



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

Distr.: General
29 March 2011

Original: English

Committee on the Elimination of Racial Discrimination
Seventy-eighth session

Summary record (partial)* of the 2071st meeting

Held at the Palais Wilson, Geneva, on Monday, 28 February 2011, at 3 p.m.

Chairperson: Mr. Kemal

Contents

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

Fifth and sixth periodic reports of Armenia

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

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

Fifth and sixth periodic reports of Armenia (CERD/C/ARM/5-6; CERD/C/ARM/Q/5-6; HRI/CORE/1/Add.57)

1. *At the invitation of the Chairperson, the delegation of Armenia took places at the Committee table.*
2. **Mr. Kirakossian** (Armenia) said that his country had submitted all its overdue reports to United Nations treaty bodies during the previous two years. The report before the Committee had been drawn up by an inter-agency working group representing relevant ministries and agencies that had been established by the Prime Minister. NGOs and civil society representatives that were active in the fields covered by the Convention had presented their observations and recommendations at a round-table discussion.
3. Armenia was a signatory to numerous international treaties, including core human rights instruments that protected the rights of national minorities and ensured freedom of religion and conscience, such as the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.
4. His Government condemned all forms and manifestations of discrimination against individuals, groups or institutions. Armenian national legislation ensured the equality of citizens in all spheres of life without any discrimination, exclusion, restriction or preference motivated by race, colour, descent, or national or ethnic origin. The Government pursued a policy aimed at full implementation of the Convention and other relevant international instruments. The authorities were also guided by the principles of the Durban Declaration and Programme of Action in implementing legal reforms and practical measures.
5. The Human Rights Council had undertaken a universal periodic review of Armenia on 6 May 2010. The Government had supported 95 per cent of the recommendations made and most of them were already being implemented. It was planning to establish an inter-ministerial commission comprising representatives of the relevant State authorities and NGOs to assist in their implementation.
6. Armenia had ratified the Convention on the Rights of Persons with Disabilities on 22 September 2010. A comprehensive National Programme on Human Rights Protection was being drafted, and would be approved during the current year.
7. Armenia had adopted legislative and institutional measures to improve the status of women in society, including action to eliminate all forms of discrimination. The Family Code adopted in 2004 addressed the interests of both women and men. The Electoral Code established a 15 per cent quota for women on proportional representation lists instead of the former 5 per cent, and at least 1 out of every 10 candidates on the list must be a woman. A gender focus had also been included in the Labour Code that had entered into force in June 2005. Moreover, the principle of gender equality was included as a matter of priority in the Government Programme of Activities for 2008–2012. The Government had approved a “gender equality policy” concept paper on 11 February 2010.
8. The 2010–2012 National Action Plan on Combating Trafficking in Human Beings had been adopted by the Government, with an implementation timetable, on 3 September 2010. Almost 78 million Armenian dram (approximately US\$ 217,000) had been appropriated for anti-trafficking actions in the national budget for 2010. The strategies and actions envisaged under the anti-trafficking response mechanism fell into six main categories: anti-trafficking legislation and law enforcement; prevention of trafficking in

human beings; protection of and support for victims of trafficking; cooperation; studies, monitoring and evaluation; and coordination.

9. With regard to the Committee's recommendations concerning Armenia's previous reports, he said that legal and institutional reforms had been introduced in recent years with a view to strengthening the protection of human rights, including those of persons belonging to national minorities. The Department for Ethnic Minorities and Religious Affairs and the Coordinating Council for National and Cultural Organizations of National Minorities continued to play an active role in awareness-raising and the resolution of outstanding issues.

10. There was no limit on the amount of time that the broadcasting media could spend on ethnic-minority programmes. Moreover, in December 2008 article 28 of the Television and Radio Act had been amended to require the Public Television Company to present programmes that took the interests of national minorities into account and to broadcast programmes in the languages of national minorities for at least two hours a week.

