



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2524th meeting

Held at the Palais Wilson, Geneva, on Thursday, 27 April 2017, at 3 p.m.

Chair: Ms. Crickley

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The meeting was called to order at 3 p.m.

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

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

1. *At the invitation of the Chair, the delegation of Armenia took places at the Committee table.*
2. **Mr. Hovakimian** (Armenia), introducing his country's combined seventh to eleventh periodic reports (CERD/C/ARM/7-11), said that, having been drawn up by an inter-agency working group and coordinated by the Ministry of Foreign Affairs, the report took into consideration the Committee's concluding observations on the country's previous periodic report (CERD/C/ARM/CO/5-6) and comments from NGOs representing 11 national minorities.
3. A legislative framework was currently being developed to ensure equality for all citizens without any discrimination. In December 2015, Armenia had amended its Constitution by referendum, replacing the presidential system with a parliamentary system. The amendments made the protection of human rights in Armenia more comprehensive and effective, and the Constitution prohibited discrimination on any ground.
4. One of the main achievements of the constitutional reform was that representatives of national minorities had been allocated four seats in the National Assembly. Parliamentary elections had been held on 2 April 2017, as a result of which representatives of the Yezidi, Russian, Assyrian and Kurdish minorities had become members of the National Assembly.
5. A 2013 law on local self-government aimed to deepen relations between local self-government bodies and various population groups, including national minorities. Pursuant to that law, residents who were members of national minorities could include an issue in the meeting agenda of the Council of Elders on their own initiative. The action plan that had been adopted in February 2014 to implement the National Strategy for the Protection of Human Rights made reference to the fight against discrimination. The Ministry of Justice had drafted a new action plan for the period 2017 to 2019, which called for, inter alia, the adoption of a stand-alone piece of legislation to combat discrimination. That legislation was expected to be adopted by the end of 2017.
6. A law had been adopted in 2013 to ensure equality between men and women in all spheres and to provide women with legal protection from discrimination. The quota for women's representation in parliament had been increased from 20 per cent to 25 per cent. Furthermore, a quota of 30 per cent had been set for 2021 as part of a gradual approach to increasing women's representation.
7. The Criminal Code criminalized and punished actions aimed at incitement of national, racial or religious hostility, racial superiority or the demeaning of national dignity. Furthermore, motivations of national, racial or religious hatred or religious fanaticism constituted an aggravating circumstance.
8. His Government was taking action to prevent discrimination against refugees. Armenia had received its first wave of refugees in 1988, when more than 400,000 ethnic Armenians had fled from the massacres in Azerbaijan. Armenia had adopted a policy of integrating the refugees into society, and that policy had been yielding more tangible results since 2000, when a separate agency had been established to deal with refugee issues.
9. The majority of asylum seekers in Armenia were from the Syrian Arab Republic, Ukraine, Iraq, the Islamic Republic of Iran, and African countries. The number of asylum seekers had increased in recent years. In 2015, a law had been adopted to bring the national legislation on the protection of the rights of refugees and asylum seekers into line with international standards.
10. A concept paper on the integration of refugees and asylum seekers as well as long-term migrants in Armenia had been approved in July 2016, and a related action plan had

been drafted in February 2017. Armenia had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the procedure to ratify that Convention was currently under way.

11. Racism, racial discrimination and xenophobia were closely linked to the issue of genocide and could be considered as its warning signs. In the light of the genocide suffered by the Armenian people, his country stood at the forefront of international genocide prevention efforts. Armenia had presented a number of resolutions to the Human Rights Council in relation to the Convention on the Prevention and Punishment of the Crime of Genocide. Those resolutions were aimed at reaffirming the importance and necessity of protecting national, racial, ethnic and religious minorities from threats to their very existence.

12. The State ensured equality before the law through legal, organizational and other mechanisms without any discrimination on the grounds of race, colour, or national or ethnic origin. The amount of funding allocated each year to the Coordinating Council of National and Cultural Organizations of National Minorities, established in 2000, had doubled, from 10 million drams to 20 million drams.

