheless, while refugees and asylum-seekers have in principle the same work entitlement as Armenian nationals,⁸⁵ except for civil service employment, they are in practice more vulnerable than other migrants on the labour market. More specifically, there are administrative obstacles for them to get access to work opportunities and support, including through online services.⁸⁶ ECRI trusts that these issues will be addressed in the context of the new asylum policy.
71. A number of support programmes were adopted by the Government to mitigate the serious negative impact of the Covid-19 pandemic on the socio-economic situation in the country. Some of these measures, including those aimed at supporting those who had lost their jobs, were regularly applied to migrant workers.⁸⁷
72. At the time of the ECRI visit, the recently established Labour Inspectorate was about to become fully operational and the labour and social assistance legislation was being revised with a view to including, inter alia, non-discrimination clauses in line with international standards. Furthermore, the launch of a new electronic platform in January 2022 to register work permit applications considerably simplified the access of migrants to work and could be considered, in the view of ECRI, as a **good practice**.

Health and welfare benefits

73. Migrants with a regular resident status, stateless persons and refugees are entitled to social and medical assistance under the same conditions as Armenian nationals.⁸⁸ Asylum seekers are also entitled to free healthcare, including hospital treatments. ECRI was pleased to learn that tuberculosis, syphilis, hepatitis B and C and HIV/Aids testing are free-of-charge for all and that vaccination was made accessible without restrictions, which it considers as a **good practice**. However, refugees and asylum-seekers were not always made aware of their rights of free access to health care. Following up on its previous recommendation on this matter,⁸⁹ ECRI invites the authorities to step up their efforts in this area.

⁸⁴ <https://www.etf.europa.eu/sites/default/files/document/Armenia.pdf>

⁸⁵ This also includes the right to equal treatment and social security in employment.

⁸⁶ See also <https://data.unhcr.org/en/documents/details/90802>.

⁸⁷ <https://armenia.un.org/en/download/72273/134131>

⁸⁸ See ESC (2021) Armenia, Conclusions on Article 13§1 of the Revised European Social Charter.

⁸⁹ ECRI (2011) §119.

Housing

74. Reception facilities do not cover the needs of refugees, asylum-seekers and migrants, according to the information gathered by ECRI during its visit, not only because the places available are limited, but also because they do not allow an adequate protection from gender-based violence. The ECRI delegation was also told that there were housing problems due to the limited capacities of reception centres for migrants, even when supplemented by shelters run by NGOs in co-operation with the IOM.
75. The authorities admitted that the resources available for sheltering refugees and displaced persons were insufficient. They stressed that efforts were made and were being made to ensure proper housing for people on the move with an Armenian background, including almost 100 000 persons who fled from neighbouring conflict areas in the Autumn of 2020. During the 2019-2021 period, 3.7 billion drams were allocated from the budget to issue 270 families with housing purchase certificates in Yerevan districts. ECRI was furthermore informed that the same programme would soon be implemented outside the capital. ECRI was informed that, through international funding, a new reception centre would also be built in 2023 in Yerevan, which would host up to 100 asylum seekers, in addition to the 45 places available in the centre of the capital city. However, it emerged from the findings during the visit that no specific measures were taken to ensure that places are available for asylum-seekers who are not of Armenian origin/ethnic Armenians.⁹⁰ ECRI must recall that all people fleeing war and other emergencies, irrespective of their national or ethnic origin, citizenship, skin colour, religion, language, sexual orientation or gender identity, should be promptly offered adequate protection and strongly invites the Armenian authorities to take due consideration of this principle when developing capacities for the accommodation of refugees, asylum-seekers and migrants.

Participation in public life

76. The authorities indicated that migrants could both vote and run for local elections.⁹¹ In the view of ECRI, this could be considered as **good practice**.

B. Historical ethnic, religious and linguistic minorities

Data

77. According to the 2011 census, out of a population of almost 3 000 000, less than 2% belonged to one of the 11 ethnic minority groups - mainly Yezidis, Russians, Assyrians, Kurds and Ukrainians⁹² - and less than 4% belonged to religious minorities - mainly Evangelical, Shar-fadinian, Catholic, Orthodox, Pagan and Molokan communities as well as Jehovah's Witnesses⁹³ (in contrast, almost 93% of the population living in Armenia were registered as followers of the Armenian Apostolic Church). However, owing to shortcomings in data collection, there are questions about these figures.⁹⁴ As previously indicated, a revised methodology would apply to the census scheduled to take place in 2022, which should notably rely on better coordination with the population registry. Still, further improvements are needed, notably to take due account of multiple affiliations based on self-identification criteria. ECRI refers in this connection to the recent monitoring work

⁹⁰ See, in this connection, ECRI(2016) §71.

