



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined twelfth to fourteenth periodic reports
submitted by Armenia under article 9 of the
Convention, due in 2020^{*}, ^{**}**

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



Introduction

1. We hereby present the Combined Twelfth–Fourteenth Periodic Reports of the Republic of Armenia, which have been elaborated under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. The Report presents updated information regarding the legislative, judicial, administrative, and other measures undertaken by the authorities of the Republic of Armenia, which are aimed at implementing the provisions of the Convention. It has been elaborated based on the consideration of the Combined Seventh–Eleventh Periodic Report of the Republic of Armenia provided in accordance with the Concluding Observations made to Armenia by the Committee on the Elimination of Racial Discrimination (see CERD/C/ARM/CO/7-11 of 31 May 2017).
3. The Report covers the period between 2017 and 2021. The activities for preparing this Report have been co-ordinated by the Ministry of Foreign Affairs of the Republic of Armenia. It has been drawn up based on the information received from different Ministries and agencies.

I. Issues worth attention of the Committee

Manifestations of racism and extreme hatred towards Armenians

4. On 27 September 2020 Azerbaijan, through the direct involvement and with the direct support of Turkey, unleashed a war against the Armenian population of Artsakh (Nagorno-Karabakh) with the purpose of repressing the right of the people of Artsakh to self-determination by the use of force. Thus, instead of settling the Nagorno-Karabakh conflict through peaceful means, Azerbaijan embarked on a campaign aiming at the annihilation of the Armenian population of Artsakh employing a wide use of modern weaponry, including banned cluster and phosphorus munitions.
5. For the purpose of attacking Artsakh, Turkey recruited and transferred Jihadi mercenaries from northern Syria and employed them to violently suppress the indigenous Armenian population (see the statement of 11 November 2020 of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination).

(UN experts: Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn).¹
6. As a result of the 44-day attack, the Armenians in the territories occupied by Azerbaijan were subjected to various crimes, including ethnic cleansing, extensive damage to property and desecration of religious and cultural monuments.
7. The Azerbaijani aggression was accompanied by gross violations of international human rights law and humanitarian law (see the Report of the Human Rights Defender of Armenia).²
8. As a result of systematic and purposeful strikes against the peaceful population and civilian infrastructure by the Azerbaijani military, nearly 90.000 people were forced to leave their homes and villages and take shelter in Armenia, 88% of them are women and children.
9. The Azerbaijani aggression resulted in deaths of 750 citizens of Nagorno-Karabakh, of which 81 are civilians, 42 died as a consequence of the long-range strikes of the Azerbaijani Armed Forces, including missile attacks, shelling, bombardments and firearm shooting of sabotage groups, 39 died as a result of use of physical violence, stabbing,

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494&LangID=E>.

² <https://www.ombuds.am/images/files/e632fe2219cb340fc05194d684d7206f.pdf>.

beheading and close distance firearm gunshots while in Azerbaijani captivity, 83 are deemed to be missing, of which 23 are civilians.³

10. Most of the displaced persons, particularly from the Shushi and Hadrut regions, relived the traumas of the 1990s when they were displaced from different cities of Azerbaijan, as well as regions within Artsakh (Nagorno-Karabakh Oblast) occupied by Azerbaijani forces and subjected to ethnic cleansing and forced expulsion.

11. During the 2020 aggression and post-war period, Azerbaijani state policy of the systematic destruction of Armenian cultural heritage was carried out, with the aim of eliminating any presence of Armenian national identity.

12. The unwillingness of Azerbaijan to accept the existence of the Armenian people, their rights, culture, and heritage in Nagorno Karabakh brought the region into the turmoil of war in the 1990s and again in September 2020. Regrettably, the last thirty years have demonstrated that the Azerbaijani government cannot be entrusted with Armenian cultural heritage. While Azerbaijan has issued assurances and guarantees that the Armenian monuments of cultural heritage will be protected, Azerbaijan's track record of annihilating every single trace of Armenian cultural heritage prevents us from taking the Azerbaijani authorities at their word. Hiding behind a façade of tolerant multi-ethnicity, Azerbaijan has long sought to whitewash its actions by funnelling state money through its foundations to various projects related to the preservation of cultural heritage, while pursuing a policy of cultural genocide within its territory. Furthermore, despite the existence of Azerbaijani laws on cultural heritage which require the protection of Armenian cultural heritage sites, the application of these laws is fully reliant on the discretion of Azerbaijani authorities, precluding the possibility of relying on these laws regarding the protection of Armenian cultural heritage sites.

13. Several sites of Armenian cultural heritage have come under intentional attack by the Azerbaijani armed forces during the recent war and its aftermath. On October 8th, 2020, The Holy Saviour Ghazanchetsots Cathedral – a historic and religious symbol – in the cultural center of Artsakh, Shushi (Shushi was once home to 6 churches. All were damaged during the 1920 massacre when 20,000 Armenians were slaughtered by the Azerbaijani army and 7,000 structures were destroyed), was struck twice within a few hours, partially destroying one of the two domes of the Cathedral. The attacks were conducted by precise striking drones, emphasizing their intentional nature in blatant violation of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; under Article 7 it requires, among others, to “do everything feasible to verify that the objectives to be attacked are not cultural property”.⁴

14. Additionally, concerns have been raised about damages to Tigranakert, a significant Hellenistic and Armenian archaeological site of an ancient city founded by Tigranes the Great in 95–55 BCE. It became an area of intensive war activity and was shelled several times, proving yet again the complete disdain of Azerbaijani authorities towards even the most remarkable cultural heritage sites which belong not only to Armenia, but the whole world.

15. Moreover, there are images and a video circulated in the social media shortly after the occupation of Shushi by Azerbaijan, showing that the 19th-century church of Saint John the Baptist in Shushi (Kanach Zham) has been severely damaged; the dome and the bell tower of the church have been almost destroyed.

16. Furthermore, the constant fire by the Azerbaijani armed forces on civilian settlements made it impossible for museum and heritage professionals to care for the safety of the collections and ensure their protection. This includes 8 state museums and galleries, as well as 2 private museums namely “Shushi Carpet Museum” and “Shushi Armenian Money Museum”.

³ <https://www.artsakhombuds.am/hy/general-report>.

⁴ Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, 26 March 1999, UNESCO Doc. HC/1999/7 (accession by Azerbaijan on 17 April 2001) Article 7.

17. Armenia and Artsakh have always emphasized the importance of preservation of cultural heritage and have always demonstrated a respectful and careful approach towards the cultural values of other peoples and religions. The restoration of the Gohar Agha Upper Mosque in Shushi, Artsakh, in 2019 is the latest case in point.

18. The Government of Azerbaijan should undertake a commitment not to alter the identity of Armenian churches and other cultural heritage sites located in the territories of Artsakh, which are under its military control.

19. Regrettably, Azerbaijan showed itself non-constructive creating artificial obstacles for UNESCO's decision to dispatch a technical assistance mission to Artsakh and adjacent districts to prepare a preliminary inventory of significant cultural properties in the affected area. The UNESCO proposal has been fully supported by the Minsk Group Co-Chair countries, as well as the Republic of Armenia and the Republic of Artsakh. Only Azerbaijan tries to politicize the issue.

