



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2525th meeting

Held at the Palais Wilson, Geneva, on Friday, 28 April 2017, at 10 a.m.

Chair: Ms. Crickley

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined seventh to eleventh periodic reports of Armenia (continued)
(CERD/C/ARM/7-11 and CERD/C/ARM/Q/7-11)

1. *At the invitation of the Chair, the delegation of Armenia took places at the Committee table.*

2. **Mr. Kocharyan** (Armenia) said that all the proposed amendments to the law on refugees had been approved and were now in effect and that the law fully complied with international anti-discrimination legislation. International monitoring mechanisms had lobbied for the adoption of a separate law on the fight against discrimination, and the Government had recently agreed that the adoption of such a law would be advisable. As a result, a new action plan deriving from the National Strategy for the Protection of Human Rights had been developed, calling for adoption of anti-discrimination legislation. Drafts of the proposed law were already being drawn up and discussed in various circles. The law would, *inter alia*, provide a comprehensive definition of all forms of discrimination in accordance with international norms and standards; place the burden of proof on both parties in judicial proceedings; and provide for the establishment of a special, independent body within the Ombudsman's Office to combat discrimination. Moreover, following its adoption, judges would be provided with training on the new anti-discrimination legislation with a view to ensuring its application in practice.

3. The establishment of organizations that preached discrimination and intolerance had not been criminalized, but individuals within those organizations, not the organizations themselves, could be held criminally liable for their activities. Under the law on non-governmental organizations, any activities which incited racial hatred or propagated violence were prohibited and would result in the institution of legal proceedings. As to the grounds for dismissing two criminal cases relating to the incitement of racial hatred, in the first case, the authorities had been unable to identify the perpetrator, and even to ascertain whether he or she resided in Armenia or was an Armenian citizen, due to the use of a fake account on social media. In the second case, the perpetrator had filed an appeal following his conviction and had subsequently been relieved of criminal liability on medical grounds.

4. The provisions of the Armenian Constitution were in line with the country's obligations under its international agreements and ruled out any contradictions or inconsistencies. Article 3 of the Constitution highlighted the importance of human rights in the State party, and Chapter 2 stated that the provisions of the Constitution relating to fundamental rights and freedoms must be interpreted in accordance with all the international human rights agreements ratified by Armenia.

5. While Armenia was a relatively homogeneous country in which national minorities accounted for only 2 per cent of the population, the 2015 Constitution established that representatives of national minorities were to be allocated seats in the National Assembly under the procedure prescribed by the Electoral Code. On the basis of the new electoral procedure, the Government anticipated the election of four representatives of national minorities, one of whom would be a woman, among its 105 deputies. The Government had taken steps to improve the representation of women in the National Assembly: currently, 25 per cent of deputies must be women, but that quota would be raised to 30 per cent in the next election.

6. Paragraph 47 of the State party's report (CERD/C/ARM/7-11) referred to reforms aimed at strengthening communities of national minorities and bolstering local self-government bodies. Such efforts were intended to protect the composition of the communities inhabited by national minorities and to safeguard the interests of such groups. The Government was also drafting a law on the rights of national minorities.

7. Although neither international nor national legislation provided a clear definition of national minorities, the Government adhered to the principle of self-identification and treated as national minorities any national groups which defined themselves as such. The

Government had adopted an inclusive approach to national minorities, all of which were represented on the Coordinating Council within the Office of the President.

8. The significant socioeconomic challenges currently faced by Armenia entailed major imbalances and inequalities to which its national minorities were not immune. Most national minorities lived and worked in rural, agricultural areas, which were particularly hard hit, but there were no theoretical or practical restrictions which prevented national minorities from moving to urban areas or working in different sectors.

9. With regard to labour legislation and its role in the prevention of discrimination, labour inspection currently fell within the remit of the Ministry of Health, but the assignment of that task was being reviewed under the new action plan deriving from the National Strategy for the Protection of Human Rights and was subject to change. Moreover, the new anti-discrimination legislation would contain a stringent set of provisions to prevent discrimination in employment and establish a judicial mechanism for the protection of labour rights.