13. A total of 66 religious organizations were registered in the State Register of Legal Entities, including 8 religious organizations of national minorities. Those organizations benefited from preferential treatment and simplified registration procedures. No applications for registration from any religious communities had been rejected. Religious organizations operated freely and were allowed to build meeting houses and places of worship.

14. Armenia guaranteed the right to education at all levels without any discrimination. Since 2014, State funds had been allocated to all the Marzes of Armenia for preschool education. There were no restrictions on preschool enrolment. Possibilities for members of national minorities to receive high-quality basic education had been expanded. Textbooks were published, printed and reprinted annually for national minority schools, and training sessions were held regularly for teachers at those schools.

15. NGOs run by national minorities had established Sunday schools that operated in their own languages. Given the current immigration situation, children were not required to present documents certifying their grade in order to continue their basic education. Each year, tuition-free slots in higher education institutions were allotted to members of the Assyrian, Yezidi and Kurdish communities. Tuition fees for migrants from Syria studying in the preparatory departments of colleges and universities had been reduced by 50 per cent. In addition, tuition fees were reimbursed for several hundred Syrian migrants every year.

16. A government decision of March 2012 aimed, inter alia, at preserving the folk traditions of national minorities and studying the development of their culture. State support was provided for various initiatives to promote the culture of national minorities, such as art exhibitions, music festivals, and celebrations of national holidays.

17. Lastly, his delegation wished to know whether the Committee had developed an internal procedure for vetting the NGOs that submitted shadow reports. His Government was concerned to note that an organization calling itself the "Caucasus Center of Human Rights Monitoring" had submitted a shadow report containing not only false information but also abusive and discriminatory language. The organization's claim that it was registered in Georgia had been refuted by that country's Ministry of Foreign Affairs. His delegation wished therefore to ask the Committee to consider rejecting reports that contained false information and racially motivated abusive language.

18. **The Chair** pointed out that the Committee was concerned not only with the situation of national minorities but also with asylum seekers and refugees in Armenia. She took note of the delegation's concern regarding shadow reports but said that the NGO in question had made submissions to other treaty bodies and regional organizations.

19. **Mr. Amir** (Country Rapporteur), commending the high level of the delegation, said that it was important to bear in mind the very turbulent history of Armenia when discussing racial discrimination in the country. The many foreign occupations over the years had had a lasting impact on the current generation.

20. The periodic report and core document contained detailed information that addressed all of the Committee's concerns. While the State party had made rapid progress in tackling all forms of discrimination, the fundamental laws necessary to combat racial discrimination appeared to be absent in some cases. The very low number of individual complaints of racial discrimination was a cause for concern. While the State party's report had been submitted to NGOs representing 11 different national minorities, their involvement had been consultative rather than participatory in nature. The Committee would like to see those NGOs play a more active role and hold more responsibility in the country's political, legislative and legal affairs. He welcomed, however, the yearly allocation of 20 million drams to the Coordinating Council of National and Cultural Organizations of National Minorities.

21. It was his understanding that the bill on the protection of the rights of refugees and asylum seekers had not yet been adopted. If that was indeed the case, the delegation should indicate the expected time frame for the adoption of the bill. He requested further information on the implementation of the National Strategy for the Protection of Human Rights, particularly with regard to the rights of refugees to adequate housing, health care and education without discrimination.

22. He commended the criminalization of actions aimed at incitement of national, racial or religious hostility, racial superiority or the demeaning of national dignity. While the Constitution did guarantee equality before the law, he urged the State party to make further efforts to effectively guarantee the other rights set out in article 5 of the Convention.

23. He requested further information on the possibilities for students from national minorities to receive education in their native language and on their access to secondary and higher education. He wished to know more about the teaching methodology established by Yezidi, Kurdish and Assyrian minorities within the general education system with State support. He asked what provisions were in place to ensure that the right of other minorities to protect and develop their own languages and cultures was also respected.

24. He requested further statistical data on the number of acts of racial discrimination and on the socioeconomic situation of minorities and vulnerable groups and their access to housing, employment and health care. He asked whether the Government intended to take special measures to increase the representation of national minorities in political life. With regard to the recent constitutional reform, he asked whether the provisions of article 89 of the Constitution meant that representatives of national minorities would hold seats in the National Assembly. He requested further statistical data on the number of children from national minorities in the general education system. Lastly, he welcomed the increase in the minimum age for marriage and wished to know more about the gender issues facing women from national minorities.