20. The so-called "War trophy park", which was opened in Baku after the war in 2020, serves as a striking example of the extreme manifestation of racism and hatred towards the Armenian people in general. Displayed in the "Park", along with Armenian military equipment, were displays of wax figures/imitations of Armenian military servicemen, all of which were purposely presented in a degrading manner, blatantly violating human dignity. Extensive publicity was conducted in order to attract the widest possible audience to the so-called, 'Trophy Park' and Azerbaijani President, Ilham Aliyev personally attended the inauguration. It has become abundantly clear, that the sole aim of the so-called 'Trophy Park' is to publicly humiliate the memory of the victims of war, missing soldiers, civilian casualties and prisoners of war. The lack of humanity displayed through the exhibits of the Park, is a stark reminder of Azerbaijan's state policy towards Armenians as an ethnic group – policy of dehumanisation and racism.

(see Special Report of the Human Rights Defender of the Republic of Armenia <https://www.ombuds.am/images/files/fec534aee0fe528fe043e41c90cd83b5.pdf>)

21. The Republic of Armenia has always kept informed the various human rights mechanisms of the United Nations, including the Committee on the Elimination of Racial Discrimination regarding the longstanding racist and hate filled rhetoric promoted by Azerbaijan and Turkey. For decades, the Azerbaijani authorities have marketed a propaganda of Armenophobia and a policy of hostility towards Armenians. This ultimately resulted in torture, inhuman and degrading treatment as well as crimes against humanity committed against civilians and prisoners of war during the latest military aggression against the people of Artsakh.

II Responses to the Concluding Observations submitted by the Committee on the Elimination of Racial Discrimination

Status of the Convention in the domestic legal order and anti-discrimination legislation (Recommendations, points 5 and 6)

22. In light of the recommendation presented by the Committee in accordance with point 5 of the Concluding Observations, as well as taking into consideration Articles 28–30 of the Constitution of the Republic of Armenia which lay down equality of all before the law, the universal prohibition of discrimination, and legal equality of women and men, and point 82 of Decision of the Government of the Republic of Armenia No 483-N of 4 May 2017 "On approving the 2017–2019 Action Plan deriving from the National Strategy on Human Rights Protection", a package of the draft Laws "On national minorities" and "On ensuring legal equality" and related draft laws have been elaborated. The package has been discussed with interested state bodies and non-governmental organisations, it has also been posted on the Unified Website for Publication of Draft Legal Acts (www.e-draft.am) to ensure public discussions (from 23 February 2018 to 11 March 2018). Based on the recommendations in the expert opinion of the Council of Europe, the draft has been revised and reposted on www.e-draft.am for public discussions (15–30 July 2019).

23. At the same time, by Decision No 1978-L of 26 December 2019, the decision of the Government “On approving the National Strategy on Human Rights Protection and the 2020–2022 Action Plan deriving from the Strategy” has been adopted. One of the target areas of the National Strategy on Human Rights Protection is devoted to the key issues of ensuring legal equality and the prohibition of discrimination. Under the Action Plan, relevant actions have been envisaged to improve the legislative grounds for ensuring legal equality, awareness-raising and ongoing training of professional groups. The Action Plan includes actions for the fight against hatred, namely it has been envisaged to prescribe liability for hate speech. The Republic of Armenia requested the expert opinions of the OSCE/ODIHR, as well as the Council of Europe in 2020 with regards to stipulating relevant legal regulations, which offered amendments to the draft Law of the Republic of Armenia “On ensuring legal equality”. The draft is in the stage of revision and will be submitted to the Government of the Republic of Armenia for approval as soon as it is finalised.

24. The guarantee for the prohibition of discrimination is reflected in Article 5 of the draft Law of the Republic of Armenia “On national minorities”. Persons belonging to national minorities shall have rights and responsibilities on equal footing with the citizens of the Republic of Armenia who are ethnic Armenians. Regulations for the relations pertaining to ensuring equal opportunities for the exercise of rights and freedoms of persons belonging to a national minority have been provided for by the draft Law of the Republic of Armenia “On ensuring legal equality”.

25. On 31 October 2019 the Ministry of Foreign Affairs organised a panel discussion entitled “Draft Law on National Minorities: Objectives, Issues and Opportunities”. The regulations proposed under the aforementioned draft Law, as well as the observations of national minorities regarding the draft Law were thoroughly presented during the conference. The second part of the meeting was devoted to the use of the best practice of other countries in implementation of a similar law, presented by Professor Tove Malloy, expert of the Council of Europe on protection of national minority rights.

26. Pursuant to the draft Law of the Republic of Armenia “On ensuring legal equality”, discrimination shall be defined as treatment, action, inaction or regulation which has been manifested in the distinction, exclusion, restriction or preference of the rights and freedoms of a person, based, *inter alia*, on belonging to a national minority. Pursuant to the regulations proposed by the draft, such treatment may be qualified as discrimination, where it does not pursue a legitimate aim, is not necessary in a democratic society, and in the absence of reasonable proportionality between the legitimate aim pursued and the selected measures.

27. Pursuant to Article 5 of the Law “On ensuring legal equality”, special *ad hoc* measures shall be the imposition by bodies ensuring legal equality of such measures on a person or group of persons which are aimed at eliminating actual inequality between the person or group of persons and society, and restoring and ensuring equal opportunities with other members of society.

Office of the Human Rights Defender (Recommendations, points 7 and 8)

28. In regard to point 8 of the Recommendations made by the Committee to the State, that is, “the State must ensure sufficient and sustainable financing for the Human Rights Defender”, we deem it necessary to note that *financing for the Office of the Human Rights Defender of the Republic of Armenia is guaranteed by the Constitution of the Republic of Armenia* (Article 193, part 4 “The State shall ensure due financing of the activities of the Human Rights Defender”), as well as by the Constitutional Law of the Republic of Armenia “On Human Rights Defender” (*Article 24, point 1* “Due financing shall be ensured at the expense of funds of the State Budget for the smooth operation of the Defender and the Staff thereto”, point 2 “The budget of the Defender and the Staff thereto shall constitute a part of the State Budget, which is financed in a separate line”). In relation to the observation of the Committee regarding financing for the Office of the Human Rights Defender that it should allow promoting the National Preventive Mechanism, in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights

(Paris Principles), let us state that this provision is also secured by the Constitutional Law of the Republic of Armenia “On Human Rights Defender” (Article 8, point 5 “Every year, the amount of allocation provided for by the State Budget for financing of the Human Rights Defender and the Staff thereto, as well as of the Defender as National Preventive Mechanism, may not be less than the amount of allocation provided for by the State Budget of the previous year. Financing provided for by the State Budget shall be made in equal monthly proportions as a prepayment for each month”).

29. The effectiveness of activities of the Human Rights Defender and development of new work areas highly depend on guarantees, conditions ensuring results of the activities, which are unique from the perspective of advanced international practices. Persons holding positions in the Staff of the Human Rights Defender may not furnish explanation or be questioned about the essence of applications or complaints addressed to the Human Rights Defender or decisions rendered by the Human Rights Defender based on the examination thereof, as well as provide them to other persons for familiarisation without the written consent of the Human Rights Defender. Moreover, this requirement also concerns representatives of non-governmental organisations and independent experts jointly working with the Human Rights Defender within the scope of the National Mechanism for the Prevention of Torture. This new solution is important, especially from the point of view of trust of persons having submitted complaints. Moreover, Article 332.1 of the Criminal Code of the Republic of Armenia has prescribed a separate corpus delicti, which criminalises obstruction of exercise of the powers of the Defender, including any interference with the activities thereof, also failure to permit the Defender or a competent person acting upon his or her decision to enter any place in relation to exercise of the powers of the Defender prescribed by law.