10. As existing Armenian legislation was fully in line with the provisions of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), there were no legal obstacles to the accession of Armenia to that particular Convention. With regard to article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government was considering recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals, but had not yet reached a decision on that matter. Armenian citizens were given broad opportunities to assert their rights before international bodies and were entitled to address appeals to the European Court of Human Rights.

11. **Ms. Balasanyan** (Armenia) said that in past 10 years, the Ministry of Education had stepped up its efforts to improve education for children of national minorities. The history of the Armenian Apostolic Church was taught in most Armenian schools due to the significant role played by the Church in shaping the history and national identity of the country. The authors of the textbooks on the history of the Church were scholars and teachers, and the history lessons were taught by teachers of Armenian language and literature and history and geography. The history of the Church, however, was not a compulsory subject: it was included in the curricula for Assyrian children, but not in the curricula for Yazidis or Kurds.

12. Curricula were updated every year and based on input from school directors and teachers, including those from national minority schools, who would decide what subjects would be taught and how many hours would be devoted to the study of minority languages. For example, Yazidis and Assyrians had requested that their children's studies focus on Armenian and European languages rather than on the sciences, and that request had been taken into account.

13. The curricula were flexible in that they established "free" periods which could be devoted to the study of a national minority's history and culture. For example, Assyrian children studied their own history and religion after studying the history of the Armenian Apostolic Church. Because the Assyrians residing in Armenia lived together in their own communities, there was no forced assimilation and they were free to follow their own customs and shape their own education. Moreover, children of national minorities were provided with all school materials free of charge.

14. There were no restrictions on schooling for refugee children. The language of their instruction was chosen by their parents and, in the absence of school records, their level of study was based on their age and the wishes of their parents. Schools received funding for the enrolment of refugee children and provided them with educational support.

15. Tolerance was promoted in Armenian schools through instruction on a wide range of issues relating to diversity, such as cultural identity, cooperation and conflict management. Armenian pupils also studied human rights and civic education, which covered democracy, the Armenian Constitution and equality before the law.

16. **Mr. Hovakimian** (Armenia), referring to the political situation in Armenia and its foreign policy, said that the Government wished to maintain good relations with all its neighbouring countries. The population of Armenia had decreased by 100,000 between the 2001 and 2011 censuses as a result of the outmigration of many Armenians. The lack of population figures for Azerbaijanis could be due to their non-participation in the census or their reluctance to identify themselves as Azerbaijanis. The very few persons of African descent living in Armenia were mostly asylum seekers, and the Government was unaware of any racial discrimination against them. According to the most recent census, there were approximately 800 Muslims living in Armenia, most of whom were Kurds.

17. **Mr. Kocharyan** (Armenia) said that the Government was unaware of the presence of any Boshas in Armenia and therefore did not have any information on that group. If there were any Boshas and they wished to be identified as a community, the Government would take the appropriate measures to protect their identity and ensure non-discrimination. As to the group of German pupils who were being educated in a separate school, the school in question had been established by the German community.

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

18. **Mr. Murillo Martínez**, while commending the fact that political organizations in the country were not promoting xenophobic behaviour, said that he would be interested to learn of any specific proceedings instituted to seek the dissolution of non-governmental organizations (NGOs) engaged in incitement to racial hatred.

19. Regarding paragraph 42 of the State party's report (CERD/C/ARM/7-11), he noted that one of the forms of discrimination prohibited under Armenian law was discrimination on the ground of genetic features. Since few States parties had adopted such legislation, it would be useful to learn about any court cases involving that type of discrimination. Lastly, he wished to highlight the openness demonstrated by Armenia in welcoming Yazidi religious organizations to the country.

20. **Ms. Shepherd** said that she wished to commend the State party for the steps it had taken to improve gender parity in the National Assembly and for the introduction of seats reserved for representatives of national minorities. In that connection, she wished to know whether there were any election thresholds for national minorities and, if so, what they were.

21. Since reference had been made in paragraph 31 of the State party's report to persons of African descent living in the country, further information on their numbers and occupations, for example, would facilitate a better understanding of their situation. Lastly, she asked whether the Government intended to ratify the ILO Domestic Workers Convention, 2011 (No. 189).

22. **Mr. Yeung Sik Yuen**, referring to paragraph 47 of the State party's report, said that clarification was needed of the Government's policy regarding the structural composition of the population and the criteria for increasing the size of communities inhabited by national minorities.