11. The preservation, dissemination and development of the culture and cultural heritage of national minorities constituted one of the priorities of cultural policy. The Ministry of Culture closely cooperated with minority associations and NGOs, and assisted in organizing concerts, exhibitions and other cultural events. Despite economic difficulties, the authorities allocated funds each year for the promotion of national-minority traditions and cultures. Ministry of Culture funding for the "Support for the culture of national minorities" project, which was used for art exhibitions and music festivals, had increased in recent years. A Nationalities' Cultural Centre had been opened in Yerevan for national minorities in 2006. It was furnished and technically equipped with the support of the Government.

12. Church property seized under the communist regime had been returned to the Assyrian religious communities in the villages of Arzni and Verin Dvin and to the Russian Orthodox community in Yerevan. Financial support had been provided by the authorities for the restoration of the historic Jewish cemetery in Vayots Dzor and for the construction of a monument in Yerevan dedicated to the memory of Assyrian victims of the First World War.

13. All historical, cultural and religious structures located in Armenia were under State protection, irrespective of their ethnic or religious background. They included more than 50 Azeri, Turkic and Iranian monuments in various provinces. Efforts to promote respect for the Islamic cultural heritage had been acknowledged by the European Commission against Racism and Intolerance in a report on Armenia published in February 2011. Paragraph 44 noted that there was little or no evidence of anti-Muslim feeling and that, for example, the numerous Iranians who came to Armenia for studies, business or tourism encountered no particular problems.

14. The adoption of constitutional amendments in a referendum held in November 2005 had led to a strengthening of the impartiality of the judiciary and an improvement in the balance of power. The authorities had implemented a legislative reform programme. New article 14 (1) of the Constitution stipulated that everyone was equal before the law and prohibited discrimination on the ground of gender, race, colour, ethnic or social origin, genetic features, language, religion, outlook, political or other views, membership of a national minority, property status, birth, disability, age or any other circumstance of a personal or social nature. International treaties ratified by Armenia were an integral part of the legal system and prevailed over national laws. Natural and legal persons were also granted the right to file a complaint with the Constitutional Court when all judicial remedies had been exhausted and a final judicial decision on a particular case had been adopted. The complainant was entitled to challenge the constitutionality of the legal

provision invoked in the judicial decision. The Constitutional Court had received 295 individual constitutional complaints in 2009.

15. The reform of the criminal justice system initiated in 1998 was well under way. The adoption of the new Criminal Code in 2003 had launched a new phase aimed at the humanization of the criminal enforcement system and incorporation of best practices and standards of international criminal law in Armenian criminal legislation. Article 226 (1) of the Criminal Code characterized acts aimed at incitement to national, racial or religious hatred or hostility as crimes punishable by a fine of between 200 and 500 times the minimum wage, a maximum of two years' correctional labour or a prison term of 2–4 years.

16. The 1998 Code of Criminal Procedure was regularly amended to ensure its compliance with Armenian international obligations. Article 8 prohibited discrimination with respect to rights, freedoms and responsibilities on the ground of race, colour, ethnic or social origin, genetic features, language, religion, ideology, membership of a national minority or birth.

17. The Code of Administrative Offences was based on the principle of equality of citizens. For instance, article 248 stipulated that cases involving administrative offences should be considered on the basis of the principle of the equality of all citizens before the law, irrespective of their origin, social and property status, membership of a race or nation, sex, education, language, attitude to religion, type and nature of occupation, place of residence and other circumstances.

18. The Human Rights Defender Act had entered into force on 1 January 2004. Pursuant to article 83 (1) of the new Constitution, the National Assembly was to elect the Human Rights Defender (ombudsman) for a period of six years. The article stressed that the Human Rights Defender was an independent official who protected human rights and freedoms violated by State and local self-government bodies or their officials. The Defender also considered complaints from various minority groups. During the period 2004–2009, 24 applications/complaints had been addressed to the Defender by representatives of 11 national minorities residing in Armenia. The Defender had concluded that the violations of their rights had been of a general nature and unrelated to their membership of a national minority.

19. Article 41 of the Constitution stipulated that everyone had the right to preserve his or her national and ethnic identity. Thus, members of national minorities freely chose whether or not they wished to be treated as such. The Armenian authorities continued to approach the Yezidi/Kurdish issue on the basis of the principle of self-identification.