Organisations that promote racial hatred and racist propaganda (Recommendations, points 9 and 10)

30. Article 45 of the Constitution states, among the reasons restricting the freedom of associations, the purpose of protecting state security, public order, health and morals or the basic rights and freedoms of others.

31. Pursuant to Article 4 of the Constitutional Law “On political parties”, the activities of a political party shall be based on the principles of voluntary membership, equal rights of members, prohibition of discrimination based on sex, race, colour of skin, property status, birth, disability, age or other personal or social circumstances, independence, self-governance, collegiality of the political party, transparency, publicity and accountability of activities of the political party. At the same time, Article 5 of the Law prohibits the establishment or activities of political parties that advocate violent overthrow of the constitutional order or use violence for the purpose of overthrowing the constitutional order. It should be mentioned that the relevant regulations of the Criminal Code that were included in the previous Report are still in effect.

Hate crime and hate speech legislation (Recommendation, points 11 and 12)

32. Publicly justifying or propagating violence was criminalised through amendment to the Criminal Code of the Republic of Armenia (Article 226.2) adopted in April 2020. Making public calls to use violence against a person or a group of persons based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances, publicly justifying or propagating such violence shall be punished by a fine in the amount of fifty-fold to one-hundred-fold of the minimum salary, or by detention for a term of maximum two months, or by imprisonment for a term of maximum one year. At the same time, committing the above-mentioned acts by a group of persons in conspiracy or by an organised group, as well as by use of official position is considered in the same Article as a circumstance aggravating the act.

33. The Ministry of Justice, with the expert support of the Council of Europe, compiled a study entitled “European Criteria of Hate Speech and Comparative Analysis of National Hate Speech Regulations Based on Examples of Member States of the Council of Europe” aimed at identifying legal regulations existing in the field of fight against hate speech in Armenia, existing gaps and addressing them in the light of international standards. The study is available at: <https://www.primeminister.am/hy/press-release/item/2019/04/11/Nikol-Pashinyan-Press-Conference/>. Based on the study, relevant legislative amendments have been made, in particular, to the draft Law “On ensuring legal equality”, which, inter alia, has specified the concept of “hate speech”. (see also point 15).

34. At the same time, it should be noted that for the purpose of combating hate speech more comprehensively, an assessment of the current situation regarding the collection of disaggregated data on discrimination, hate speech and hate crime has been carried out⁵ (in the form of a study), templates necessary for collecting data have been drafted. On 4 June 2021, the Ministry of Justice, jointly with the Council of Europe Office in Yerevan and with the active involvement of interested agencies, organised a regular discussion aimed at identifying the gaps presented in the study.⁶

35. It should be noted that the Action Plan of Human Rights Defender also envisages measures for raising awareness of the fight against hate speech, within the scope of which relevant instructions, training courses with the involvement of different professional groups are regularly organised.⁷

36. At the same time, it is important to state that the new Criminal Code of the Republic of Armenia was adopted on 5 May 2020 (will enter into force from July 2022), according to the general provisions of which, committing a crime with motives of hatred, intolerance or hostility based on race, national, ethnic or social origin, religion, political or other views, or other personal or social conditions is deemed to be circumstances aggravating the liability and punishment.

37. We would like to draw your attention to the fact that prior to launching its aggression against the people of Artsakh on 27 September 2020, Azerbaijani state officials and state bodies conducted an intensive campaign spreading animosity and hatred towards Armenians in an attempt to legitimise the offensive against the people of Artsakh. Evidence of this has become widely available.

38. One of the most obvious cases of violation of international law and humanitarian law by Azerbaijan is the case of Qyaram Sloyan (father’s name: Qalash), citizen of the Republic of Armenia, Yezidi by national origin, who was beheaded with particular brutality in the style of “Islamic State” by the Armed Forces of Azerbaijan during the Four-Day War waged against Nagorno Karabakh in 2016, and [his head] was later demonstrated in cities and villages and on social networks. The case of murder of military servant of the Defence Army of the Nagorno-Karabakh Republic Qyaram Sloyan and torture of the body thereof is currently under examination in the European Court of Human Rights.

39. The judgment in Makuchyan and Minasyan v Azerbaijan and Hungary published by the European Court of Human Right,⁸ which relates to the release and glorification of Ramil Safarov, who brutally murdered Armenian officer Gurgen Margaryan, is a judgment delivered against the Armenophobic policy of Azerbaijan. The judgment imposes a legal obligation on Azerbaijan to carry out appropriate actions which would make it possible to

⁵ <https://rm.coe.int/situational-analysis-armenia-hye/16809e49f2>.

⁶ https://www.coe.int/hy/web/yerevan/news/-/asset_publisher/UATN4W18F3Wu/content/assisting-national-beneficiaries-in-armenia-to-improve-their-disaggregated-data-collection-on-hate-crimes-discrimination-and-hate-speech?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fyerevan%2Fnews%3Fp_p_id%3D101_INSTANCE_UATN4W18F3Wu%26p_p_lifecycle%3D0%26p_p_stat%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1.

⁷ <https://www.euneighbours.eu/hy/east/stay-informed/news/hayastanowm-atelowtyown-sermanog-xoski-dem-paykari-veraberyal-dasentats>.

⁸ [file:///C:/Users/USER/Downloads/Judgment%20Makuchyan%20and%20Minasyan%20v.%20Azerbaijan%20and%20Hungary%20-%20violation%20of%20the%20Convention%20by%20Azerbaijan%20after%20pardon%20and%20release%20for%20an%20officer%20convicted%20of%20murdering%20an%20Armenian%20soldier%20in%20Hungary%20\(1\).pdf](file:///C:/Users/USER/Downloads/Judgment%20Makuchyan%20and%20Minasyan%20v.%20Azerbaijan%20and%20Hungary%20-%20violation%20of%20the%20Convention%20by%20Azerbaijan%20after%20pardon%20and%20release%20for%20an%20officer%20convicted%20of%20murdering%20an%20Armenian%20soldier%20in%20Hungary%20(1).pdf).

cease violations of the European Convention on Human Rights and to address the consequences thereof. The Republic of Armenia considers this judgment of the ECHR as a request to the authorities of Azerbaijan to restore justice in the case of horrific murder of Gurgen Margaryan and to end racist policy against Armenians (Armenian officer Gurgen Margaryan, who was participating in the “Partnership for Peace” programme organised by NATO in Budapest, was axed while asleep by Azerbaijani Safarov).

40. The judgment in Saribekyan and Balyan v Azerbaijan published by the European Court of Human Rights⁹, which relates to the circumstances leading to the death of Manvel Saribekyan at the Azerbaijani Military Police Department, is also unprecedented. For the first time the European Court of Human Rights found Azerbaijan responsible for depriving a citizen of the Republic of Armenia of life and established that the citizen of the Republic of Armenia was tortured to death, in particular, as a result of violent actions of the personnel of the Military Police Department of Azerbaijan.