⁹¹ https://www.arlis.am/Annexes/5/Electoral_Code_angleren.pdf

⁹² <https://www.armstat.am/en/?nid=532> A new census is under way in 2022, for the first time through electronic forms.

⁹³ <https://www.armstat.am/en/?nid=532>

⁹⁴ In the 2016 ACFC Opinion, the reliability of the data collected through the 2011 was found to raise doubts, due to difficulties encountered during the enumeration process, including the inaccuracy of collected data, lack of transparency and a delay in the publication of the results in December 2013.

of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) concerning Armenia.

Participation in public life

78. ECRI is pleased to note, as a positive element, that representatives of ethnic and religious minorities did not point to any major problem concerning their participation in the public life of the country and the relations with other groups. It should be noted in this respect that two pieces of legislation were being revised at the time of the ECRI visit, more specifically on national minorities and on freedom of conscience and religious organisations. ECRI trusts that the authorities will strengthen their dialogue with ethnic minorities and religious communities in the context of the adoption of these texts and ensure their full compliance with Council of Europe and other international standards, including as regards equal participation in public life and protection against discrimination. Reference is also made to the work of the ACFC as regards political participation and representation of national minorities.

Education, employment, healthcare, housing

79. In the field of education, there was consensus among representatives from minority groups met by the ECRI delegation to underline that the level of school drop-outs remained high, in particular for the Molokan and Yezidi communities.⁹⁵ Tackling the problem of low educational achievements, including early drop-out, is an obvious necessity for preventing future unemployment, precarious housing situations and other factors that may generate social exclusion. ECRI strongly invites the authorities to take further action in support of children with a minority background, in particular Yezidi and Molokan children, in order to promote equal access to education at all levels⁹⁶ and address early drop-out.
80. Access to employment is in principle open to members of minority groups without discrimination, although in practice their representation in public administration often remains confined to lower grades (for example, in the police and in the judiciary). ECRI encourages the authorities to develop, in co-operation with representatives of minority groups, initiatives aimed at improving their representation at all levels of public administration.
81. No discrimination on the ground of ethnic or national background was reported to ECRI as regards access to healthcare in the context of the Covid-19 pandemic. This is to be welcomed. At the same time, the ECRI delegation received allegations according to which Yezidi women were at times subjected to racist verbal abuse when accessing reproductive health services. ECRI strongly encourages the health authorities to organise suitable ongoing training on equality issues for health professionals, including on attitudes and behaviours towards Yezidi patients, especially Yezidi women, and set up effective internal complaint's mechanisms.

⁹⁵ Up to 30-40% of Yezidi children do not finish compulsory school, according to estimations provided to ECRI by the civil society during its visit. At the same time, according to official data on educational drop-outs, only two Yezidi students, one Russian, one Indian and one Iranian were concerned. A new procedure has been adopted in 2021 to identify and guide children left behind during compulsory education (Government Decision N 154-N of 11 February 2021). However, in the absence of reliable disaggregated equality data, the extent to which this remains an issue cannot be properly assessed.

⁹⁶ See also ECRI(2016) §84.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the Armenian authorities are the following:

- (paragraph 44) ECRI recommends that the authorities engage in awareness-raising activities on the importance of diversity and tolerance in society by supporting concrete actions in co-operation with the Human Rights Defender and relevant civil society representatives from different backgrounds, including ethnic, religious and sexual minorities, with the aim of preventing and combating racist and LGBTI-phobic hate speech, hate-motivated violence and discrimination.
- (paragraph 67) ECRI recommends that the authorities adopt an Integration Strategy accompanied by suitable financial resources and capacity-building activities that will ensure effective implementation of concrete support actions for refugees, asylum seekers and migrants, as well as any other persons or groups of persons in similar situations, including, among others, language and civic orientation courses. In doing so, the authorities should draw on the model framework for an intercultural integration strategy at the national level adopted by the Council of Europe's intergovernmental Steering Committee on Antidiscrimination, Diversity, and Inclusion (CDADI) in 2021.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§7) ECRI recommends that a full equality mandate be given by legislation to the Human Rights Defender and that suitable human and financial resources be allocated to it for the carrying out of that mandate. Alternatively, a distinct equality body or bodies should be set up by law. In either case, the authorities should take due account of revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level.
2. (§8) ECRI recommends that the authorities ensure that the draft Equality Law covers all the discrimination grounds of relevance to ECRI, provides for effective, proportionate and dissuasive sanctions for discrimination cases and is adopted within a reasonable time. In this context, due consideration should also be given to ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination and other ECRI standards on legislation aimed at combating discrimination on the grounds of sexual orientation, gender identity and sex characteristics. If necessary, Council of Europe support should be further sought.
3. (§14) ECRI recommends that, within the framework of the ongoing education reforms, the authorities strengthen teacher training and ensure that it mandatorily addresses human rights issues, respect for diversity in society and the prevention of discrimination against any person or group of persons on the grounds of ethnic or national background, religion, sexual orientation, gender identity and sex characteristics. These issues should be reflected in schools' curricula, by developing appropriate materials and activities.
4. (§15) ECRI recommends that effective school policies and mechanisms be set up to prevent, monitor and respond to bullying, in particular with regard to LGBTI-phobic incidents, through the development of guidelines for pupils and students, teachers and parents.
5. (§20) ECRI recommends that all professionals dealing with asylum and migration issues be provided with mandatory human rights and equality training. Such training should particularly focus on vulnerable categories, including migrants irregularly present in Armenia and people seeking asylum on the grounds of sexual orientation, gender identity or sex characteristics.
6. (§31) ECRI recommends that the authorities give a higher priority to LGBTI equality, notably by: i) collecting and publishing appropriate equality data, in accordance with personal data protection standards, to help identify any systemic issues and priority areas for policy responses to discrimination against LGBTI people; ii) reviewing the compatibility of the Armenian legislation with Council of Europe standards on LGBTI equality, including the case-law of the European Court of Human Rights, and consult relevant civil society organisations when proposing any necessary changes to the existing legislation; and iii) taking action in co-operation with LGBTI communities, aimed at raising awareness among the general population with regard to the situation of LGBTI persons and their families in all areas of life (including in the education and employment sectors).
7. (§32) ECRI recommends that the authorities provide healthcare professionals with adequate initial and in-service training and guidelines to deal with healthcare issues of relevance to LGBTI persons appropriately and ensure their access to healthcare without discrimination. In this connection, homosexuality should not be considered and recorded as a mental health disorder.
8. (§33) As far as transgender persons are concerned in particular, ECRI recommends that the authorities clarify the procedure and criteria required for the official recognition of gender and of first name changes in documents. In this context, the authorities should ensure that there is no requirement for mental health diagnoses.

9. (§37) ECRI recommends that the authorities take action to develop an appropriate monitoring of hate speech incidents, in close co-operation with relevant civil society organisations and taking due account of Council of Europe and other international standards, as well as detailed guidance for consistent and disaggregated hate speech and hate crime data collection.
10. (§44) ECRI recommends, as a matter of priority, that the authorities engage in awareness-raising activities on the importance of diversity and tolerance in society by supporting concrete actions in co-operation with the Human Rights Defender and relevant civil society representatives from different backgrounds, including ethnic, religious and sexual minorities, with the aim of preventing and combating racist and LGBTI-phobic hate speech, hate-motivated violence and discrimination.
11. (§46) ECRI recommends that the authorities encourage public figures, such as politicians, high-level officials and religious, economic and community leaders, to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech, react promptly to any such expression with strong counter-speech and alternative speech, and promote understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
12. (§48) ECRI recommends that the authorities take action to prevent and combat online hate speech in accordance with ECRI's General Policy Recommendation No. 15 on combating hate speech and the Committee of Ministers' Recommendation CM/Rec(2022)16 on combating hate speech, in particular by: i) defining and delineating the duties and responsibilities of State and non-State actors in addressing online hate speech; ii) creating clear rules and procedures for effective co-operation with and between those actors regarding the assessment and investigation of online hate speech; iii) ensuring that removal procedures and conditions as well as related responsibilities and liability rules imposed on internet intermediaries are transparent, clear and predictable and that those procedures are subject to due process; and iv) strongly encourage and support training for media professionals and journalists, without encroaching on the independence of the media, on how to recognise, report on and react to hate speech, as well as on how to avoid using and disseminating it.
13. (§51) ECRI recommends that the authorities review the new criminal provisions on hate speech, aggravating circumstances and discrimination with a view to enabling criminal justice actors to combat racist and LGBTI-phobic criminal hate speech, other hate crime and discrimination effectively.
14. (§57) ECRI recommends that the authorities provide law enforcement officials, prosecutors and other criminal justice actors with appropriate training and develop clear guidelines to help them in the handling of hate crimes. The objective of such training and guidelines should be to help them to better identify hateful motives (bias indicators) in the context of police investigations and prosecutions and to ensure that any hate crime against members of ethnic, religious and sexual minorities is adequately dealt with by the criminal justice system.
15. (§67) ECRI recommends, as a matter of priority, that the authorities adopt an Integration Strategy accompanied by suitable financial resources and capacity-building activities that will ensure effective implementation of concrete support actions for refugees, asylum seekers and migrants, as well as any other persons or groups of persons in similar situations, including, among others, language and civic

orientation courses. In doing so, the authorities should draw on the model framework for an intercultural integration strategy at the national level adopted by the Council of Europe's intergovernmental Steering Committee on Antidiscrimination, Diversity, and Inclusion (CDADI) in 2021.