20. Article 39 of the Constitution stated that everyone had a right to education. Article 4 of the Public Education Act adopted in July 2009 stipulated that the education of national minorities could be organized in their mother tongue or national language, with mandatory courses in Armenian. The same Act made basic general education compulsory. Secondary education in State schools was free of charge. The Act defined the principles of autonomy in higher educational institutions. All citizens had the right to free higher and vocational education in State institutions on the basis of a competition prescribed by law. The decision to give priority to candidates belonging to national minorities who had passed university entrance examinations had significantly improved the access of such candidates to relevant higher educational establishments.

21. In accordance with an Order issued by the Ministry of Education on 21 December 2007, children of citizens belonging to national minorities were admitted to a general education school in which education was conducted in the child's national language or mother tongue or to a school offering courses in the language concerned. Where that option was not available, the choice of the language of education was made by the child's parents or lawful representatives. Where students so requested, provision could be made for extra-

curricular minority language studies. The quantitative threshold for the creation of such classes was very low: four to five students.

22. Some national minorities living in Armenia, such as Assyrians, Kurds and Yezidis, required special attention and protection because they had no native State. Incorporation of such minorities both enriched Armenia's culture and rendered the State responsible for preserving and developing an ethnic group that regarded Armenia unambiguously as its homeland. Yezidi language and literature textbooks for different grades had been published in recent years and distributed free of charge to Yezidi students. An Assyrian ABC book had been published in 2007 and was distributed free of charge to the relevant schools. Representatives of national minorities were involved in developing the textbooks in order to ensure a balanced response to their specific needs and equitable access to the resources available. In line with the principle of self-identification, it had been decided to publish textbooks in the Yezidi language in the Cyrillic alphabet and those in Kurdish in the Latin alphabet. The Government also encouraged teacher training programmes for members of national minorities.

23. State employment policy was designed to create the conditions for full and efficient employment. Action was taken to improve the skills and enhance the competitiveness of unemployed persons. Employers were encouraged to maintain existing jobs, to create new ones and to fill vacant positions with specialists who were familiar with modern science and technology. The objectives and principles of labour legislation were laid down in articles 2 and 3 of the Labour Code.

24. Pursuant to article 5 (1) of the Foreign Nationals Act adopted on 25 December 2006, foreign nationals in Armenia enjoyed the same rights, freedoms and responsibilities as Armenian nationals unless otherwise prescribed by the Constitution, laws and international treaties ratified by Armenia.

25. The National Assembly had adopted the Act relating to Employment and Social Protection in case of Unemployment on 24 October 2005. That Act set forth policy principles governing employment, together with guarantees of social protection for unemployed persons and freedom of choice of work and occupation. Every Armenian citizen had the right to choose his or her profession and work. Unjustified refusal to hire a person was prohibited. Citizens, nationals of other countries and stateless persons residing in Armenia were entitled to choose their work and leisure-time activities freely. They could also choose freely to be employed or unemployed, except in the cases defined by article 3 of the above-mentioned Act.

26. The Armenian authorities ensured that all social strata and groups enjoyed equal opportunities of effective participation in public affairs without discrimination.

27. Armenia had always done its utmost to ensure comprehensive and equal protection of the rights and freedoms of persons seeking asylum and recognized as refugees. The Refugees and Asylum Act adopted in 2008 complied fully with the requirements of the 1951 Convention relating to the Status of Refugees, the Protocol thereto and other international instruments. Armenia had constantly pursued a policy of full integration of refugees. Refugees granted asylum in Armenia were entitled to the social services provided for Armenian citizens, State allowances and other financial assistance, free medical aid and care guaranteed by the State, pension insurance and the right to social protection in the event of unemployment provided that they met the requirements of Armenian legislation in the relevant field.

28. The right of individuals under the Civil Code to apply to the courts for protection of their rights was also applicable to refugees and asylum-seekers. The Refugees and Asylum Act guaranteed the right to judicial protection for rejected asylum-seekers. In accordance with the State Duty Act, the rejection decision could be appealed before the courts without

payment of State duty. Notwithstanding its immense efforts over many years to address the problems of more than 400,000 refugees exiled from Azerbaijan, Armenia had not yet fully resolved their housing problem. The Government was also dealing with problems of internal displacement due to the Nagorno-Karabakh conflict and Azerbaijani military activity on the Armenian-Azerbaijani border.

