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

**COMMENTS OF THE GOVERNMENT OF ARMENIA
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY ARMENIA**

(received on 20 April 2011)

**Comments of the Government of the Republic of Armenia on the Third Opinion of the
Advisory Committee on the Implementation of the Framework Convention for the
Protection of National Minorities by the Republic of Armenia**

The Government of the Republic of Armenia is pleased to respond to the invitation of the Advisory Committee on the Framework Convention for the Protection of National Minorities to comment on the Third Opinion on Armenia, adopted on 14 October 2010.

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Page 6 para. 17, 18 page 9 para. 40, 41, page 10 para. 43, 44, 45, page 12 para. 59, 60, 61, page 22 para. 130

On the formation of the answers to questions on nationality/ethnicity and language contained in the proposed questionnaire for the population census planned for 2011 we would like to present the following information.

During the meeting of the Committee members with representatives of the National Statistical Service the 2010 experimental census program was in the process of development. Therefore, there was a possibility to include in the questionnaire the observation by members of the Committee on the person's identification with a national minority and minority language. Taking into consideration the recommendations made by the members of the Committee the following changes have been made – except the 13 nationalities/ethnicities present in Armenia, the version “refuses to answer” was also included among the possible answers for the people not willing to answer the questions about their ethnicity.

It is also necessary to mention that 2010 Censuses of Population and Housing and the provisions of the United Nations Economic Commission for Europe and the Statistical Office of the European Communities Recommendations are acceptable by the Republic of Armenia with some reservations.

In addition, it should be noted, that in the previous 2001 program on population census the controversial questions were opened and during the development process these questions received digital password. After the calculation it was confirmed that people with Armenian nationality form 97.9% and national minorities are 2.1%. Except information on six main minorities it was impossible to make public more disaggregated data because of very small amount and taking into consideration the necessity of protection of personal data (see also recommendations of the UN Statistical Commission, Economic Commission for Europe Committee on Human Settlements Statistical Standards and studies No. 49 Recommendations for the 2000 censuses of Population and Housing in the ECE region).

Because of scarcity of financial resources for the implementation of the census planned for 2011 the decision was made not to include into the list of open questions on ethnicity and language and reduce the number of questions that needed digital password.

The experimental questionnaire adopted by the National Statistical Office taking into consideration recommendations made by the Committee and relevant International partners

published on the website of the National Statistical Service (see www.armstat.am/am/?nid=342).

Regarding the statistics disaggregated by age, gender and geographical distribution, especially in the field of employment, please be advised that inclusion of such questions into the questionnaire for economic entities will have them to implement the accounting of their employees also by nationality which is a quite complicated procedure since the primary source of the information is a registry of employment whose data will have a technical possibility of identification with the administrative register carrying the information about national structure of the population (at the moment such registry does not exist).

Recommendations on legislative changes and data collection

Executive Summary, page 6 para.15, page 11 para. 53, 54, 56, 132

On the situation with anti-discrimination legislation we would like to inform that the issue is covered comprehensively in the Armenian legislation, as all forms of discrimination on any, incl. sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or any other personal or social circumstances are prohibited by the Constitution of the Republic of Armenia, and is criminalized by the Criminal Code and forbidden under the Civil and Labor Codes. The Government could initiate relevant changes only in case when the gaps will be identified or some problems will be raised during the implementation of such part of legislation in practice.

On the absence of statistics on cases of discrimination we would like to inform that it is not a matter of no statistics but rather absence of such crimes that would allow for any numbers to be registered. All criminal activity in the country is registered and categorized accordingly, including type of the offence and the ethnic origin of persons involved.

Recommendations on community enlargement, topographic indications

Executive Summary, page 17 para. 93, page 18 para. 99 page 20 para. 110, page 21 para. 118, 119 page 22 para. 131, 133

There are villages with mixed structure of population in the Republic of Armenia. Many representatives of national minorities are part of local self-government bodies and among the leaders of communities.

A Concept paper on the enlargement of communities will be elaborated based on the provisions of Constitution and the Law on Territorial administration. Transition from the old system into a new democratic one in the Republic of Armenia implies implementation of complex structural reforms, where the priority is the process of reforming the system of public administration in general and system of territorial administration in particular. It is against this background that a Concept paper on the enlargement of communities and creation of inter-community entities was elaborated. The compatibility of the residents of newly formed communities are taken into consideration in this Concept paper. It does not provide for such principles that change the residential structure in the territories settled by national minorities or limit the rights and freedoms arising from the principles of the Convention. Regarding the

issue of weakening of the possibilities for persons belonging to the Assyrian and Yezidi minorities to influence local affairs, we would like to inform that in the Assyrian community of the Ararat marz and other communities mostly inhabited by other minorities, the programme on community enlargement is not carried out. Moreover it is entrusted to the Leaders of administration of regions as well as heads of local self-government bodies with predominantly minority population to appoint a focal point responsible for coordination of the work connected with minorities.

