

## ARMENIA

### CERD A /53/18 (1998)

215. The Committee considered the initial and second periodic reports of Armenia (CERD/C/289/Add.2) at its 1262<sup>nd</sup> and 1263<sup>rd</sup> meetings, on 12 and 13 March 1998, and, at its 1272<sup>nd</sup> meeting, on 19 March 1998, adopted the following concluding observations.

#### A. Introduction

216. The Committee commends the State party on the quality of its report, prepared in accordance with the Committee's guidelines. It appreciates the open and constructive dialogue with the representatives of the State party and the additional information provided orally.

#### B. Factors and difficulties impeding the implementation of the Convention

217. It is noted that the State party is going through a difficult period of political, economic and social reforms following the dissolution of the former Soviet Union and that these factors, together with recent demographic movements, are not conducive to the full implementation of the Convention.

#### C. Positive aspects

218. It is noted with appreciation that despite prevailing political, economic and social difficulties, efforts are being made to implement the provisions of the Convention. The State party's pronounced commitment to ensuring equality before the law is especially noted.

219. The signing by the State party of the Commonwealth of Independent States (CIS) Agreement on questions relating to the restoration of the rights of deported persons, national minorities and peoples in 1992 and the CIS Convention on the safeguarding of the rights of members of national minorities in 1994 is noted with interest.

220. It also noted with interest that there have been considerable legal developments recently and that the State party is in the process of drafting new legislation, including a new Penal Code, expected to be adopted by the end of 1998, as well as legislation regarding employment and the family.

221. With respect to article 7 of the Convention, the publication and dissemination of the texts and principles of the Convention and other human rights documents is welcomed by the Committee. It is noted with interest that the State party and the Office of the United Nations High Commissioner of Human Rights at Geneva have set up a project to organize seminars, train specialists and disseminate human rights literature.

#### D. Principal subjects of concern

222. While noting that the existing penal legislation is undergoing reform, the Committee is nevertheless concerned that article 69 of the Penal Code currently in force does not prohibit all dissemination of ideas based on racial superiority and incitement to racial discrimination as required by article 4 of the Convention.

223. The lack of any information in the State party's report on the incidence of racially motivated crime occasions concern.

224. With regard to the right to equal treatment before the tribunals and the right to security of person and protection by the State against violence or bodily harm (article 5, paragraphs (a) and (b), of the Convention), concern is expressed at the reported cases of torture and other cruel or degrading treatment on the part of police and investigating officers.

225. With respect to the right to education and training of members of ethnic and national minorities, it is noted with concern that according to Armenian law, teaching must be conducted in the official language, and that some minority groups are therefore denied access to education in practice.

#### E. Suggestions and recommendations

226. The Committee recommends that the State party fully comply with article 4 of the Convention and register statistics on racially motivated crimes. It also recommends that this information be included in the next periodic report, together with detailed information on complaints received and judgements issued by courts concerning racial discrimination.

227. The Committee further suggests that the State party consider adopting measures to ensure that ethnic and national minorities have access to education in their own language whenever possible.

228. The Committee requests the State party to include information about the results and effectiveness of the ongoing human rights project carried out by the State party and the Office of the United Nations High Commissioner for Human Rights.

229. It is further recommended that the State party furnish the Committee with the texts of new laws concerning racial discrimination once they are adopted, and subsequently with information on the effectiveness of the reforms of the judicial system in practice.

230. In its forthcoming report, the State party should include, *inter alia*, further information on the restoration of the rights of deportees who have returned to the country, the results of the national reform on education, and the access to health care, housing and employment of ethnic and national minorities.

231. The Committee suggests that the State party consider establishing a human rights commission to take action on the recommendations brought forward by the Committee.

232. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the

Convention.

233. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

234. The Committee recommends that the State party's next periodic report, due on 23 July 1998, be an updating report and that it address all the points raised in the present observations.

## **CERD A/57/18 (2002)**

269. The Committee considered the third and fourth periodic reports of Armenia, which were due on 23 July 1998 and 2000, respectively, submitted as one document (CERD/C/372/Add.3), at its 1529th and 1530th meetings (CERD/C/SR.1529 and 1530), held on 7 and 8 August 2002. At its 1537th meeting (CERD/C/SR.1537) held on 14 August 2002, it adopted the following concluding observations.

### **A. Introduction**

270. The Committee welcomes the third and fourth periodic reports as well as the additional information that the State party's delegation provided during its oral presentation, and expresses its appreciation for the opportunity to continue its dialogue with the State party.

271. The Committee notes that the report contains information mainly on the legal framework for the protection of the rights of minorities and does not give sufficient information on the implementation of such legislation or on the extent to which minority communities enjoy the protection afforded by the Convention.

### **B. Positive aspects**

272. The Committee notes with satisfaction that, notwithstanding the difficulties resulting from the Nagorny-Karabakh conflict and the serious economic and social challenges, the State party has made progress in the area of legislative reform. It notes with special interest that Armenia has ratified a number of international and regional human rights instruments.