29. The Government had decided to hold an international donor conference in Yerevan on 17 May 2011 to raise the financial resources required in order to provide permanent housing for the remaining group of some 1,500 refugee families currently living in temporary dwellings. UNHCR would be represented at the conference.

30. Since gaining independence in 1991, Armenia had made significant progress towards guaranteeing freedom of thought and conscience and, in particular, towards preventing any kind of discrimination based on religion and belief. The Freedom of Conscience and Religious Associations Act, adopted in 1991, allowed national minorities and religious communities to practise their national or other religion and to establish religious associations. Whereas only 14 religious organizations had been registered as legal entities in Armenia in 1997, the number had risen to 66 by 2010.

31. Since joining the Council of Europe in 2001, Armenia had committed itself to enacting a law on alternatives to military service, although there were no accepted international standards governing the mandatory introduction of alternative service or its duration.

32. His Government had frequently expressed concern about State-sponsored large-scale anti-Armenian propaganda and hate speech by the Azerbaijani leadership at international forums, including the Durban Review Conference. Unfortunately, it had found evidence on the Committee's official website of civil society engagement in anti-Armenian propaganda in response to political orders. Deep concern had been expressed at the Azerbaijani Government's witch-hunt against persons of Armenian origin and everything Armenian by well-known human rights organizations, including the Committee itself, the European Commission against Racism and Intolerance, the Commissioner for Human Rights of the Council of Europe, and the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities.

33. **Mr. Diaconu** (Country Rapporteur) said that the State party had recently overcome many difficulties, including a sudden change of political regime, a painful conflict resulting in huge numbers of refugees and internally displaced persons (IDPs), and a period of transition to a democratic system and decentralized economy. Nonetheless, it still had several obstacles ahead.

34. Its periodic report contained references to action taken by other States parties, which was in violation of the Convention and therefore unacceptable to the Committee. Article 11 of the Convention contained a special procedure for such cases, and communications under that article should be submitted to the Committee in the proper way. The Committee had not accepted indirect references by Azerbaijan suggesting that another State party was not giving effect to the provisions of the Convention and it would not accept such references by any State party.

35. According to the 2001 census, more than 2 per cent of the State party's 3.2 million inhabitants belonged to minority groups. While the periodic report referred to 11 national minorities, it provided data on only about half of them. He requested additional information on the other minorities. Given the drastic reduction in the number of Azeris living in the State party between 1989 and 1993, he asked whether those people were still living in Armenia and, if so, how many of them were now Armenian citizens. It would be useful to have more details on their current situation.

36. Noting that the office of Human Rights Defender had been created in 2003 and that the national Human Rights Commission had ceased to exist, he noted that both institutions existed in many countries and that their activities were complementary. The Committee would welcome clarification as to whether the Human Rights Defender had inherited all the areas of competence of the Commission, whether the Defender exercised them in practice and whether sufficient resources were allocated to the institution for it to carry out its mandate. Given that the legislation establishing the Human Rights Defender specified that, in cases of specific issues of public resonance, of gross violations of human rights or of mass occurrence of non-elimination of violations, the Defender could prepare extraordinary public reports, it would be interesting to learn whether that had ever been done. The Committee would welcome details of any cases the Defender had received concerning racial discrimination and their outcome.

37. He noted that the State party had a clear policy and legislation on combating discrimination on the grounds of race and national or ethnic origin, and that the Constitution prohibited discrimination, including on the grounds of genetic features, outlook and circumstances of a personal nature, which responded to some of the Committee's concerns about racial profiling and visibility. However, a great deal of legislation in the field of criminal justice and procedure had been adopted since 2003, and so it was possibly too soon to ascertain the results of its implementation. He therefore encouraged the State party to continue to strengthen its efforts to ensure the implementation of that legislation. While it was clear that international human rights instruments took precedence over domestic legislation, it would be useful to hear of any cases in which the Convention had been directly invoked in domestic courts or before other State authorities.