The topographic indications in the geographical areas of the Republic of Armenia established in accordance with Law on “Road traffic security” and a Government decision on “The requirements to traffic lights, their use and disposition and requirements to traffic signs, their use and a disposition”.

According to the National Plan of Action for the Protection of the Rights of the Child in the Republic of Armenia for 2004-2015 the development of the pre-school education is among the Government priorities. 2008-2015 Strategic paper for reforming of preschool education system has already been approved by the Government. It pays attention to the issue of the enlargement of kindergartens system on the territories predominantly inhabited by national minorities.

Comments on page 7 para. 22, 23, page 20. Para. 116, page 8 para. 30, page 13. para. 65, page 14 para. 70, 71, page 16 para. 87 page 15 para. 80, 85, page 20 para. 115, page 23 para. 134, 135

Para. 23, para.134 – The amendments to the Law on TV and Radio adopted in 2008 set amount of airtime for public radio and television broadcasting in minority languages. The length of programmes in minority languages was established in view of number of audience.

Para. 30, para.116 – The system of grant distribution was not designed by the Government of Armenia, but agreed upon by all representatives of the national minorities themselves in the Coordinating Council of National Minorities based on the principle of equal treatment of all national minorities residing in Armenia. Any change to this system should be put forward and agreed upon by the national minorities themselves. So far, the national minorities have shown no interest in introducing any changes to the structure agreed upon between them. The Government of Armenia on this matter is guided by the decisions of the Coordinating Council that would enjoy the support of all the national minorities.

Para. 65 – The grant amount allocated by the Government of Armenia is AMD 10 mln. from which AMD one million is allocated, upon the decision of the Coordinating Council of the National Minorities, to joint activities carried out by the national minority communities.

Para. 70 – The staff members of the Government Department for Ethnic Minorities and Religious Affairs regularly visit the Yezidi Community, meets with the community members – intellectuals, students, village inhabitants. There has never been an appeal about intolerance or negative stereotyping.

Para. 22, para. 71, para. 133 - All architectural, cultural and religious monuments in the Republic of Armenia are under the Government protection. The act committed against the Holocaust memorial have been strongly condemned by the Armenian authorities, the

Armenian Apostolic Church and by other segments of society. At the same time the investigation has started and legal proceedings are instituted under Article 226 part 1 of the Criminal Code of the Republic of Armenia.

Taking into consideration the fact of the independence of the media, the Government cannot interfere in the work of media but if examples are known when private newspaper or TV channel voiced racist or anti-Semitic statements (that happens extremely rarely) applying to the court is the best way to protect the violated rights. Regarding to the private ALM TV channel it is to be noted that after losing competition announced by TV and Radio Broadcasting Commission this channel has not been able to renew its broadcasting license.

Para. 80 - The project which was presented by the members of Assyrian community to establish a private radio station has not been finalized, simply because after expressing the idea to the authorities, the community members have not actually presented the project, at least until now.

Para. 85 – As we have already mentioned in our comments on para. 70, the staff members of the Government Department for Ethnic Minorities and Religious Affairs have regular meetings with the representatives of national minorities who have not mentioned of any instances or problems that could have emerged while using their native language in public places or in everyday life.

Para. 87, para. 135 – The identity documents is provided to the citizens of the Republic of Armenia in accordance to the Constitution and relevant legislation, including law on Police and Law on Language. *Article 1 of the Law on Language stipulates: “The Armenian language which serves all the spheres of life of the Republic shall be the state language of the Republic of Armenia. The literary Armenian language shall be the official language of the Republic of Armenia. The Republic of Armenia shall promote unification of orthography of the Armenian language. The Republic of Armenia on its territory shall guarantee the free usage of languages of national minorities”.*

Para 115 – The remark on participation of representatives of national minorities in the work of the Public Council is not correct since they not only participate in the work of the Council but also one of the ten committees of the Public Council is the Committee on national minorities and the majority of the members of that Committee are the representatives of national minorities.

Comments on para. 120, 121, 122 – Transfrontier co-operation

The Armenian Government gives high priority to the issue of normalization of relations with its two neighbors Azerbaijan and Turkey. As in the past, nowadays as well, respecting the recognized international standards, Armenia is committed to finding a negotiated political solution to the Nagorno-Karabakh issue and proves this commitment by active engagement in the peace process within the framework of the OSCE Minsk Group. However, in order to be able to reach such a negotiated agreement, good will from Armenia only is not enough. It requires also serious commitment from Azerbaijan. Once the political agreement for the future status of Nagorno Karabakh is reached, Armenia-Azerbaijani relations will also normalize. It is to be noted that Armenia also wholeheartedly hopes that a fair and lasting solution will be found soon. Turkey has failed to establish formal diplomatic relations with Armenia – as means of support over Nagorno-Karabakh, to its ally Azerbaijan by closing its

border with Armenia as well. This is despite Armenia's offer of establishing diplomatic relations without any preconditions. Armenia remains hopeful that by lifting the illegal blockade and opening the last closed border in Europe, Turkey will also open the door for normalization of relations.