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APPENDIX: GOVERNMENT'S VIEWPOINT

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

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Armenia on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 8 December 2022, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

OBSERVATIONS BY THE REPUBLIC OF ARMENIA IN RESPECT OF THE FIFTH REPORT BY THE EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI) ON ARMENIA

The Republic of Armenia, as a democratic country and a member of the international community, continues to make its contribution to the international cooperation to maintain global peace and security, to promote sustainable development, and to protect human rights and fundamental freedoms.

Despite the grave situation of the recent years in the country, due to the aggressive war unleashed by Azerbaijan against Nagorno Karabakh and its people in September 2020, followed by Azerbaijani aggression against sovereignty and territorial integrity of Armenia since May 2021 and up to September 13-14, 2022, the current blockade of Lachin Corridor, (starting from December 12, 2022) a life-line that connects Nagorno Karabakh with the Republic of Armenia and the outer world, and the deteriorating consequences of the coronavirus pandemic, Armenia continuously takes steps to ensure protection and promotion of human rights in the country and fulfilment of its international commitments in this field.

However, these devastating developments have impeded the consolidation of a democratization process in the country and shifted Armenia's priorities and agenda, both domestic and international. In particular, the financial and human resources of Armenia are directed to provide support to thousands of forcibly displaced people, IDPs, persons with disabilities and other affected population. We are still overcoming the consequences of the crimes committed by Azerbaijan, that have led to gross violations of human rights and international humanitarian law and have affected the entire picture of human rights. We are still dealing with Azerbaijan's destructive and racist policies towards Armenia and Armenians resulted in numerous violations by Azerbaijan of the International Convention on the Elimination of All forms of Racial Discrimination and the Recommendations of the European Commission against Racism and Intolerance by this country's military and political leadership.

During the monitoring visit of ECRI's Delegation to Armenia in May 31-June 3, 2022, we invited the close attention of the experts to the situation in Armenia resulted from the extreme racist policies of Azerbaijani military-political leadership, including at the highest level, and pointed out that due to inadequate reaction on behalf of international community and to impunity of the perpetrators there would be constant threat for renewed aggression towards Armenians. We use this opportunity again to call the European Commission against Racism Intolerance to address the grave violations by Azerbaijan of the principles and values set for in ECRI's Recommendations.

At the same time, we note with satisfaction that the cooperation with ECRI and the dialogue established supports the development of democratic institutions in Armenia and strengthening the capacities of the state in the field of human rights.

We present below the comments by the Government of Armenia on ECRI's Fifth Report of the sixth monitoring cycle with regard to Armenia.

General comments
<p>We regret to note that the LGBT issue almost dominates the content of the report, and such an imbalanced presentation of the issue distorts the overall improved situation in our country with regard to anti-discriminatory policies and measures taken by the authorities during the last five years.</p> <p>We also regret to note that the LGBT issues addressed in the report are presented in a one-sided manner.</p> <p>At the same time, we would like to underline that NGOs, including those specializing in the LGBT rights, work in Armenia without fear and freely express their opinion.</p> <p>We would like also to invite ECRI's kind attention to the terminology used in the report. In particular, the term "migrants" in the report does not reflect the situation with "IDPs" and "refugees", since these notions refer to different categories.</p> <p>Below are comment by certain paragraphs and/or extracts.</p>