41. The authorities of Azerbaijan are spreading hate speech against Armenian at all levels, the culmination whereof was demonstrated in speeches delivered by the Presidents of Azerbaijan and Turkey¹⁰ during the military parade dedicated to the results of aggression against Artsakh on 10 December 2020. In particular, the President of Azerbaijan declared that Zangezur, Lake Sevan and the capital Yerevan (all of them are the sovereign territory of the Republic of Armenia) were the historical lands of Azerbaijan. Thereafter, the President of Turkey glorified the organisers and perpetrators of the Armenian Genocide in the period of the Ottoman Empire and mass atrocities committed against the Armenians in Baku in September 1918. In particular, he glorified Ahmed Jevad Pasha, Nuri Pasha, Enver Pasha, members of the Islamic Army of the Caucasus. The mentioned persons were among the Young Turks who were responsible for organising and perpetrating the Armenian Genocide in the Ottoman Empire, which is a confirmed fact. The public glorification of these persons shows the explicit genocidal intentions of Turkey and Azerbaijan, thus destroying any attempt to create a constructive atmosphere for further dialogue.

42. Both Turkey and Azerbaijan not only officially deny the Armenian Genocide but attempt to justify this gravest crime through various means. Both countries have repeatedly demonstrated that denial and justification of genocide has become part of their state ideology and policy.

43. The Joint Report of Human Rights Defenders of Armenia and Artsakh extensively documented evidence proving that state-sponsored hate speech, racism and dehumanisation in Azerbaijan towards ethnic Armenians are the root causes of ethnically-based torture and inhuman treatment carried out by Azerbaijani Armed Forces.¹¹

44. There is ample definitive and circumstantial evidence confirming the fact that Armenophobia in Azerbaijan is generated by state authorities and institutions. This includes high ranking officials, then in turn with the same formulations are widely used and promoted by the cultural, sport and other public figures and earn public praise, often targeting children as well.¹²

45. On 11 November 2020,¹³ the Republic of Armenia addressed a letter to the Republic of Azerbaijan, noting that the policy and actions adopted by Azerbaijan in recent decades grossly violated the requirements of the International Convention of 1965 on the Elimination of All Forms of Racial Discrimination.

46. Armenia, inter alia, calls on Azerbaijan to immediately stop its discriminatory practices and other continuing violations towards Armenia and ethnic Armenians, including but not limited to the following:

⁹ <https://www.echr.am/resources/echr/judgments/8bf062b89bad2d6409695591343b4f4c.pdf>.

¹⁰ The Sun, “Live: Turkey’s Erdogan joins Azerbaijan ‘victory against Armenia’ military parade”; https://www.youtube.com/watch?v=MCKg8vZCu0Q&ab_channel=TheSun.

¹¹ <https://www.ombuds.am/images/files/2032f021fe81176414a649d588ad0e86.pdf>.

¹² <https://www.ombuds.am/images/files/2032f021fe81176414a649d588ad0e86.pdf>.

¹³ https://www.mfa.am/en/interviews-articles-and-comments/2020/11/13/cerd_/10647.

- Spreading anti-Armenian sentiment;
- Failing to undertake effective measures to eliminate anti-Armenian propaganda;
- Encouraging or instigating racial discriminatory treatment towards Armenians by state bodies or public institutions;
- The discriminatory deprivation of ethnic Armenians of their personal rights, such as the right to personal security, access to and use of property and cultural heritage monuments;
- Failing to effectively protect and restore the rights of ethnic Armenians by competent domestic courts and other competent state authorities;
- Undertaking steps aimed at the ethnic cleansing of Armenians.

47. In the mentioned letter Armenia requested Azerbaijan to fulfil its conventional obligations and invited to discuss violations of the requirements of the Convention through negotiations.

48. Should the Government of Azerbaijan reject the proposal of Armenia or fail to respond to it within the fixed timeframe, Armenia reserves its right to seek to resolve this legal dispute as prescribed by the Convention.

Cases of racial discrimination and criminal prosecution of criminals (Recommendation, point 13, 14)

49. During the reporting period, criminal cases have been initiated both in relation to crimes committed on the grounds of racial discrimination and crimes provided for by other criminal articles throughout the territory of the Republic of Armenia, *i.e.* in Yerevan, as well as in the prosecutor's offices of marzes (provinces).

50. It should be emphasised that topics related to the provisions of the Convention, as well as the prohibition of all forms of discrimination have been covered during the instruction, training courses conducted by the Academy of Justice for judges, investigators, prosecutors and their candidates.

51. In 2017, a military servant of the 102nd military base of the Russian Federation stabbed a citizen of the Republic of Armenia to death in the city of Gyumri. A criminal case was initiated under the elements of crime provided for by part 1 of Article 104 of the Criminal Code of the Republic of Armenia (Murder).

52. During the preliminary investigation, a criminal charge was brought against a person, having been accused of a crime, under point 13 of point 2 of Article 104 (Murder with the motive of national, racial hatred) and under part 4 of Article 235 (Illegally carrying cold-steel weapon), and the criminal was sentenced to imprisonment for a term of 22 years.

53. 1 case of commission of a crime against a member of national minority, provided for under point 13 of part 2 of Article 104 of the Criminal Code of the Republic of Armenia (Murder committed with the motives of national, racial or religious hatred or religious fanaticism), was recorded on the part of the Armed Forces of Azerbaijan (in 2016, victim Q.S., Yezidi by national origin). The criminal case initiated with regard to this case was suspended due to *force majeure* (*force majeure* are emergencies that do not depend on the will of the people, cannot be predicted, or can be predicted, but cannot be prevented or eliminated. Such circumstances may include wars, strikes, declaring state of emergency or martial law).

54. No issues with regard to ensuring access to justice for national minorities have occurred in the criminal cases examined in the reporting period. The accused considered to be representatives of national minorities in the above-mentioned criminal cases were provided with public defenders, interpreters at the expense of the state. The majority of the accused refused the services of an interpreter as they had command of Armenian in writing and oral form.

55. The criminal cases examined, in the reporting period, under the elements of crime provided for by Article 226 of the Criminal Code of the Republic of Armenia (Incitement of national, racial, or religious hostility), are the following:

- In the period between 2 May 2018 and 25 October 2018, citizen of the Republic of Armenia G.V. regularly committed actions aimed at inciting national and religious hostility via the Facebook page of social network www.facebook.com, i.e. G.V., through texts posted on the Internet, promoted negative propaganda against representatives of the Russian and Jewish nations, against Christians, undermining trust and respect for the mentioned nations, the representatives of Christian religion, degrading their dignity, fostering hatred and religious hostility, propagating acts of violence against them, emphasising the superiority of Muhammadanism Islam. A criminal case was initiated under the elements of crimes provided for by points 1 and 2 of part 2 of Article 226 of the Criminal Code of the Republic of Armenia (**Incitement of national, racial, or religious hostility, committed publicly or by use of mass media, by use or threat of use of violence**). A charge was brought under points 1 and 2 of part 2 of Article 226 of the Criminal Code of the Republic of Armenia. The preliminary investigation into the criminal case established that G.V. had committed the act, he was incriminated in, in a state of insanity, thus a decision was rendered on sending the case to the court for imposing necessary medical measures on G.V..

Upon the Decision of the Court of First Instance of General Jurisdiction of the city of Yerevan of 23 June 2020, G.V. was absolved of criminal liability, and compulsory treatment in a general psychiatric unit was imposed on him.

- The Facebook page named “Dukhov Hayastan” has regularly spread fake and inaccurate information, made calls for inciting national hostility.

A criminal case has been initiated under elements of crime provided for by point 1 of part 2 of Article 226 of the Criminal Code of the Republic of Armenia (Incitement of national, racial, or religious hostility, committed by use or threat of use of violence).

