

STATEMENT
by Mr. Ashot Hovakimian,
Deputy Minister of Foreign Affairs
Head of the Armenian Delegation
at the 92nd meeting of the
UN Committee on the Elimination of Racial Discrimination

Mr. Chairman,
Distinguished members of the Committee,

We are honored to represent the Government of the Republic of Armenia in this meeting, which is a great opportunity to provide the Committee with the updated information on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination. The latest report on the implementation of the Convention has been drawn up by an inter-agency working group and coordinated by the Ministry of Foreign Affairs of the Republic of Armenia. It covers the legislative, administrative and other measures undertaken by the authorities of the Republic of Armenia, which are aimed at implementing the provisions of the Convention. It has been elaborated taking into consideration also the Concluding Observations, containing the concerns and recommendations of the Committee on the Elimination of Racial Discrimination, which were submitted after the discussions on the Fifth and Sixth Joint Periodic Report of the Republic of Armenia.

The draft report has been discussed with the representatives of non-governmental organizations of 11 national minorities of the Republic of Armenia, and their comments and recommendations have been taken into consideration in the final version of the report.

Mr. Chairman,

The Government of Armenia attaches a particular importance to the elimination of all forms of discrimination and condemns all forms of its manifestation. Respective legislative basis is in the process of development in order to ensure equality of all citizens of the country in all spheres of life without any discrimination, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin.

In December 2015 Armenia held a referendum on Constitutional amendments (the draft Constitution has been evaluated by the Council of Europe's Venice Commission as a document "in line with international standards".) According to these constitutional changes the presidential system has been replaced by a parliamentary system. The amendments to the Constitution provide more comprehensive and effective protection of human rights in Armenia. According to the Article 29 of the Constitution, any discrimination based on any ground such as sex, race, color, 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 other personal or social circumstances shall be prohibited.

One of the main achievements of the Constitutional reforms is the Article 89, according to which the representatives of national minorities are allocated number of seats in the National Assembly of the RA prescribed by the Electoral Code. According to Article 95 of the new Electoral Code, "Four mandates of MPs shall be distributed among national minority representatives by the

principle of one mandate to each of the first four national minorities with the largest number of resident population according to the data of the latest census preceding the elections. To this end, mandates shall be distributed among the political parties (alliances of political parties) having passed the threshold, by the coefficient received for each mandate.”

Parliamentary elections were held in Armenia on April 2, 2017, where 9 political parties and party blocs were competing for the seats in the National Assembly, out of which 4 reached the required threshold. In accordance with the above-mentioned Article of the Electoral Code representatives of Yezidi, Russian, Assyrian and Kurdish minorities have become members of the National Assembly for 2017-2021.

The Law of the Republic of Armenia “On making supplements to the Law of the Republic of Armenia ‘On local self-government’” adopted by the National Assembly of the Republic of Armenia on 19 June 2013 envisages capacity-building of local self-government bodies through the deepening of relations between the local self-government bodies and different groups of the population, including national minorities. In particular, the Law enables the residents representing national minorities to take the initiative to include an issue in the meeting agenda of the Council of Elders.

One of the most important steps in the state policy for exclusion of discrimination in the reporting period, most obviously, is the National Strategy for the Protection of Human Rights, as a tool ensuring implementation of a joint and comprehensive policy in the sphere of human rights protection. For the purpose of implementation of the Strategy, Action Plan deriving from the National Strategy was adopted on 27 February 2014, by the Decision of the Government of Armenia, a part of which referred to the right to freedom of thought, conscience, religion and belief, the fight against discrimination. It should be emphasized that the Ministry of Justice of the Republic of Armenia accomplished the drafting of the new National Action Plan for Human Rights Protection for the period of 2017-2019. The new Action Plan includes provisions relating to the adoption of a standalone legislation on fight against discrimination, the establishment of the equality body within the Human Rights Defenders’ Office, as well as adoption of a procedural manual for judges on the implementation of the anti-discrimination legislation. Training to enhance the capacity building of judges and lawyers is also envisaged in the new Draft Action Plan. The standalone legislation on anti-discrimination that is currently being developed by the Ministry of Justice is expected to be adopted by the end of 2017.