38. He asked which enactment prohibited racial segregation. Segregation was not always the result of legislation or action by the State authorities; it could result from the private conduct of individuals or groups, sometimes determined by social or economic conditions, particularly in the fields of education and housing. He urged the State party to pay attention to such developments as it was responsible for preventing and rectifying them.

39. The provisions of the new Criminal Code appeared to include all the requirements of article 4 of the Convention except for the prohibition of organizations engaging in activities that promoted and incited racial discrimination. Article 21 of the Non-Governmental Organizations Act contained a reference to incitement to racial hostility, but did not ban racist propaganda or the promotion of racial discrimination or organizations that promoted or incited racial discrimination. He urged the State party to review those provisions in order to bring them into full compliance with the provisions of article 4 (b) of the Convention, particularly in the light of reports of a political organization called the Union of Armenian Aryans which had called for the expulsion of Yezidis, Kurds and Jews from Armenia. He asked whether that organization still existed and, if so, how it was registered and whether the conditions under which it operated had been investigated.

40. The periodic report did not contain any data disaggregated by minority groups or geographic regions on the exercise of the rights listed in article 5 of the Convention. It would be useful to know how many minority representatives had been elected to parliament, how many occupied senior posts in government, the judiciary, the police and other State bodies at central and local levels, and how many were members of political parties. Disaggregated data should also be provided on the situation of minorities in the fields of employment, education and housing, and on any special measures that had been taken for the benefit of disadvantaged groups. He recalled that the Convention created an obligation to adopt special measures under certain circumstances, as described in the Committee's general recommendation No. 32.

41. While States were required to preserve and promote cultural diversity and cultural identities, that should be done with full respect for fundamental human rights and freedoms.

Traditions which violated such rights should be phased out. In a report to the Human Rights Council (A/HRC/WG.6/8/ARM/1), the State party had indicated that cultural traditions impeded access to education in the Yezidi, Kurdish and Russian Molokan communities. He requested additional details of the precise limits on the exercise of rights that resulted from those traditions and the long-term impact on the participation of those groups in public life. It would be useful to learn what measures the State party was taking to change that situation.

42. In its 2009 concluding observations (CEDAW/C/ARM/CO/4/Rev.1), the Committee on the Elimination of Discrimination against Women had reiterated its concern about the deeply-rooted patriarchal attitudes subordinating women in the State party and the strong stereotypes regarding their roles in the family and society. It had called on the State party to take urgent measures, particularly in rural areas. It had noted the lack of information and statistics about vulnerable groups of women, particularly women refugees and those belonging to ethnic and religious minorities who suffered multiple forms of discrimination, especially with regard to access to employment, health care, education and social benefits. Such double discrimination was also a concern for the Committee on the Elimination of Racial Discrimination, as described in its general recommendation No. 25. The Committee would welcome details of the measures it was taking in that respect.

43. The State party had received a large number of refugees during the 1993–1994 conflict, and many people had been internally displaced. The Committee would welcome information on whether any of those people had still not been settled and if so, whether they were citizens or refugees.

44. He asked how many national minority schools existed in the State party, which languages were spoken there and how many pupils they had. Given that the figure of 74 persons from minorities pursuing higher education during the period 2004–2009 was rather low, he enquired whether positive measures were being taken to remedy that situation. The report of the Working Group to the Human Rights Council (A/HRC/15/9) had recommended that the State party should ensure that children belonging to all minority groups had equal access to education in their mother tongue, and many reports noted that Yezidi children did not have textbooks or teachers in their tongue. As some of them did not speak Armenian, they had no access to primary education, and some Yezidi children spent the period April to November working with their parents in highland pastures. In addition, there was a dispute about the alphabet to be used in textbooks for Yezidi pupils, all of which made it difficult for those children to enrol in and attend school. The State party should take measures to implement the legislation that provided for equal rights to education for all.

45. Members of the Yezidi minority reportedly continued to experience problems with regard to land, water and grazing, and some had apparently still not acquired property titles for their land. He requested additional information on the situation of that community, the privatization of land and the steps that were being taken to solve those problems.

46. It appeared that all national minorities received the same amount of State support, irrespective of their size and needs. While that practice might well have been based on a decision taken by the minorities themselves, the decision should be reviewed as it could be discriminatory.