A charge was brought against A. A. for committing an act provided for by point 1 of part 2 of Article 226 of the Criminal Code of the Republic of Armenia. On 18 February 2021, a decision on dismissing the criminal proceedings and terminating the criminal prosecution was rendered on the grounds of absence of *corpus delicti*.

- Citizen of the Republic of Armenia S.M., using a personal page under the pseudonym “Diana Harutyunyan” on social network www.facebook.com, disseminated information via the internet aimed at inciting hostility and strife. On 5 January 2020, a criminal case was initiated with regard to the incident under the elements of crime provided for by point 1 of part 2 of Article 226 of the Criminal Code of the Republic of Armenia. A charge was brought against S.M. for committing acts provided for by point 1 of part 2 of Article 226 and part 1 of Article 254 of the Criminal Code of the Republic of Armenia. The criminal case was sent to the Court of First Instance of General Jurisdiction of Kotayk Marz for examination and determination of merit. Upon the Decision of the Court of First Instance of General Jurisdiction of Kotayk Marz of 13 April 2021, S.M. was found guilty of having committed a crime provided for by point 1 of part 2 of Article 226 of the Criminal Code of the Republic of Armenia, and a punishment in the form of imprisonment for a term of 3 (three) years and 6 (six) months was imposed thereon. Upon the Decision of the Court of First Instance of General Jurisdiction of Kotayk Marz of the same day, the criminal prosecution against S.M. under part 1 of Article 254 of the Criminal Code of the Republic of Armenia was terminated on the grounds of expiry of the statute of limitations for criminal liability for the particular crime.

Situation of minorities and enjoyment of economic, social and cultural rights (Recommendation, points 15 and 16)

56. Pursuant to the Law of the Republic of Armenia “On social assistance”, each person residing in the Republic of Armenia – citizens of the Republic of Armenia, foreign citizens having the right to reside in the Republic of Armenia (residence status), stateless persons, as well as persons holding refugee status in the Republic of Armenia – shall have the right to social assistance where there are grounds prescribed by law. Therefore, when providing social assistance to national minorities, this right is determined, irrespective of their national origin, race, sex, language, religion, beliefs or social origin. Based on the foregoing, indicators on ethnicity or nationality are not collected and analysis thereof is not conducted within employment and social assistance programmes.

57. Upon Decision of the Government of the Republic of Armenia No 751-N of 13 May 2021, the regular census was scheduled to be conducted on 13–22 October 2022. Moreover, pursuant to the Decision of the Government of the Republic of Armenia No 1115-N of 10 October 2018, testing of the regular census programme and procedures in the Republic of Armenia, i.e. the pilot census, was conducted on 3–12 October 2019 in one urban and four rural settlements (Shirak and Kotayk Marzes) involving one percent of the country’s population. For the first time in the Republic of Armenia, census will be conducted through use of the data of the State Population Register, and collection of the additional characteristics will be carried out through 25 percent sample surveys.

58. According to the administrative sources, distribution of births and deaths in the Republic of Armenia (city of Yerevan and Regions /marzes/) by national origins in 2014–2020, distribution of persons record-registered and removed from record-registration by national origins in 2016–2020 (see Annexes 1 and 2).

59. According to the results of the Census for 2011, data will be collected on the education level and literacy of the population, types of the occupation and economic activities of the employed population, by separate national origins (see Tables 4–7 in the Annex).

60. Within the scope of the Second Community Agriculture Resource Management and Competitiveness Project (CARMAC), the heads of Lermontovo and Fioletovo Communities of Lori Marz of the Republic of Armenia (where mainly national minorities are settled) were recommended to build pasture watering systems (complex of mainly hydrotechnical measures used to supply water to the scarce water or anhydrous areas through state support in the mentioned communities and to involve the communities in the agricultural machinery leasing programme as beneficiaries; moreover, the effectiveness of implementation of the programmes was also presented. However, no application for participation in the programmes was submitted from the given communities, reasoning that the creed of Molokans did not allow them to benefit from any state-sponsored program.

61. By Law HO-173-N of 10 September 2019 (entered into force from 19 October 2019), a supplement was made to the Labour Code of the Republic of Armenia, whereby the definition of discrimination is provided, and it is enshrined that discrimination is prohibited by the labour legislation (Article 3.1 of the Labour Code of the Republic of Armenia).

62. In job announcements (competitions) and when establishing employment relations, it is prohibited to establish any other term deemed to be a ground for discrimination but practical qualities and professional training and qualification, except for cases when it derives from job-specific requirements.

63. Voluntary nature and free choice of labour, excluding discrimination, are among the main principles of the state employment policy.

64. Point 6 of Priority 2 of Annex 2 approved by Decision of the Government of the Republic of Armenia No 1334-L of 19 September 2019 “On approving the 2019–2023 Strategy for Implementation of the Gender Policy and the Action Plan” provides the following: “Ensuring full social integration of elderly women with disabilities, belonging to national minorities, needs assessment, development and implementation of local social programmes aimed at solving social and economic issues”. The mentioned Action is aimed at enhancing the economic opportunities of women, creating favourable conditions for

exercise of equal rights and equal opportunities for women and men, and the state undertakes to implement programmes aimed at protecting the rights of women belonging to vulnerable groups, in particular women belonging to national minorities, as well as ensuring accessibility of social, healthcare, educational and other services therefor. Within the scope of the Action, local social programmes aimed at solving each of the social and economic issues identified will be developed and implemented, taking into account the needs of the beneficiaries assessed and mapped according to the communities.

65. The focus is on the issues of forcibly displaced persons having taken shelter in Armenia as a result of the aggression unleashed against Nagorno Karabakh (Artsakh) in 2020. For this purpose, a number of decisions have been adopted by the Government of the Republic of Armenia.

66. Continuous contribution to the preservation, dissemination and development of the cultural heritage and culture of national minorities is one of the priorities of the cultural policy of the Republic of Armenia. The Ministry of Education, Science, Culture and Sport of the Republic of Armenia closely co-operates with the unions and non-governmental organisations of national minorities and assists in organising concerts, exhibitions and other cultural events for them. In particular, the Ministry of Culture of the Republic of Armenia regularly organises meetings and consultations with the representatives of the ACFC/SR/V(2020)002 19 unions of national minorities, where joint action plans, main issues of national minorities in the field of culture, as well as recommendations for improvement of the legislative framework are discussed.

67. The Festival “Songs and Dances of Different Nations” regularly takes place at the Armenian State Philharmonic [Hall] wherein a number of dance groups and leading singers participate. Representatives of national minorities also participate in the Festival.

68. As of 2020, literature in national minority languages is available in the National Library of Armenia, in particular: 1.609.144 units of textbooks, fiction, religious literature, books relating to art, history, linguistics, philosophy and natural sciences – in Russian, 29 units of textbooks – in Yezidi language, 5 units of textbooks – in Assyrian, 672 units – in Kurdish, 654 units – in Ukrainian, 1042 units – in Greek, 5150 units – in Georgian, and 2251 units – in Persian.