The Government continued to strengthen the protection of women’s rights in country. The National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia “On ensuring equal rights and opportunities for women and men” on 20 May 2013. Its main purpose is to ensure equality between women and men in all spheres, legal protection from discrimination, as well as support the formation of civil society. It should also be noted that more effective quota for women’s representation (25%) in the Parliament has been prescribed as compared with the regulations of the previous Electoral Code (only 20% of representation). At the same time, a gradual approach has been stipulated, and a higher quota has been prescribed for 2021 (30%).

It is important to mention also about the fundamental role of the criminal justice system in combating discrimination. One of the key provisions is the Article 226 of the Criminal Code, which qualifies actions aimed at incitement of national, racial, or religious hostility, racial superiority or humiliation of national dignity as a crime and assigns punishment for that crime.

In Article 63, the circumstances aggravating punishment and liability also include committing a crime on the grounds of national, racial or religious hatred, religious fanaticism. In its turn, according

to Article 392 of the Criminal Code of the Republic of Armenia — by the relevant amendment to the Criminal Code adopted in May, 2011 — “Expulsion, unlawful confinement, enslavement, application of mass death penalties on a regular basis, kidnapping followed by disappearance, torture or cruel actions, committed based on racial, national, ethnic background, political views and belief of the civilian population shall be punished by imprisonment for a term of seven to fifteen years, or by life imprisonment.”

Mr. Chairman,

Taking into consideration the fact that refugees are one of the most vulnerable groups in society and may be exposed to various manifestations of discrimination, the authorities of the Republic of Armenia have continued to implement relevant activities aimed at preventing similar phenomena and fighting against them.

Armenia received first refugees back in 1988; these refugees were the ones who had survived and fled from the massacres of the Armenian population organized in the city of Sumgait, Azerbaijan on February 26-29, 1988. On 10-13 January 1990, massacres of the Armenians were organized in Baku, resulting in the complete removal of Armenians from Baku. Concurrently, Azerbaijan launched war against primarily Armenian-inhabited Nagorno-Karabakh, as a result of which the depopulation of Armenians living in Kirovabad, Khanlar, Getashen, Shahumyan and every other towns and villages of Azerbaijan took place in 1990-1991.

Consequently, Armenia received more than 400.000 refugees exiled from Azerbaijan. Pursuant to the data provided by the Office of the UN High Commissioner for Refugees, until the year of 2005 Armenia was heading the list of countries with the largest number of refugees per 1000 people. From the first days of arrival of refugees, Armenia has adopted the policy aimed at integrating refugees into the society, despite the social and economic difficulties prevailing in the country. The policy aimed at integrating refugees into the society has been yielding more tangible results since 2000, the year that marked the launch of activities of the Migration and Refugees Department of the Government of the Republic of Armenia a separate Agency dealing with issues of refugees. It has currently been renamed into State Migration Service of the Ministry of Territorial Administration and Development.

The countries of origin of the most asylum seekers in Armenia are Syria, Ukraine, Iraq, Iran and African countries. The number of asylum seekers in the Republic of Armenia has increased due to the events taking place in the region in recent years. In 2010 – 68 asylum seekers (25 of them received asylum), in 2011 – 73 asylum seekers (54 of them received asylum), in 2012 – 579 asylum seekers (390 of them received asylum), in 2013 – 320 (259 of them received asylum), in 2014 – 226 asylum seekers (136 of them received asylum), in 2015 – 316 and in 2016 – 110 foreign nationals sought asylum in the Republic of Armenia.

National Assembly of Armenia adopted the Law on the “Amendments and Supplements to the Republic of Armenia Law on Refugees and Asylum Seekers” on December 16, 2015 in order to bring the national legislation on the protection of the rights of refugees and asylum seekers in compliance with the international standards. Amendments envisage new regulations for issues relating to additional rights for persons belonging to vulnerable groups, asylum granting, accessibility of higher education, integration of refugees and asylum seekers, temporary protection in case of mass influxes etc.

In order to implement in practice the mentioned Law relevant by-Laws have also been elaborated by the State Migration Service and adopted.

In order to implement commitments envisaged by the Action Plan of the National Strategy for the Protection of Human Rights relating to the protection of the rights of refugees, asylum-seekers and migrants, the “Concept on the integration of refugees and asylum seekers, as well as long-term migrants in the Republic of Armenia” was approved on July 21, 2016, and respective Action Plan was elaborated in February 2017, setting out concrete mechanisms for the implementation of the provisions of the Concept.