47. He requested additional details concerning the obligation for public television and radio to broadcast programmes in minority languages for at least two hours a week. It would also be useful to know what opportunities minority groups had to express their cultural identities, communicate in their languages and have access to their culture.

48. Given that the Committee was mandated to deal with religious freedoms when discrimination in that field was motivated by racial or ethnic origin, he would welcome information on (a) the restrictions that were imposed on some religious denominations in

the State party, and (b) reports that the authorities had ignored acts of violence against religious minorities. He asked whether the study of the history of the Armenian Apostolic Church was compulsory in schools, and how religious education was taught, particularly to minority and foreign children.

49. Several sources indicated that suspicion and rejection of foreigners and stereotypes about people of other ethnic origins were prevalent in the State party. In a globalized world, where the exchange of goods and the movement of people were the norm, that was not a good model for nation-building, particularly for a small country in a region with a history of animosity and resentment. It would be interesting to learn what steps the Government was taking to encourage tolerance, understanding and respect for other people among the public in general and young people in particular. He asked why the National Security Strategy included a section on culture devoted to the preservation of the history, culture, spiritual values and ethnic identity of national minorities. Did national minorities pose a security threat to the State party?

50. Given the lack of data about cases involving racial discrimination being brought before the courts or other competent bodies, the fact that there had been no complaints did not mean that racial discrimination did not exist. He asked what steps the State party was taking to ensure the public was aware of the Convention and domestic remedies available to it and to increase public confidence in the judiciary. Were members of the judiciary, law enforcement authorities, lawyers and border guards given specific training on domestic legislation and international instruments relating to racism and racial discrimination?

51. The Committee was not concerned with border or territorial issues and did not express views on such situations, but it was mandated to examine any illegal act involving racial discrimination committed by a Government or its agents in any territory where the authorities of a State party exercised control, temporarily or permanently. A Georgian NGO had submitted information to the Committee concerning acts of violence, confiscation of property and deprivation of water resources in villages in two districts in Georgia apparently committed by Armenian armed forces against persons belonging to an ethnic group in Georgia. Since States were responsible for any acts of racial discrimination or human rights violations committed by their authorities even beyond their boundaries, the Committee would welcome the delegation's comments on that matter.

52. The State party had highly complex legislation relating to equality and non-discrimination in all fields. Many institutions dealt with issues involving human rights and minority groups, such as the Coordinating Council for National Minorities, the Human Rights Defender, a Government Department for Ethnic Minorities and Religious Affairs, a Cultural Centre of Nationalities and the Union of Nationalities, an NGO. Most of the legislation and institutions were relatively recent and had yet to show results. The fact that the State party was a member of many organizations and human rights monitoring bodies at the European and international levels and was responding to their concerns boded well for the future.

53. **Mr. Avtonomov** said that the Russian Federation and Armenia enjoyed a close relationship owing to the large number of Armenians currently resident in the former country. The relationship had helped to foster a deeper understanding of the challenges still facing Armenia and how best to respond to those challenges. The Committee valued the opportunity to learn about developments in Armenia since the submission of its previous periodic report and to make achievable recommendations in order to facilitate the full implementation of the Convention.

54. It would be useful to know whether Armenia planned to ratify the amendment to article 8 of the Convention or whether it planned to make a declaration of the Committee's competence to receive and consider individual communications under article 14. While the

declaration was non-binding in nature, the Convention considered it an expression of States parties' commitment to human rights.

55. The Committee viewed the ratification of international instruments as an indication of a country's commitment to human rights and its desire to strengthen those rights. As the report had not furnished adequate details on the subject, the Committee would like to know the precise conventions to which Armenia was a party in the context of the Commonwealth of Independent States, e.g. on human rights, ethnic minorities, elections and political rights. It would also appreciate additional information on the regional aspect of Armenia's involvement in international relations.

56. The Yezidi minority differed from the majority population in both religion and ethnicity. The Committee had received reports of an ongoing dispute over the use of the Latin or Cyrillic alphabet in Kurdish-language teaching and publications and wished to receive more information on the subject. The Government should embrace the cultural diversity of all national minorities and strive to protect their cultural heritage.