23. With regard to Annex 4 of the report, which contained details of cases involving racially motivated offences, he noted that in two cases the sentences had been suspended. He asked what the original sentences imposed by the courts had been and the reasons for their suspension.

24. **Mr. Hovakimian** (Armenia) said that, although there had been applications for asylum from persons from Côte d'Ivoire, the Congo, Guinea and Mali, as stated in paragraph 31 of the periodic report, the number of persons of African descent living in Armenia was extremely low. By way of example, in 2015, two Guineans and one Ivorian had applied for, and been granted, asylum.

25. The four National Assembly seats reserved for representatives of each of the four largest minority groups in Armenia had effectively increased the number of deputies from 101 to 105. Each political party had been given the opportunity to put forward up to 16 candidates, 4 from each minority group, for those reserved seats, which were then assigned under a proportional system to the parties winning the largest share of the electoral vote.

For example, the first-place party, which had gained 52 per cent of the vote, was awarded three of the reserved seats, which it assigned to candidates from its list, and the second-place party received the remaining seat for one of its minority representatives.

26. Armenia was a lower middle-income country and, thus, the situation of domestic workers was not a major issue. Since the country was still developing, the Government would give due consideration to ratifying ILO Convention No. 189 as and when the situation so required.

27. Lastly, he welcomed Mr. Murillo Martínez's comments regarding the Yazidis. In view of the history of Armenia, Armenians were particularly sensitive to the plight of other groups and were concerned about the fate of the Yazidis in particular.

28. **Mr. Kocharyan** (Armenia) said that discrimination on the ground of genetic features was a fairly new concept in anti-discrimination law. Consequently, there had not yet been any court cases concerned with that form of discrimination.

29. The criterion for enlarging communities, as cited in paragraph 47 of the report, was intended to protect communities inhabited by national minorities. The overriding aim was to safeguard the composition of communities in which there was a high proportion of ethnic-minority residents, thereby avoiding a situation in which they were marginalized by newcomers who did not share their ethnic background.

30. Regarding the suspended sentences referred to in Annex 4 of the report, the initial sentence in one of those cases had been a term of imprisonment. That had, however, been overturned following the results of a psychiatric evaluation, and the offender had been set free.

31. **Mr. Khalaf**, referring to paragraphs 31 and 46 of the State party's common core document (HRI/CORE/ARM/2014), said that it would be helpful to receive more information regarding the status of international conventions ratified by Armenia. In particular, if there was a conflict between the provisions of a treaty and the Constitution, was the treaty given primacy?

32. He wished to know whether the system of allocating the four minority representatives' seats on a proportional basis had made for the effective representation of national minorities.

33. **Mr. Kocharyan** (Armenia) said that, in theory, no conflict could exist between the Constitution and any international convention to which Armenia was party, since, before any treaty could be ratified, the Constitutional Court issued a ruling as to its compatibility with the Constitution. If a conflict between the proposed treaty and the Constitution was identified, the Government could either ratify the international convention, making the necessary reservations, or postpone ratification until such time as the Constitution could be amended. Moreover, the Constitution provided that international human rights treaties ratified by Armenia automatically became part of the constitutional order and prevailed over domestic law.

34. The introduction of the four minority representatives was a new initiative and, thus, it was still too early to tell to what extent those representatives would be able to defend the interests of the country's national minorities. If it became clear that the mechanism was not sufficient to ensure their effective representation, the relevant legislation could be amended in the future.

35. **Ms. Hohoueto** said that, since the State party had yet to make the optional declaration provided for in article 14 of the Convention, she wondered what avenues were open for individuals in Armenia to make complaints to international bodies.

36. **Mr. Kemal**, noting that he had not received answers to all of the questions he had raised during the previous meeting, said that multiculturalism had led Armenia to flourish in the past and, by embracing multiculturalism once again, Armenia could thrive in the future.

37. **Mr. Avtonomov** said that one of the strengths of Armenia was the extent to which its diaspora linked the State party with so many other countries around the world. He

reiterated the need to conduct an in-depth study of the situation, including at grass-roots level, of minority groups in Armenia, in particular of the Bosha people, a Roma ethnic group. While he had noted the delegation's comments, which seemed to suggest that there was no discrimination against that population group, information from other sources indicated otherwise.