273. The Committee welcomes the establishment of institutions relevant to the promotion and protection of human rights, such as the Human Rights Commission and the Coordinating Council on National Minorities. It notes with interest that a draft law on an ombudsman has been prepared and submitted to the National Assembly and a draft law on national minorities is being considered. The Committee encourages the State party to work towards formalizing these drafts and to keep the Committee informed of developments in this regard.

274. The Committee welcomes the information provided by the delegation regarding special programmes on tolerance and various activities for the promotion of human rights which are broadcast on television and distributed to NGOs. It also welcomes the holding of a seminar on religious and ethnic tolerance.

### **C. Concerns and recommendations**

275. The Committee is concerned about the view expressed in the State party report that Armenia is a mono-ethnic State, and the inconsistency of this notion with the existence of several national and ethnic minorities, although they are not very numerous. While welcoming the background

information provided on each national and ethnic group, the Committee recommends that the State party carefully analyse the situation and reflect the reality. The Committee invites the State party to provide detailed disaggregated data on the demographic composition of the population, as well as on the socio-economic situation of ethnic and national groups, including a gender perspective, in subsequent reports, so as to facilitate understanding of their situation.

276. The Committee reiterates its concern that the Penal Code currently in force, specifically article 69, is not in compliance with article 4 of the Convention. While noting the statement by the delegation that a new penal code is expected to enter into force in 2003, the Committee remains concerned that the drafting of new articles 220 et seq. of the new code may not fully address all the elements of article 4, in particular as regards the prohibition of organizations which promote and incite racial discrimination. The Committee recommends that prior to its coming into force the State party review the new penal code in the light of the provisions of the Constitution as well as of the provisions of article 4 of the Convention so as to ensure that the new penal code gives effect to all requirements.

277. The Committee notes with concern that no statistics on cases relating to racial discrimination have been provided and reiterates its request that such information be included in the next periodic report. The Committee reminds the State party that the absence of complaints and legal action by victims of racial discrimination could possibly be an indication of a lack of awareness of available legal remedies. The State party is requested to supply the relevant provisions in the national legislation and to inform the public of the availability of all legal remedies. The Committee is concerned that no reply was received from the delegation with regard to allegations of discrimination against Yezidis by police and local authorities and lack of response by police to crimes committed against this minority by other citizens, and requests the State party to provide an answer in the next periodic report.

278. The Committee expresses its concern at the lack of representation of ethnic and national minorities in the National Assembly. It recommends that the State party take the necessary steps to secure due representation of minorities in the National Assembly and include relevant information relating thereto in its next report.

279. The Committee is concerned at the high rate of unemployment in the State party and regrets that no disaggregated data are available on the impact on ethnic and national minorities. It notes a lack of sufficient disaggregated information on the participation of minorities in the economic and social development of the country. The Committee reiterates its request for disaggregated data on access to health care, housing and employment by persons belonging to ethnic and national minorities.

280. While noting the adoption in 1999 of the Education Act guaranteeing the right to education without discrimination, the Committee remains concerned about inadequate access by minority children to education in their mother tongue and reiterates its recommendation that the State party take measures to ensure, wherever possible, such access.

281. The Committee encourages the Government to allocate resources to facilitate publications and broadcasting in minority languages. It welcomes the statement by the delegation that a special budget is to be established for that purpose.

282. The Committee is concerned about reports of obstacles imposed on religious organizations other than the Armenian Apostolic Church, such as those on carrying out charity work and on building places of worship. It urges the Government to take all necessary measures to ensure freedom of religion to all, without discrimination.

283. While noting that the State party, through its policy and legislation, does not engage in any discriminatory acts against refugees, some concern has been expressed that under article 25 of the Law on Refugees, restrictive measures are applied against asylum-seekers other than ethnic Armenians who fled Azerbaijan between 1988 and 1992 and that these measures may lead to discrimination on the basis of ethnic origin. The Committee welcomes the delegation's statement as to the possibility of reviewing the relevant provision.

284. The Committee requests that in its next periodic report, the State party provide additional information on the specific activities and achievements of the Coordinating Council of National Minorities, particularly with regard to the promotion of human rights, as well as on the activities of the Union of Nationalities and the Centre for the Settlement of Conflicts. The Committee encourages the State party to strengthen these institutions, bearing in mind the importance of such bodies for the achievement of the objectives of the Convention.

285. Noting that the State party is in the process of considering the establishment of an ombudsman, the Committee encourages the State party to accelerate and complete this process and to provide the necessary human and financial resources to enable the ombudsman to carry out his/her tasks in an effective way. The Committee requests the State party to provide information on the establishment, responsibilities and achievements of this institution in its next periodic report, particularly with regard to issues of racial discrimination.

286. The Committee encourage the State party to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

287. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention and invites the State party to consider doing so.

288. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

289. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

290. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

291. The Committee recommends that the State party submit its fifth periodic report jointly with its sixth periodic report, due on 23 July 2004, and that it address all points raised in the present concluding observations.