The meeting was suspended at 3.55 p.m. and resumed at 4.10 p.m.

25. **Mr. Kut**, speaking in his capacity as Special Rapporteur for follow-up on concluding observations, said that in its previous concluding observations the Committee had requested information within one year on the follow-up to its recommendations concerning the political participation of minorities, the outlawing of organizations that promoted or incited racial discrimination, and racial incidents and manifestations of discrimination. He commended the State party for the timely response to that request. The response had been rather brief, however, leading the Committee to request further information on the participation of minorities in publicly elected bodies and on the outcome of the legal actions taken against the leader of a certain political organization. The Committee had also noted that the State party had not responded to its recommendation to conduct a study on its population's attitudes towards foreigners.

26. **Ms. Dah** commended the State party for its regular reporting to the Committee and for its ratification of almost all regional and international human rights and humanitarian instruments. She found it regrettable, however, that Armenia had not yet made the declaration under article 14 of the Convention recognizing the Committee's competence to receive and consider communications, and she asked whether it intended to do so.

27. She also found it regrettable that no representative of the national human rights institution was present at the meeting and said that the Committee attached great importance to the participation of such institutions in its dialogues. She asked whether any of the four newly elected members of the National Assembly who represented national minorities were women. She commended the gender parity within the delegation and asked whether gender parity was an objective that the Government aimed to achieve in all sectors of public life.

28. Welcoming the amendment to the provision of the Family Code on early marriage, she asked the State party to include information on the implementation of that provision in its next periodic report. Lastly, she wished to know how many Armenians were living abroad as part of the diaspora.

29. **Mr. Avtonomov** commended the State party for sending a high-level delegation including key members of the Government, a gesture that signalled the importance the State party attached to the Convention.

30. Equal rights for men and women were enshrined in the Constitution and in the Labour Code and he noted the existence of the Gender Policy Strategic Action Plan for 2011 to 2015 as well as the support provided to women's business initiatives. It was equally important, however, to forestall multiple discrimination against women who were members of minorities and he wondered whether there were any special measures in place to help Yezidi, Kurdish, Assyrian and Russian women who wished to start their own businesses.

31. Yezidis, Assyrians and Kurds in general appeared to be employed in a limited range of sectors, notably forestry, fishing and agriculture. Legislative measures to give effect to the articles of the Convention were important but not sufficient to achieve its objectives and special measures were required to address the underlying causes of discrimination between different groups in the labour market. He would therefore like to know what special measures the State party was taking to improve access by members of those ethnic minorities in particular to a wider range of job opportunities at all levels, including in sectors where they were underrepresented or absent, with a view to ensuring equality of opportunity.

32. The State party's report made no reference to the Boshia people, a Roma or Gypsy group with deep roots in Armenia. He understood that between 8,000 and 9,000 Boshia lived in Yerevan and other cities and that there were still some 50 speakers of the Lom language. He would be interested to hear how the State party took the specific needs of the Boshia into consideration.

33. Lastly, he would like to know whether the State party was ready to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

34. **Ms. Shepherd** said that she particularly appreciated the disaggregated statistical data annexed to the State party's report, information that was extremely important for the Committee's work.

35. In regard to economic, social and cultural rights, Armenia had made significant progress in adapting its education system to meet the needs of the large numbers of refugees that had entered its territory. The State party had recognized the situation in Syria and shown a laudable willingness to receive immigrants and help them to readjust. The education system was flexible and permitted the learning of minority languages alongside Armenian language and culture, reflecting the Government's inclusive approach to national minorities.

36. She would be interested to know what percentage of the immigrant population were from Africa or of African descent. According to one alternative report, asylum seekers of African descent and Muslims were rarely granted refugee status, so she would appreciate some information on the criteria applied in granting asylum.

37. In introducing the State party's report, the head of delegation had stated that in order to be represented in the National Assembly a national minority was required to pass a numerical threshold. Those not represented in the National Assembly could report their concerns to the Council of Elders. She would be interested to know how effectively such

concerns were dealt with; she would also like to know whether there were any women on the Council of Elders.