57. In the absence of data on the Roma population in Armenia, the Committee would like to know whether the Roma were classed as one of the 11 minority groups mentioned in the report, whether they had quit the country entirely or whether there were simply no data available. The Committee took a special interest in the situation of the Roma as they were widely discriminated against in many countries. In that context, if there was a Roma community in Armenia, it would be useful to have an indication of their numbers and the measures adopted to safeguard their rights.

58. The report had mentioned that the Human Rights Defender had already taken decisions on complaints received from members of national minorities concerning the violation of their right to choose their children's language of instruction. The Committee would like to know the nature of those decisions, whether they were legally binding and, if that were the case, the steps taken by the State party to ensure the compliance of other State bodies.

59. The Committee noted with concern that the State party's core document was obsolete and did not reflect changes since 1995. On the question of citizenship, the Committee would welcome data on the number of people applying for Armenian citizenship, the ethnic composition of applicants and the number of Armenians or members of other groups returning to Armenia from abroad. While citizenship requirements did not fall within the Committee's area of competence, it would still be interested to learn of cases in which race or ethnicity was a bar to obtaining Armenian citizenship.

60. **Mr. Murillo Martínez** recalled the State party's contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its role in the preparatory activities for the Durban Review Conference. In that context, the Committee noted with satisfaction the development of the Armenian Government's Action Plan as part of its follow-up to the Durban Declaration and Programme of Action. However, the Committee would appreciate more details on the impact of the Action Plan on the fight against racial discrimination and on overall progress achieved in that area.

61. Similarly, the Committee would be interested to know the role played by the newly-established Department for Ethnic Minorities and Religious Affairs and its contribution to the Action Plan. The Committee would also welcome additional information on the procedure whereby the Department submitted recommendations on, and made amendments to, implementation of the Action Plan, as well as some practical examples of progress achieved on the ground.

62. **Mr. de Gouttes** said that France also enjoyed close links with Armenia as many Armenians had come to occupy high-level positions in the French State.

63. The Committee would like more detailed information on the work and effective role of the Human Rights Defender, as well as examples of the specific actions taken by his Office. In the light of the recommendation made by the Universal Periodic Review Working Group, which had urged Armenia to consolidate the resources available to the Human Rights Defender in order to ensure the alignment of his institution with the Paris Principles, the Committee would be interested to know whether the Defender now had adequate resources at his or her disposal. Similarly, it would be grateful for more detailed information on the effective role of the Coordinating Council of National Minorities and of the civil society organization known as the Armenian Union of Nationalities.

64. While the Criminal Code classified an act of racial discrimination as a criminal offence and recognized such an act as an aggravating circumstance, there were still legislative inconsistencies with regard to the prohibition of organizations that promoted or incited racial discrimination. Moreover, the absence of complaints and prosecutions relating to racial crime did not necessarily bode well. That situation was often symptomatic of ineffective remedies, a lack of information on the victims and an overly complex legal system. Furthermore, difficulties in procuring sufficient evidence to prosecute, a lack of faith in the police or judiciary and a lack of awareness among police officers could also explain the conspicuous absence of racist crime in the State party. The Committee requested that the State party's next report include substantive data on the actual number of complaints filed with the Human Rights Defender and the follow-up to such complaints.

65. The Working Group had also recommended the strengthening of the protection afforded to migrant workers and refugees. In the light of that recommendation, the Committee would like to know the specific reasons why Armenia had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The meeting was suspended at 4.35 p.m. and resumed at 5 p.m.

66. **Mr. Kirakossian** (Armenia) said that there had been an Azerbaijani community in Armenia prior to 1989 but it had left for Azerbaijan after the events of 1988–1989 and the arrival of around 400,000 refugees in Armenia. Azerbaijanis born of mixed marriages continued to live in Armenia but no statistics were available on their numbers. He also asked where the Country Rapporteur had obtained the figure of 3,700 Azerbaijanis supposedly still living in Armenia in 1993.