69. Support is provided for ensuring continuity of the publication of press and literature and the digitisation of newspapers in the national minority languages. Digitisation of the press and literature in the national minority languages is among the priorities of the process of digitisation being carried out by the National Library of Armenia. All the periodicals published by the national minorities are recorded, and the digital versions of five periodicals – *Ezdikhana, Ye.*, 2001 (in Yezidi language), *Rya taza, Ye.*, 1930 (in Kurdish language), *Golos Armenii, Ye.*, 1991 (in Russian language), *Magen David [Мәген Давид, Ереван]*, 2002 (in Hebrew and Armenian languages), *Poka mi zhivi [Póki my żyjemy]*, *Ye.*, 2003 (in Polish language) are added to the database “Armenian Press”.

70. The Republic of Armenia has taken all the historical and architectural, cultural, and religious structures located within the territory of the Republic of Armenia under state protection, irrespective of their ethnic or religious belonging.

71. In 2018, in the “Promoting Inclusion” nomination at the Universal Rights Award, *Uso Nadoyan* was awarded for exceptional dedication in creating equal opportunities for the youth in the Yezidi community and enhancing the importance of education for women and girls.

72. The volume of financial support to the cultural programmes of national minorities in the Budget of the Republic of Armenia are drawn up according to applications submitted by the communities. For submission of culture-related applications, the Ministry of Culture of the Republic of Armenia posts a grant announcement on its official website “www.mincult.am”, which is open and provides all national minorities with the opportunity to submit their programmes.

Situation of stateless persons (Recommendation, points 17 and 18)

73. The Law of the Republic of Armenia “On foreigners” prescribes a more simplified procedure for acquiring residence status for Armenians by national origin, i.e. only the fact of being an Armenian by national origin is a ground for granting foreigners residence status in the Republic of Armenia or entry visa privileges. Prescribing such privileges for Armenians by national origin and reserving to them the right to legalise residence or stay under simplified procedure by the legislation of the Republic of Armenia is aimed at promoting resettlement of Armenians by national origin in the Republic of Armenia. It should be noted that the Law of the Republic of Armenia “On foreigners” prescribes many grounds for foreigners for acquiring residence status. Moreover, the draft Law of the Republic of Armenia “On foreigners and stateless persons”, which is currently in circulation, provides further extension of the grounds for granting foreigners residence status. A similar approach is also adopted in the Law of the Republic of Armenia “On citizenship”, which prescribes an opportunity for Armenians by national origin to acquire citizenship through simplified procedure. It is noteworthy that there is such an approach in the legal acts regulating relations pertaining to citizenship of many countries and to foreign citizens, wherein ethnic origin is considered to be a ground for legalising a person’s residence.

74. The Law of the Republic of Armenia “On refugees and asylum” regulates the relations pertaining to grant of asylum and recognising as refugees in the Republic of Armenia, as well as ensures application of the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and recognises the right of all foreigners and stateless persons to seek asylum in the territory of the Republic of Armenia and at crossing points of the state border of the Republic of Armenia, as well as to receive asylum.

Grant of asylum

75. Application for receiving asylum in the Republic of Armenia [is submitted to] the authorised body, the Migration Service. Upon a substantiated decision of the Migration Service, the time limit for consideration of the application may be extended for up to three months.

76. Persons having submitted an application for asylum shall receive a certificate of asylum-seeker in the Republic of Armenia.

77. As a result of consideration of the application, the Migration Service adopts a decision on rejecting or granting the application for asylum, whereon it shall inform the applicant within a three-day period.

78. The Migration Service shall take the decision based on the information available in the individual file of the applicant and provided thereby during the interview, as well as on the information obtained with regard to the country of origin of the applicant. The Migration Service may apply the grounds for excluding the refugee status and rejecting the grant of asylum, in particular not recognise the person as a refugee, where there are reasonable doubts that he or she has committed a crime against peace or humanity, war or other grave crime, has committed a grave non-political crime before entering the territory of the Republic of Armenia, or has been found guilty of acts contradicting the objectives or principles of the United Nations, and reject the grant of an asylum, where the applicant has arrived from a safe ‘third country’ where he or she has no fear of prosecution.

79. Where the applicant has already been recognised as a refugee by a state having signed the 1951 Convention relating to the Status of Refugees, he or she shall automatically be considered a refugee in Armenia, and the Migration Service shall only consider the issue of granting him or her an asylum in Armenia.

Accelerated procedure for grant of asylum

80. Application for grant of asylum (claim for asylum) may be considered under accelerated procedure, where:

- (i) It is obviously unfounded, *i.e.* the grounds mentioned therein obviously do not correspond to the criteria of being recognised as “refugee”;

(ii) A claim for asylum was previously already lodged by the same applicant, which was considered and, afterwards, dismissed, or was finally rejected, after which the application lodged a double claim for asylum.

81. Application for asylum under accelerated procedure shall be considered within 10 working days. Upon a substantiated decision of the Migration Service, the time limit for consideration of the application may be extended for up to one month.

82. In case of accelerated procedure, an applicant shall have all the rights and responsibilities prescribed for asylum-seekers.

83. Accelerated procedure for provision of asylum shall not be applied where the applicant is an asylum-seeker with special needs.

84. The following persons shall be considered as asylum-seekers with special needs:

- Children with no accompanying person or separated from the family;
- Persons with disabilities;
- Pregnant women;
- Single parents having minor children;
- Persons suffering from some serious disease;
- Persons with mental health problems;
- Victims of trafficking, torture, rape or other forms of violence.

Cancellation of asylum

85. Asylum provided to a refugee in the Republic of Armenia is cancelled, where he or she:

- Is considered dangerous for the national security of the Republic of Armenia for substantiated reasons;
- Has been convicted for committing a grave or particularly grave crime.

Granting the status of a refugee

86. A foreign citizen or a stateless person may be recognised as a refugee in the Republic of Armenia, who:

(i) Owing to well-founded fear of being prosecuted for reasons of race, religion, nationality, membership of a particular social group or political views, is outside the country of his or her citizenship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not holding citizenship of any state and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to that country;

(ii) Has to leave the country of his or her citizenship, and a stateless person – the country of his or her former habitual residence, owing to wide-spread violence, external attack, internal conflicts, mass infringement of human rights or other serious events disturbing public order.

87. The concept “country of his or her citizenship” for a person holding citizenship of more than one country shall mean each of the countries, the citizen of which he or she is. In this case, a person shall be deemed to be lacking the protection of the countries of his or her citizenship, where that person may not avail himself or herself of the protection of any of the countries of his or her citizenship for the reasons indicated in points 1 and 2.

Cancellation of the status of a refugee

88. The status of refugee of a person shall be cancelled, where he or she has acquired citizenship of the Republic of Armenia or any other state and avails himself or herself of the protection of that state, or where the circumstances, due to which he was recognised as a refugee, have ceased to exist, or has voluntarily again accepted the protection of the country,

the citizen of which he or she was, or where he or she is no longer willing to be considered a refugee for personal reasons.

Access to education (Recommendations 19 and 20)

Pre-school education

89. The number of students in the groups of institutions of pre-school education shall be 25–30 in the legal acts prescribed by the authorised public administration body for education, but for the purpose of promoting enrolment of children of national minorities in pre-school education, it shall be permitted to form groups with 8–10 children.

90. The pre-school education reforms have been aimed at increasing the enrolment of senior pre-school age group (5–6 years old) up to 90% through introduction of effective educational services. Priority is given to the communities, where there is a large number of national minorities, or where no institutions of pre-school education operate. Special attention has been paid to expansion of the network of kindergartens in the areas inhabited by the representatives of national minorities.