38. Unemployment among 25 to 45-year-olds seemed high. She would appreciate hearing what ethnic groups were represented in the age brackets with the highest unemployment rates.

39. **Mr. Yeung Sik Yuen**, referring to the population table in Annex 1 to the State party's report, noted that no figures were given for persons of African descent or Azerbaijanis. He would like to know how many of each group there were in Armenia. He also wondered how mixed Azerbaijani-Armenian couples were counted.

40. In two of the cases described in Annex 4, sentencing had been "suspended under point 1 of part 1 of article 31 of the Criminal Procedure Code". He would appreciate an explanation of that provision of the Code.

41. Referring to paragraph 31 of the report, he said that he would appreciate receiving figures for the number of asylum seekers from the four African countries mentioned.

42. According to information he had received, Armenians who were married to non-Armenians were considered to be non-Armenians. He would be interested to know if that information was correct.

43. The population of Armenia was clearly fairly homogeneous. According to paragraph 47 of the report, the State party did not implement a policy or measures aimed at changing the structural composition of the population. He would be interested to know, however, whether the Government promoted a policy to prevent the current composition from changing. If the birth rate of a minority group was higher than that of the majority population, for example, might that become problematic?

44. **Mr. Kemal** said that the State party's report attested to a strengthening of the apparatus to deal with racial discrimination. Nevertheless, given that the Human Rights Committee, in its concluding observations on the second periodic report of Armenia on implementation of the International Covenant on Civil and Political Rights in 2012 (CCPR/C/ARM/CO/2, para. 5), had expressed concern about the vigilance of the national human rights institution and recommended that the State party should create the conditions necessary to ensure that the Ombudsman's Office fully and independently performed its mandate in line with the Paris Principles, he would like to know whether that Office had been strengthened and whether adequate financial resources had been provided to enable it to fulfil its function. He would also be interested to know why the Ombudsman's Office was not attending the meeting along with the State party's delegation; was it for lack of funds?

45. He was concerned at the failure to investigate, prosecute and punish hate crimes. Drawing attention to the Committee's general recommendation No. 35, on combating racist hate speech, he said that he would like to be reassured that the State party was taking measures to curb such behaviour.

46. He would appreciate clarification of the total population figures given in the various tables in the common core document (HRI/CORE/ARM/2014) and the report, based on the 2001 and 2011 census data, as it would appear that the total population of Armenia had declined since 2001. The figure of 812 Muslims given in table 6 in the core document seemed rather small considering that there had previously been tens of thousands of Muslims in Armenia. He wondered whether they had emigrated, or perhaps they were represented in the figures for those who had refused to answer the census question on religion. With regard to Muslim asylum seekers, he wished to point out that under international law it was not permitted to deny asylum to applicants as a group; refugee status must be based on an assessment of each individual case.

47. He suggested that the State party might consider making the optional declaration provided for in article 14 of the Convention, recognizing the Committee's competence to consider individual complaints.

48. **Mr. Bossuyt** said that he would appreciate clarification of the meaning of the term "national minorities" in the State party. Did the expression have the sense it was given in

recommendation 1201 (1993) of the Council of Europe Parliamentary Assembly, namely “a group of persons who reside on the territory of [a] State and are citizens thereof and maintain long-standing, firm and lasting ties with that State”, or was it defined more loosely?

49. The State party might wish to adopt comprehensive anti-discrimination legislation, which currently appeared to be lacking. He would like to know whether the Government was taking any action to prevent nationalist organizations from spreading racist and xenophobic propaganda. He would also appreciate an explanation of why the study of the history of the Armenian Apostolic Church was a compulsory subject in schools. The Committee would welcome the development of programmes to promote tolerance in schools and universities.

50. If it was true that there was a tendency to deny refugee status to asylum seekers who were not of Armenian origin, the State party might be contravening the Convention relating to the Status of Refugees, which prohibited discrimination on the basis of country of origin or religion; anyone who was persecuted was entitled to protection.