EXTRACTS	COMMENTS
I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS B. Inclusive education	
<p>Paragraph 2 (Page 6) The Constitution and the Constitutional Law on the Human Rights Defender (hereafter “HRD Law”) provide that the Defender is an independent official, guided only by the Constitution, the HRD Law and relevant international treaties. The Defender is appointed by the National Assembly from a list of candidates nominated by the President of the Republic, for a mandate of six years, renewable once. Despite reforms carried out in January 2020, which subjected the institution to the civil service regime, the amendments that were eventually adopted did not undermine the independence of the institution. The Defender indicated that an increase in staff and budget was expected, which would allow a better territorial coverage, and confirmed that no governmental control applied to the use of the institution’s budget and the designation of job descriptions and activities. ECRI is pleased to observe that, despite the limits to the Defender’s mandate, this institution remains widely trusted and respected.</p>	<p>The Human Rights Defender of Armenia is appointed by the National Assembly from a list of candidates nominated by the President of the Republic, for a mandate of six years, renewable once.</p> <p>It should be noted in this regard that according to Article 192 of the Constitution of the Republic of Armenia, the Human Rights Defender shall be elected by the National Assembly, upon recommendation of the competent Standing committee of the National Assembly, by at least three-fifths of votes of the total number of Deputies, for a term of six years. Thus, the President of the Republic is not authorized to nominate candidates. Furthermore, there are no provisions on the renewability of the Defender’s term. Accordingly, the legislation does not provide for limitations in regard to re-election.</p>
<p>Paragraph 5 (Page 6) When an inquiry discloses a human rights violation, the Defender may ask the authorities to remedy it within a reasonable time and indicate the remedial measures to be taken, as well as the disciplinary steps that might be applied to the responsible official(s) involved. While his or her decisions are not binding, the Defender may raise the issue of non-compliance in public statements, before the National Assembly, in reports to international organizations or initiate court proceedings with a view to invalidating fully or partially the legal acts that have been found in breach of human rights. In addition, it may seize the Constitutional Court or intervene before it as <i>amicus curiae</i> on pending cases. However, the Defender is not entitled to provide legal representation to victims.</p>	<p>The Paragraph describes the possible actions of the Defender when an inquiry discloses a human rights violation, and inter alia, it is noted that the Defender may initiate court proceedings with a view to invalidating fully or partially the legal acts that have been found in breach of human rights. In addition, it may seize the Constitutional Court or intervene before it as <i>amicus curiae</i> on pending cases.</p> <p>According to Article 24(1)(7) of the Constitutional Law on the Human Rights Defender, in the course of examination or consideration of a complaint, the Defender is authorized to, <i>inter alia</i>, apply to the judicial authorities responsible for analysis of the judicial practice to receive clarifications of consultative nature regarding legal issues arising in the judicial practice. Furthermore, the Defender may also submit recommendations on the improvement of judicial practice.</p>
<p>Paragraph 6 (Page 7) The Defender has hardly received any complaints about discrimination in areas of relevance to ECRI, mainly due to the absence of comprehensive anti-discrimination legal provisions.</p>	<p>It is important to note that throughout the years, the Office of the Human Rights Defender received complaints regarding various types of violations of LGBTI+ persons’ rights including related to the inaction and mishandling of hate crime cases by law enforcement agencies, discrimination towards LGBTI+ persons in both private and public sectors, including in armed forces.</p> <p>Thus, in 2022, the HRD received and dealt with 7 complaints from both LGBTI+ persons, as well as CSOs working in the field of the protection of LGBTI+ rights. The complaints received mainly concerned cases of physical violence against LGBTI+ (mainly transgender) persons, as well as violation of the right to respect for private life (right to privacy, security of personal data). In the case of the former, the Office of the HRD referred the</p>

	<p>cases to the Office of the Prosecutor General, and continues to closely follow and monitor initiated criminal proceedings.</p> <p>The Defender has also initiated correspondence with the Ministry of Health making recommendations in regard to aligning the domestic system for classification of diseases to international standards (ICD-11), as well as discussed the possibility of improving the protection of personal data in the e-Health system.</p> <p>However, in some cases the complaints were in relation to the human rights violations by private actors, such as various television and/or YouTube channels, journalists, etc. In these cases, the HRD was not authorized to deal with the complaints, since the mandate of the Defender extends only on violations committed by public officials and bodies. In these cases, the complaints were referred to other public agencies who could be authorized to consider the issues raised in the complaints.</p> <p>Furthermore, in 2022, the Defender has received 3 complaints regarding discrimination or hate speech based on religion. One of the complaints concerned the rejection of law enforcement agencies to initiate proceedings in regard to the discrimination and hate speech against a religious group. The other application concerned a TV show which contained negative stereotyping of religious minorities. Lastly, another application was concerning discriminatory treatment in the field of education.</p> <p>The Defender has also received two complaints concerning discrimination and harassment based on nationality, one of which concerned ill-treatment and bullying of a child, and another was regarding discriminatory treatment towards a Yezidi person in a penitentiary institution. The Defender has accordingly initiated correspondence with relevant public institutions.</p> <p>Considering the above mentioned, the HRD has received complaints (though, not too many) about discrimination in areas of relevance to ECRI.</p>
<p>Paragraph 10 (Page 7) The Armenian law guarantees the right to education to all without discrimination. Some inequalities in the effective enjoyment of this right have been reported in practice, depending on the socio-economic status and place of residence of pupils and students. Children from low-income families in rural areas were particularly affected by school closures as a result of the Covid-19 pandemic. However, the authorities took emergency measures that made it possible for 80% of schoolchildren in primary school and upper-secondary school to continue their education. ECRI encourages the authorities to build on these initiatives with a view to better assessing school dropouts and increasing the resources available to inclusive education.</p>	<p>In recent years, social measures have also been implemented aiming at improvement of the accessibility and availability of education. In particular: Every year, the school feeding programme (meal for pupils) for pre-school and primary school pupils is being expanded at the expense of the State budget. By the end of 2023, 10 provinces/ Marzes/ of Armenia will be involved in the program, the number of beneficiaries of the program will be more than 110,000. The cost of transportation services for students will be reimbursed if they receive education in an educational institution of another place of residence, due to the absence of an educational institution in their actual place of residence or due</p>