67. **Ms. Saratikyan** (Armenia) said that 11 national minorities were present in Armenia: Assyrians, Belarusians, Georgians, Germans, Greeks, Jews, Kurds, Poles, Russians, Ukrainians and Yezidis.

68. **Mr. Diaconu** said that he wished to have statistical data on all 11 minorities, not just on the 6 for which information had been provided in the State party's periodic reports.

69. **Ms. Saratikyan** (Armenia) replied that there were around 3,500 Assyrians, 15,000 Russians, 40,500 Yezidis, 1,500 Kurds and 1,500 Greeks in Armenia. No detailed data on the remaining minorities were available but they should be forthcoming after a national census due to take place in 2012.

70. **Mr. Demirtshyan** (Armenia) said that the Office of the Human Rights Defender had received no complaints relating to violations of the rights of members of minorities in 2010, but it did monitor the situation constantly. It worked closely with around 30 NGOs representing minorities and also provided them with legal advice. Two members of a council of experts attached to the Office were minority representatives.

71. With regard to criminal responsibility for acts of racial discrimination, he said that, under article 226 of the Criminal Code, perpetrators of acts of organized crime with a racial or religious motivation could be sentenced to up to 6 years' imprisonment. By way of

example, the head of the Armenian Aryan Union, an organization that had since gone underground, had been sentenced to 3 years' imprisonment and, having served part of the sentence, was no longer active. In the case of the racist remarks made by a person in Gyumri, the defendant had been found to be unwell and not criminally responsible.

72. **Mr. Kaprielyan** (Armenia) said that since the State party had presented its previous periodic report in 2002, no racially motivated crimes against members of minorities had been recorded. Curiously, a higher percentage of general crimes committed in the previous four years whose victims had been Yezidis had been solved than on average for the rest of the population. In 2010, 92 per cent of cases involving Yezidis had been solved, while the national average had been around 85 per cent. At any rate, the authorities always paid particular attention to any offences involving minorities.

73. Turning to the issue of public distrust of the police, he said that the police force was undergoing reform and a priority of that process was, indeed, to increase public trust in the police. New methods of community policing were also being introduced.

74. He admitted that some cases of racial discrimination might go unreported but the police, from its highest echelons down to local police stations, kept a close eye on such cases. Police station chiefs and their deputies held regular district meetings with citizens to discuss any complaints they had, including on matters of discrimination.

75. Police officers received human rights training and learned how to ensure respect for people's rights when carrying out their policing duties. Since 2010, the number of hours allocated to human rights issues in police academy syllabuses had been increased and police officers received training in how to combat racial, ethnic and religious intolerance. It should also be noted that minority representatives, including Yezidis, Russians, Ukrainians, Germans, Greeks and Georgians, also served in the police force and worked harmoniously with their Armenian colleagues to fight crime and maintain law and order.

76. **Mr. Demirtshyan** (Armenia) said that a legal institute within the Ministry of Justice provided anti-discrimination training for prison staff, court officials and other personnel employed by the Ministry. A school outside the ambit of the Ministry also provided regular human rights training. Various judges and prosecutors belonged to the Yezidi minority and were highly respected in their respective fields.

77. **Ms. Saratikyan** (Armenia) conceded that some preschool-age Yezidi children in certain areas of the country did not speak Armenian well but that was no impediment to receiving an education. On the contrary, all children had the same opportunities to attend school and most learned Armenian well by the end of their first year in primary school.

78. **Mr. Demirtshyan** (Armenia) said that, since no clear-cut cases of racial discrimination had been brought before the courts, the Convention had so far never been invoked directly by judges. However, it was widely accepted that, should judges wish to refer in court to an international instrument ratified by the State party, they were entitled to do so.

79. **Mr. Diaconu**, clarifying earlier questions concerning the Azerbaijani population in Armenia, referred to the State party's core document of 1995 (HRI/CORE/1/Add.57, paras. 5 and 6), in which it was stated that 7,900 Azerbaijanis had lived in Armenia at that time. Furthermore, in its periodic report to the Committee in 2000 (CERD/C/372/Add.3), the State party had affirmed that 1 per cent of the total population were Azerbaijanis, close to the figure he had cited earlier.

The public part of the meeting rose at 5.30 p.m.