General education

91. Instruction of the national minority languages as an inseparable part of the educational programme is ensured within the scope of elementary education, and the instruction is organised even in case of insufficient number of students. Instruction of the Yezidi and Kurdish languages is carried out in elementary classes of schools of rural areas resided by Yezidis and Kurds in case of availability of a relevant specialist, irrespective of the number of children.

92. Instruction of the Assyrian language in elementary classes is carried out in elementary classes of the secondary schools of Verin Dvin, Dimitrov, Arzni, Nor Artagers villages, No 8 Basic School after Pushkin and No 29 High School after A. Margaryan of Yerevan even in case of participation of 2–3 children. The Assyrian group of the secondary school of Nor Artagers of Armavir Marz is provided with Assyrian textbooks published under state funding and envisaged for elementary classes. New textbooks have also been ordered for the 2019–2020 academic year. The Yezidi language is instructed in the secondary school of the community for Yezidi children deemed to be of national minority residing in the Azatan Community of Shirak Marz. The instructions are carried out with Yezidi textbooks which were re-published in 2018 by the order of the Ministry of Education and Science of the Republic of Armenia, in co-operation with the “Yezidi Union of Northern Marzes” NGO.

93. In Basic Schools No 4 of Vanadzor and No 2 of Stepanavan, in secondary schools in the villages inhabited by Molokans in Lermontovo and Fioletovo of Lori Marz, instruction and education of national minorities – Molokans – are organised in their native Russian language, with mandatory instruction of the Armenian language, in compliance with the state programme and under the state patronage.

94. The Yezidi language is instructed in 21 schools of general education of Armavir Marz. In the schools of the Marz where there are groups of national minority languages, events were organised also in the languages of national minorities (Yezidi and Assyrian languages), during which the representatives of national minorities delivered speeches.

95. The Yezidi language is instructed in the secondary school of the community for Yezidi children residing in the Azatan Community of Shirak Marz of the Republic of Armenia. In Shirak Marz, there is a Sunday school operating for the Greek community; instruction of the Greek language is organised three times a week, on Saturday, Sunday and Wednesday. In institutions of general education operating in Shirak Marz, optimisation of the number of the educational support and administrative staff positions has in no way jeopardised education in the languages of national minorities.

96. As of 2018, all the pedagogues of the classes, the instruction wherein is carried out in the Russian language, were trained in Gegharkunik and Syunik Marzes. The syllabus of the subject “National Songs and Dances” was approved by Order of the Minister of Education

and Science of the Republic of Armenia No 860-A/2 of 1 August 2018, to introduce in the secondary school of Verin Dvin of Ararat Marz of the Republic of Armenia.

Vocational Education

97. The applicants belonging to national minorities of the Republic of Armenia are enrolled in higher education institutions both under general grounds and based on the applications submitted by the heads of national minority communities.

98. Every year, based on the results of admission exams, free-of-charge seats for the educational programme for Bachelor's degree are, upon the proposal of the community concerned, allocated from the reserve seats to the representatives of national minorities (to the Assyrian, Yezidi and Kurdish communities). In the 2018/2019 academic year, 1 seat for free-of-charge education was allocated to the representative of the Assyrian community.

99. Hebrew is instructed at the Faculty of Oriental Studies of Yerevan State University; 27 students studied this language as a subject in the 2019/2020 academic year.

100. Since 2007, upon nomination of the organisations represented in the Co-ordinating Council and motion of the Staff to the President of the Republic of Armenia, seats on a non-competitive basis have, each academic year, been provided to the representatives of the Yezidi, Kurdish and Assyrian communities in order to study at the Faculty of Oriental Studies of Yerevan State University. And every year since 2010, representatives of other national minorities who are nominated by the organisations representing relevant communities in the Council and who express a wish to study in the culture- and language-related departments of higher educational institutions with an aim to develop national culture and language, have also had the opportunity to enjoy those privileges under the decision of the Republican Admission Commission. Later, upon the motion of the Council, the higher educational institution applies full or partial discount of the tuition fee for these students.

101. Applicants belonging to national minorities who have been admitted to state higher education institutions benefit from all the privileges prescribed by the Law of the Republic of Armenia "On education", including participation in the rotation process organised in the higher educational institution, benefit from the right to discount of tuition fee in the prescribed manner, are granted state scholarships, participate in inter and intra-institutional exchange, according to their preferences and in the manner prescribed, participate in the admission to the programme for Master's degree, etc.

102. With a view to raising awareness, particularly at the initiative of the Yezidi community, numerous events aimed at increasing the focus of the Yezidis on the vocational education are organised, in which representatives of the Ministry of Education, Science, Culture and Sport of the Republic of Armenia also actively participate.

103. In recent years, applicants belonging to national minorities mainly apply to Yerevan State University (25%), National Polytechnic University of Armenia (12 %), Yerevan State Medical University after M. Heratsi (11%), National Agrarian University of the Republic of Armenia (10%) and Russian-Armenian University (22%). It should also be noted that Russians (as a minority) constitute a significant number of the applicants to the Russian-Armenian University. There are also students belonging to national minorities in non-state higher education institutions.

Admission of foreigners to institutions of vocational education of the Republic of Armenia

104. Admission of foreign citizens to educational institutions of the Republic of Armenia is regulated by the international treaties of the Republic of Armenia on co-operation in the fields of education and science, concluded between the Republic of Armenia and other states, as well as in accordance with the "Procedure for admission of foreign citizens, as well as members of families of diplomats working in diplomatic missions of the Republic of Armenia functioning in a foreign state to higher education institutions of the Republic of Armenia" approved by Decision of the Government of the Republic of Armenia No 700-N of 28 April 2011, the "Procedure for admission to educational institutions implementing programmes of primary vocational (handicraft) and secondary vocational education of the Republic of

Armenia” approved by Order of the Minister of Education and Science of the Republic of Armenia No 254-N of 5 April 2012, the “Procedure for admission of foreign citizens to institutions of primary vocational (handicraft) and secondary vocational education of the Republic of Armenia” approved by Decision of the Government of the Republic of Armenia No 1295-N of 25 August 2011.

105. The purpose of existence of separate procedures for admission is to:

- Make education at educational institutions of the Republic of Armenia accessible to foreigners;
- Promote education in the spirit of respect towards and mutual understanding between nations, interest among the youth in Armenian cultural heritage and development of Armenian studies.

106. Foreigners having received secondary education in the Republic of Armenia and residing in Armenia (including refugees, persons having received temporary shelter, etc.) may also be admitted to primary vocational (handicraft) and secondary vocational, higher education and research institutions under general grounds. Foreign citizens having expressed a desire to be admitted to state universities of the Republic of Armenia under general grounds submit to the admission commission of the university, along with other documents, a certificate of secondary education, a document (original) concerning secondary vocational and primary vocational (handicraft) education, as well as an identification document (passport, military service record, birth certificate (along with temporary identification document issued by the Police of the Republic of Armenia adjunct to the Government of the Republic of Armenia), a refugee certificate, special passport and residence certificate of the Republic of Armenia). During entrance examinations the examination questions are translated for those having no command of the Armenian language. In other cases, all the prescribed conditions of the competition apply to them equally, and in case of earning high points – they have the right to benefit from scholarship seats with compensation of the tuition fee.