51. **Mr. Khalaf** said that, judging from the State party’s current legal arsenal, it was clear that there was the political will to move forward on compliance with the Convention. However, although according to paragraph 127 of the core document international instruments prevailed over national legislation, none of the documents before the Committee specified that they had constitutional rank. He would like to know whether the Convention could be invoked in the courts and whether the delegation could provide the Committee with any examples of cases where that had occurred. The possibility of referring to the Convention was all the more important as the State party’s national law did not contain a clear definition of racial discrimination in accordance with article 1, nor did it establish sanctions in accordance with articles 4 and 5. The relevant provisions of the Criminal Code were clearly not sufficient, not least because racial discrimination was not deemed an aggravating circumstance.

52. He welcomed the fact that the Constitution had been amended to provide minorities with four seats in the National Assembly. Given that the Electoral Code provided for ballots of two types — a proportional system to elect candidates put forward by political parties for the country as a whole and a majority election system for constituency deputies — he wondered whether the four seats for the minority representatives were allocated under the proportional system and, if so, whether that made for effective representation of the national minorities.

53. From the information before the Committee, it was clear that the State party’s schools were open to all refugee children for purposes of education and psychological support. He would appreciate clarification, however, as to whether they were open to children who spoke languages other than Armenian. Armenia had a tradition of receiving refugees but could the State party say that its doors were open, without discrimination, to all who had made their way there at the risk of their lives?

54. **Ms. Hohoueto** said that the provision of four seats in the National Assembly did not solve the problem of representation of minorities. Would it not be possible to take special measures to enable each of the 11 national minorities to have at least one seat in the parliament?

55. Referring to Annex 4 of the report, she said that four cases of violation of Convention rights in five years seemed a very small number. Moreover, it appeared that only one of those cases had been brought to trial, and even then the defendant had been found insane on appeal, which meant that none of the cases had in fact led to an authoritative judgment.

56. The 0.9 per cent of the national budget that was allocated to the courts was insufficient, and must mean that legal aid would not be available to persons of limited means. Similarly, the budget allocation of 0.3 per cent to the Prosecutor’s Office must mean that there were cases that would never be brought to trial.

57. She enquired as to the status of the bill to amend the law on refugees and asylum, which had been sent to parliament in February 2015; had a vote been taken yet? Lastly,

given that Christianity was the State religion, she said that she would like to know how the State party protected people's right to practise other religions.

58. **Mr. Avtonomov** said that, owing to amendments to the labour legislation, labour inspectors were no longer competent to enforce provisions relating to discrimination in recruitment and he would be grateful for any information the delegation could give on any substitute mechanisms that might perform the same function. Did the State party intend to participate in the International Decade for People of African Descent? Had the State party considered ratifying the amendments to article 8, paragraph 6, of the Convention?

59. **Mr. Amir** said that the State party's criminal, civil and administrative law still did not adequately address the discriminatory acts experienced by ethno-religious minorities. A number of measures had been taken that were courageous but insufficient from a legal and judicial standpoint. The lack of provision for a redistribution of the burden of proof, for example, made it difficult for the Human Rights Defender to gather information on complaints and thus to establish the facts of a case.

60. He would welcome information on progress in providing language support in preschool education in areas with minority populations, in line with the Committee's recommendations in its previous concluding observations (CERD/C/ARM/CO/5-6).

61. He wondered what explanation there might be for the verbal and even physical attacks on human rights defenders, and for the fact that open calls for violent action against particular religions had not prompted any reaction from the authorities. Similarly, he would appreciate hearing the delegation's comments on reports that press articles and broadcasts in the media verged on religious intolerance against anyone who was not a member of the Apostolic Church.

62. **Mr. Hovakimian** (Armenia) said that the population of Armenia constituted only around one third of the total number of Armenians in the world, who were spread over a hundred countries in a diaspora of 9 or 10 million people. The largest groups resided in the Russian Federation, followed by the United States and France. There had been a well-organized community of 100,000 Armenians in Aleppo in the Syrian Arab Republic, but that had been decimated by the civil war and Armenia had taken in some 20,000 Syrian refugees of Armenian descent.

The meeting rose at 5.50 p.m.