	<p>to the absence of the educational programme in the existing institution. This measure is envisaged regardless of the distance, and the cost of transportation services of the teachers, who work in public schools belonging to another place than their actual place of residence (distance: 5 km) is reimbursed, pupils studying in 5-12 grades in public schools of border communities, which receive state social assistance, are provided reimbursement of textbooks, the students of the 1st-4th grades of public schools are provided with the textbooks intended for the general elementary educational programs, free of charge at the expense of the state budget. Representatives of national minorities also benefit from the mentioned support.</p>
<p>Paragraph 13 (Page 8) Against this background, ECRI was glad to learn, as a positive development, that extensive reforms in the field of education were under way. Such reforms would involve inter alia the opening or refurbishing of schools, also at pre-school level, in rural areas, additional training for teachers and an increase in their salaries and new general educational standards.¹² Although the Education Strategy and Action Plan remain to be adopted in parliament, some measures were already under way during the ECRI visit. By way of illustration, training of a number of teachers on hate speech and discrimination had taken place in co-operation with the Council of Europe.</p>	<p>In addition, on November 16, 2022, the Law "On Approving the State Program for the Development of RA Education until 2030" was adopted, which defined the strategic priorities of the state policy of the Republic of Armenia in the field of education. In particular, one of the strategic directions set for the implementation of the final goal of this Project until 2030 is the creation of a universally inclusive learner-centered and participatory educational environment, which will make available to every citizen at all stages of life the quality and effective educational services resulting from his development and personal characteristics and contributing to civil cooperation in the entire territory of the Republic of Armenia. With the actions arising from the program, it is, in particular, planned to:</p> <ul style="list-style-type: none"> • effective implementation of the registration system for children excluded from the system of compulsory education, by revising the aforementioned procedure and expanding the share of schools providing long-day services, as a result of which no child will be excluded from the system of compulsory education, • continued provision of access to higher education for national minorities by allocating at least 7 targeted places each year.
<p>Findings and Recommendations C. Irregularly present migrants</p>	
<p>Paragraph 19 (Page 9) The attention of the ECRI delegation was nevertheless drawn to shortcomings in the handling of asylum requests, including for people at risk of ill-treatment if returned to their country of origin or to an unsafe third country because of their sexual orientation or gender identity, and to the lack of individual proper risk and needs assessments.</p>	<p>On the basis of each asylum application submitted to the Migration Service, the relevant authorities immediately initiate administrative proceedings based on the principle of irreversibility enshrined in the legislation of Armenia and without any discrimination (<i>also refers to paragraph 14 of the Report (page 4)</i>).</p>
<p>D. LGBTI equality</p>	
<p>Paragraph 22 (Page 9) As pointed out by the civil society representatives met by the ECRI delegation, it remains very difficult for the people concerned to come out in a society where they are</p>	<p>The draft law of Armenia "On social assistance" in circulation defines two concepts: "family" and "household". According to the draft, a family is a small social group, based on the marriage, kinship</p>

<p>at best ignored as long as they do not make themselves visible or otherwise exposed to discrimination, marginalisation and attacks with little protection in law or in practice. Civil society actors indicated that the situation was particularly challenging for LGBTI persons when lockdown measures were taken as a result of the Covid-19 pandemic. Many LGBTI people were no longer able to earn a living and were at times subject to domestic abuse, without receiving appropriate support from the authorities and with limited possibilities to have safe contacts with associations.</p>	<p>or in-law ties of persons actually living in the same place of residence, whose members manage the common economy and the household, jointly cover their expenses, and are linked by mutual assistance or mutual responsibility. According to the above mentioned law, the household is also considered a family, A household is considered a small social group of people who actually live in the same place of residence, whose members run a common economy and household, cover their expenses jointly, are connected by relations of mutual assistance or mutual responsibility, as well as a person living alone.</p>
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II. Hate Speech and Hate-Motivated Violence.