38. He wished to commend the delegation for what had proven to be a constructive exchange with the Committee. It was clear that progress was being made in Armenia. It was, however, important to underscore the need for the State party to meet its reporting obligations in a timely manner, including for the interim report that would shortly be required by the Committee.

39. **Mr. Hovakimian** (Armenia) said that the Armenian diaspora was indeed an asset to the country. Moreover, Armenia was a small country in transition and by welcoming, among others, refugees of Armenian descent who were fleeing the tragic situation in the Syrian Arab Republic, the country had also embraced multiculturalism, enriched its language and culture and paved the way towards becoming more open to people from different cultural backgrounds in the future.

40. **Mr. Kocharyan** (Armenia) said that the Government was currently giving consideration to making the optional declaration under article 14 of the Convention, on the competence of the Committee to receive individual communications. In the meantime, individual complaints could be lodged with other international mechanisms, such as the European Court of Human Rights.

41. The issue of the Bosha minority required further investigation and sensitivity, not least because tensions could be generated if the Government began to demonstrate an overt interest in the origins and genealogy of its citizens. It was important that the overall emphasis be placed on ensuring equality for all and eliminating all forms of discrimination, including at the grass-roots level. The Armenian diaspora was sizeable and its experience of the cultural mix in other countries could play an important role in combating discrimination and xenophobia within Armenia itself.

42. **Ms. McDougall** said that she would be interested to learn more about the rights of the representatives elected to the four seats in the National Assembly that were reserved for national minorities. In particular, she wished to know whether those representatives were able to participate in, and vote on, all issues before the National Assembly or only those that related to the rights of minorities.

43. **Mr. Hovakimian** (Armenia) said that the only distinction between the four national minority representatives and the remaining 101 deputies was the manner in which those seats had been filled, namely through party lists. In all other respects, they had the same rights, responsibilities and obligations as all other National Assembly deputies, including the right to participate in all discussions, committees and votes. In all likelihood, however, those deputies would be raising issues that related directly to national minorities. It was hoped that by the time of the next parliamentary elections the political parties would be even more keenly involved in ensuring that they had national minorities on their party lists, especially as that was a way for parties to win extra seats in the National Assembly. It was also possible for representatives of national minorities to run in open elections for one of the non-reserved seats. Regarding women candidates, the Government aimed to increase the gender quota from 25 per cent to 30 per cent in the next elections and, ultimately, to achieve gender parity under the 2030 Agenda for Sustainable Development.

44. **Mr. Yeung Sik Yuen** said that he wondered whether, as a next step, the Government might consider creating government ministries to represent each of the country's minority groups, an approach that had been used to good effect in other States parties.

45. **Mr. Hovakimian** (Armenia) said that the suggestion would certainly be relayed to the Government for future consideration. It was worth pointing out that members of national minorities had served as ministers in the past. Moreover, the Government had taken lessons from the experience of Armenians abroad, some of whom had gained positions as ministers in other countries but had not been made full members of parliament.

It was for that reason that the Government had taken steps to ensure that the four minority representatives did enjoy the same rights as all other representatives in the National Assembly.

46. **Mr. Amir** (Country Rapporteur) said that he wished to express his satisfaction with the comprehensive replies given by the delegation to the questions raised by members of the Committee. Various concrete measures had been taken, including the amendment to the law on refugees, which had now been enacted. The changes to the electoral system, such as the introduction of National Assembly seats for minority groups and the fact that the proportion of women representatives was to be increased from 25 per cent to 30 per cent, were also encouraging. Although Armenia had been a republic for only 25 years, the strength of the country's desire to make progress was palpable, and that would be reflected in the Committee's forthcoming concluding observations.

47. **Mr. Hovakimian** (Armenia) said that he wished to thank the members of the Committee for the open and constructive manner in which the dialogue had been conducted. Armenia was a nation with a deep cultural history, but it was only in its infancy as a democracy. His country welcomed the opportunity to demonstrate its commitment to eliminating all forms of racial discrimination. Admittedly, problems remained but resolving them was critical for the country's development and for the future of all people living in Armenia.

The meeting rose at 12.50 p.m.