107. Applicants who have preferred to be admitted through the admission procedure for foreign citizens may be admitted to the fee-paid instruction system – first year – of secondary vocational and higher education institutions, where they are fluent in Armenian and have minimum knowledge of examination subjects. Foreign applicants having been admitted to state institutions of higher professional education of the Republic of Armenia, with no knowledge of the Armenian language, are admitted to the preparatory faculty (departments) of higher education institutions for a one-year period, where they learn Armenian and study the examination subjects for admission.

108. Foreign, including Diaspora Armenian students from 33 countries mainly study at state universities of the Republic of Armenia, as well as at the following interstate universities: Armenian-Russian (Slavonic) University and the European Regional Educational Academy. The specified students are mainly citizens of Iran, India, Syria, Georgia, Russia and the USA.

Participation in public life (Recommendations 21 and 22)

109. With regard to the relevant Recommendation of the Committee, it should be noted that introduction of the system of quotas allocated to representatives of national minorities in the National Assembly is fully justified in countries having small number of minorities, as the latter would have very little opportunity to ensure their involvement in the National Assembly in case of participation under general grounds.

110. As regards involvement of national minorities in different public bodies, as well as in the police and the judicial system, it must be noted that there is no obstacle in this regard.

111. In the reporting period the number of national minorities carrying out service in the Police of the Republic of Armenia is 1 Jew, 13 Assyrians, 1 Belarusian, 17 Yezidis, 2 Greeks, 21 Russians and 4 Kurds.

Minority women and girls (Recommendations 23 and 24)

112. Pursuant to Article 15 of the Constitutional Law “Judicial Code of the Republic of Armenia”, discrimination of rights, freedoms and duties on the ground of sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

113. The draft Law “On ensuring legal equality” enshrines that discrimination in the political, economic, social, cultural fields and other fields of public life shall be prohibited, and persons having practised discrimination shall be subject to civil and (or) criminal liability as prescribed by the Law of the Republic of Armenia.

114. Several examples of the criminal cases examined during the reporting period are presented below, which prove that the rights protected by the International Convention on the Elimination of All Forms of Racial Discrimination are guaranteed and criminal cases are instituted in relation to early marriages presented in the relevant Concluding Observations of the Committee on the Seventh-Tenth Joint Periodic Report of the Republic of Armenia on implementation of the Convention:

- In 2019, a criminal case was instituted against a citizen with regard to the fact of having marital ties with a Yezidi girl obviously below the age of 16 and having regular sexual intercourse therewith. Under point 3 of part 2 of Article 141 of the Criminal Code of the Republic of Armenia, the case was, together with the letter of accusation, forwarded to court, but the punishment was not conditionally applied.
- In 2019, a criminal case was instituted under point 3 of part 2 of Article 141 of the Criminal Code of the Republic of Armenia with regard to the fact of having marital ties with a Yezidi girl obviously below the age of 16 and having regular sexual intercourse therewith; the case was, together with the letter of accusation, forwarded to court; the court examination is pending.

Declaration under Article 14 of the Convention

Follow-up to the Durban Declaration and the Action Plan (Recommendations 25 and 26)

115. The issue of making a declaration under Article 14 of the Convention is not currently considered by the Government of the Republic of Armenia.

116. The authorities of the Republic of Armenia attach great importance to the fight against any form of racial discrimination both at the national and international levels. During the World Conference against Racism held back in 2001 in Durban, Armenia was elected as Vice Chair of the Conference, actively participating in the activities thereof. Subsequently, starting from the very beginning of the preparatory activities for the Durban Review Conference held in Geneva on 20–24 April 2009, Armenia actively participated in that process, being elected as Vice Chair of the Preparatory Committee and chairing the elaboration activities of the first draft outcome document of the Conference.

117. The principles of the Durban Declaration and the Programme of Action lay at the basis of the activities of state authorities of the Republic of Armenia relating to the fight against racial discrimination. At the national level, they are taken into account in implementing both legal reforms and practical measures. The Republic of Armenia has ratified a number of international instruments that protect the rights of national minorities and ensure the freedom of religion and conscience; these include Framework Convention for the Protection of National Minorities of the Council of Europe and European Charter for Regional or Minority Languages of the Council of Europe, etc.

118. The main law of the Republic of Armenia regulating activities of religious organisations is the Law “On freedom of conscience and religious organisations”. The

Republic of Armenia takes measures to establish principles of equal rights to freedom of religion and views in political, social and cultural life of the national minorities.

119. In 2019, the construction of the world's largest Yezidi temple in Armenia, the Malek Taus and the Seven Angels, was completed. The white temple with seven domes made of granite and marble was built in the village of Aknalitch inhabited by Yezidis, 35 km away from the capital of Yerevan. The 25-metre-high temple has a large prayer hall, religious school and museum. The seven domes symbolise the seven saints of the Yezidi faith. The consecration ceremony of the temple took place on 29 September 2018, led by the Spiritual Leader of All Yezidis, and the opening thereof took place on 29 September 2019, with the participation of thousands of Yezidis from around the world.

120. Monuments to the victims of Yezidi, Assyrian and Jewish Genocides are erected in different parts of the Circle Park of Yerevan, where regular tribute ceremonies are held.

121. The Division for Ethnic Minorities and Religious Affairs functions within the Office of the Prime Minister of the Republic of Armenia. This structural subdivision participates in the drawing up of the Action Plan of the Government of the Republic of Armenia, submits recommendations on the implementation of the Plan and on making necessary amendments thereto, exercises the functions of the authorised body of the Government of the Republic of Armenia regulating the relations between the state and religious organisations as prescribed by the Law of the Republic of Armenia "On freedom of conscience and religious organisations", as well as ensuring the protection of traditions of persons belonging to the national minorities and their right to the development of language and culture.

International Decade for People of African Descent (Recommendation 27)

122. Combating racism and racial discrimination, xenophobia and intolerance is a priority for Armenia, which Armenia has also declared as a member state of the Human Rights Council. Resisting racism and racial discrimination, xenophobia and related intolerance and overcoming racial inequality is a challenge faced by every state, which may be overcome only through solidarity and co-operation. The COVID-19 pandemic further exacerbated the current challenges. Combating racism and racial discrimination requires a proactive and coordinated approach. In this regard, great importance is attached to the co-operation of Armenia with the relevant UN institutions – use of capacities of the special procedures, the Committee on the Elimination of Racial Discrimination, the Office of the High Commissioner for Human Rights and of the procedure of Universal Periodic Review for the purpose of overcoming racism and racial discrimination, including against Africans and people of African descent.

123. In this regard, the Durban Declaration and the Action Plan are very important documents, and the implementation thereof by countries, including Armenia is a great contribution to combating racism, racial discrimination, xenophobia and related intolerance.

Consultations with civil society (Recommendation 28)

124. When preparing all the reports to be submitted to treaty bodies, the Republic of Armenia regularly ensures consultations and dialogues with civil society organisations involved in the field of protection of human rights and in particular combating racial discrimination. The Division for Ethnic Minorities and Religious Affairs functioning within the Office of the Prime Minister of the Republic of Armenia also constantly works with civil society organisations functioning in the field of combating racial discrimination.

Dissemination of information (Recommendation 32)

125. Recommendations given to Armenia in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination are, after being approved by the Committee, translated into Armenian and widely disseminated.

Preparation of the next report (Recommendation 33)

126. The deadline of 23 July 2020 set by the Committee for submission of the next report by Armenia has not been observed for a number of objective reasons – Covid-19 pandemic in 2020, followed by the war unleashed by Azerbaijan against Artsakh on 27 September 2020, and the post-war situation.