A. Hate Speech Data

<p>The paragraph 34 (Page 12) Hate speech incidents, including calls for violence, occur occasionally in the political and public spheres in Armenia. However, they do not usually have a racist or xenophobic motivation. According to several independent observers met during the visit, such incidents are mainly related to political figures, NGO representatives or journalists. It appeared during the ECRI visit that the limited public awareness of what constitutes hate speech, including incitation to hatred and discrimination, has led to some confusion about what can be seen as acceptable debate in politics and in the media, including online, as well as to insufficient action to prevent and sanction hate speech, including criminal hate speech. Reference to the “Armenian identity” is all too often misused to fuel intolerance in speech and action towards LGBTI communities and, to some extent, religious and other minorities, instead of promoting respect for diversity, which is considered to be closely associated with Armenian tradition. The same applies to hate speech referring offensively to “Azeris” and “Turks” with adversarial narratives deeply rooted in resentment in the context of the long-standing conflict and confrontations with neighboring Azerbaijan and used as tools against political opponents to exacerbate internal divisions and hinder any peace negotiations.</p>	<p>The information in paragraph 34 does not correspond to the situation in the country during the last five years. At the same time, we draw your attention to the fact that the Armenian people continue to face incitement of identity-based hatred propagated at the highest political level in Azerbaijan. The international and regional organizations have extensively documented the state-led policies of hatred, construction of distorted historical narratives, denial of the very existence of the Armenian people in their ancestral homeland and glorification of hate crime perpetrators, which constitute a serious threat to the peace and security in the region. Anti-Armenian propaganda is state-orchestrated policy in Azerbaijan, which has been embraced and internalized by national institutions. Systematic racism and ethnic hatred against the Armenian people is demonstrated in a number of areas and ways: culture, education, sport, falsification of history, glorification of criminals. Against the backdrop of continued state-led policies of anti-Armenian discrimination in Azerbaijan, Armenia instituted proceedings before the International Court of Justice under the CERD, submitting a request for Provisional Measures against Azerbaijan as a matter of urgency. The ICJ in its order of 7 December 2021, affirmed the well-founded nature of Armenia’s request and unanimously ordered that Azerbaijan “[t]ake all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin”. As the Court observed in connection with that order, “propaganda promoting racial hatred and incitement to racial discrimination or to acts of violence against any group of persons based on their national or ethnic origin can generate a pervasive racially charged environment within society ... particularly ... when rhetoric espousing</p>
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	<i>racial discrimination is employed by high-ranking officials of the State</i> ⁹⁷ .
Responses to hate speech	
<p>Paragraph 52 (Page 17) /with regard to Sashik Sultanyan’s case/</p>	<p>Regarding the Chairman of the “Yezidi Center for Human Rights” NGO Sashik Sultanyan case, we would like to note 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.</p> <p>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.</p> <p>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, 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.</p> <p>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.</p> <p>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</p>

⁹⁷ Application of the International Convention on The Elimination of All Forms of Racial Discrimination

(*Armenia v. Azerbaijan*), Request for the Indication of Provisional Measures, Order of the International Court of Justice of 7 December 2021, <https://www.icj-cij.org/public/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>

	its decision of 26 October 2022, has satisfied the motion of the prosecuting authority.
Integration and Inclusion	
Paragraph 59 (Page 19) In respect of both categories of people, ECRI finds that the lack of reliable equality data and of effective remedies against discrimination continues to make it difficult to assess that impact of any integration and inclusion measures that might affect groups of relevance to ECRI.	In the Republic of Armenia there are legal mechanisms to protect both migrants and minorities from discrimination.
Migrants Data and integration policies	
	The title of this Section should be “Migrants, Refugees and IDPs. Data and integration policies”, since the issues touched upon in the Section did not address only migrants.
Paragraph 66 (Page 20) A number of issues related to the asylum procedure were nevertheless brought to ECRI’s attention during the visit: the vulnerability criteria were not duly taken into account, fair asylum procedures were not always ensured, notably as regards access to legal aid, translation/interpretation, security risks assessment, there was insufficient training for legal professionals dealing with asylum cases.	The professional competence of the legal specialists of the Asylum Affairs Department of the Migration Service of Armenia is at a high level due to regular trainings of the personnel. Asylum seekers are constantly provided with adequate legal assistance. Interviews and consultations are conducted exclusively with the participation of licensed interpreters, and there have never been any complaints from asylum seekers both regarding legal assistance and interpretation. Social and psychological protection services are provided to asylum seekers by non-governmental and international organizations working in the field.
Education and employment	
Paragraph 69 (Page 21) As regards the employment of migrants, the ECRI delegation was told that professional integration was in general easier for migrants with an Armenian background and that a number of projects was under way to assist migrants’ access to employment, in the framework of co-operation agreements supported by international organizations or through bilateral agreements, for example with India.	There is no bilateral agreement with India regulating labor relations.
The paragraph 72 (Page 21) At the time of the ECRI visit, the recently established Labour Inspectorate was about to become fully operational and the labour and social assistance legislation was being revised with a view to including, inter alia, non-discrimination clauses in line with international standards. Furthermore, the launch of a new electronic platform in January 2022 to register work permit applications considerably simplified the access of migrants to work and could be considered, in the view of ECRI, as a good practice .	In addition, in 2019, an amendment was already made to the Labor Code of the Republic of Armenia to include the definition of discrimination and to stipulate the prohibition of discrimination in labor relations.
Health and welfare benefits	
Paragraph 73 (Page 22) Migrants with a regular resident status, stateless persons and refugees are entitled to social and medical assistance	Refugees and asylum seekers are mandatorily informed about the possibility to apply to "Mission Armenia" NGO where they get assistance and

<p>under the same conditions as Armenian nationals. Asylum seekers are also entitled to free healthcare, including hospital treatments. ECRI was pleased to learn that tuberculosis, syphilis, hepatitis B and C and HIV/Aids testing are free-of-charge for all and that vaccination was made accessible without restrictions, which it considers as a good practice. However, refugees and asylum-seekers were not always made aware of their rights of free access to health care. Following up on its previous recommendation on this matter, ECRI invites the authorities to step up their efforts in this area.</p>	<p>instruction on how to undergo relevant free medical examinations.</p>
<p>Housing</p>	
<p>Paragraph 74 (Page 22) /with regard to the asylum issue/</p>	<p>A new special accommodation for the asylum seekers where all the mentioned shortcomings are taken into account, is currently under construction.</p>
<p>Paragraph 75 (Page 22)</p> <p>The authorities admitted that the resources available for sheltering refugees and displaced persons were insufficient. They stressed that efforts were made and were being made to ensure proper housing for people on the move with an Armenian background, including almost 100 000 persons who fled from neighboring conflict areas in the Autumn of 2020. During the 2019-2021 period, 3.7 billion drams were allocated from the budget to issue 270 families with housing purchase certificates in Yerevan districts. ECRI was furthermore informed that the same programme would soon be implemented outside the capital. ECRI was informed that, through international funding, a new reception centre would also be built in 2023 in Yerevan, which would host up to 100 asylum seekers, in addition to the 45 places available in the centre of the capital city. However, it emerged from the findings during the visit that no specific measures were taken to ensure that places are available for asylum-seekers who are not of Armenian origin/ethnic Armenians. ECRI must recall that all people fleeing war and other emergencies, irrespective of their national or ethnic origin, citizenship, skin colour, religion, language, sexual orientation or gender identity, should be promptly offered adequate protection and strongly invites the Armenian authorities to take due consideration of this principle when developing capacities for the accommodation of refugees, asylum-seekers and migrants.</p>	<p>Out of 45 persons accommodated in new reception centre of the capital city of Yerevan, there is only one Armenian family comprised by three members, the other asylum seekers have other ethnic affiliations. Asylum seekers are offered an accommodation not due to their nationality, but according to priority based on needs assessment.</p>
<p>B. Historical ethnic, religious and linguistic minorities</p>	
<p>Data</p>	
<p>Paragraph 77 (Page 22)</p> <p>According to the 2011 census, out of a population of almost 3 000 000, less than 2% belonged to one of the 11 ethnic minority groups - mainly Yezidis, Russians, Assyrians, Kurds and Ukrainians - and less than 4% belonged to religious minorities - mainly Evangelical, Shar-fadinian, Catholic, Orthodox, Pagan and Molokan communities as well as Jehovah's Witnesses (in contrast, almost 93% of the population living in Armenia were registered as followers of the Armenian Apostolic Church). However, owing to shortcomings in data collection, there are questions about these figures. As previously indicated, a revised methodology would apply to the census scheduled to take place in 2022, which should notably rely on better coordination with the</p>	<p>The Republic of Armenia 2011 census data collection was carried out in accordance with internationally accepted methodology and regulations that ensured getting of consistent output data and the publication of the obtained results within the deadlines set by the statistical programs. However, the issues related to these indicators are mainly caused not by the data collection procedures, allegedly by "flaws, lack of transparency or delay in publication", but rather by the fact that the data was not "expected/desirable" for some representatives of national minorities.</p>

<p>population registry. Still, further improvements are needed, notably to take due account of multiple affiliations based on self-identification criteria. ECRI refers in this connection to the recent monitoring work of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) concerning Armenia.</p>	
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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.