It should also be noted that that Armenia has signed the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families and currently it is undergoing the domestic procedure for ratification.

Mr. Chairman,

Racism, racial discrimination and xenophobia are closely related to the issue of genocide and can be considered as its warning signs. UN General Assembly 1st Session Resolution 96(1) states that “many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.” This issue is of particular significance for Armenia not only because the Armenian people have suffered of Genocide, but also it is considered as the first egregious crime against humanity in the 20th century, which, still remaining unpunished, has become a precedent for crimes against other ethnic groups throughout last century. That is why Armenia stands in the forefront of the international efforts of genocide prevention.

Armenia has traditionally presented resolutions related to the Convention for the Prevention and Punishment of the Crime of Genocide. The first resolution was initiated by Armenia on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide in 1998 at the Human Rights Commission.

Resolutions were submitted within the framework of Human Rights Council since 2008; the latest was adopted in March 2015. The resolutions are living documents aimed at reflecting all developments in the field of international and human rights law during past years. They also underline new threats, challenges and warning signs in the field of genocide prevention.

These resolutions are aimed at reaffirming the importance and necessity of protecting national, racial, ethnic and religious minorities from threats to their very existence and reassure significance of modern human rights movement, aimed at eradication of racism and xenophobia.

Mr. Chairman,

During the reporting period Armenia has continued strengthening the protection of human rights in general, and those of persons belonging to national minorities in particular, undertaking concrete steps towards implementation of its commitments deriving from international treaties and respective recommendations, including, inter alia, those of the Committee. The state, on behalf of the bodies and officials, authorized by the Constitution and other laws of the Republic of Armenia, ensures equality before the law through legal, organizational and other mechanisms without any differentiation on the grounds of race, color, national or ethnic origin.

The Coordinating Council, that was established in March 2000 at the initiative of the national minorities of the Republic of Armenia and with the purpose of targeting the activities of national and cultural organizations, has been allocated 10 million AMD annually until 2012 in order to promote the educational and cultural activities of national minorities. The Council has discussed and stated many times the problems relating to the need to change the procedure for increasing and distributing the financial allocations considered by its members. As a result, since 2012, the annual amount allocated to the national minorities by the Government of the Republic of Armenia has been doubled, thus reaching 20 million AMD.

According to the data of 2015, 66 religious organizations are registered in the State Register Agency of Legal Entities of the Republic of Armenia, whereof 8 are the religious organizations of national minorities (including Russian, Assyrian, Jewish, Yezidi religious communities). According to Article 5 of the current Law of the Republic of Armenia "On freedom of conscience and religious organizations", the terms established for the registration of religious organizations are not mandatory for the religious organizations of national minorities; the latter benefit from preferential and simplified terms prescribed by law when receiving state registration. The state body for religious affairs authorized by the Government of the Republic of Armenia is the Division for Ethnic Minorities and Religious Affairs of the Staff of the Government of the Republic of Armenia which, inter alia, gives an expert opinion on the religious communities having applied for registration. In the reporting period, positive opinions were delivered for the applications of all the religious communities for state registration. It has to be noted that no registration of any religious community applied for registration has been rejected.

Religious organizations of the Republic of Armenia operate freely, as well as build their meeting houses and places of worship. In the reporting period, Jehovah's Witnesses have built a new meeting house, and Armenia's Yezidi Community has built the world's second largest cathedral complex in the Republic of Armenia.

Mr. Chairman,

The Republic of Armenia, based on the existing Constitution and legislative norms, ensures the right to education of all levels, irrespective of national origin, race, sex, language, confession, political or other views, social origin, property status or other circumstances.

With the view to ensuring continuation of pre-school education programs launched with the support of the World Bank, starting from 2011, funds were envisaged in the State Budget of the Republic of Armenia for organizing one-year education for senior pre-school age children. Since 2014, corresponding funds are allocated from the State Budget to all the Marzes of Armenia for pre-school education. The mentioned initiative provides the opportunity to make pre-school education accessible for senior pre-school age children. It also expands the enrolment of beneficiaries (including children of national minorities, refugees, migrants and other vulnerable groups) in general education programs, as well as facilitates their integration and supports instruction of the Armenian language. There is no restriction (conditioned by nationality, ethnic, sex and other affiliation) on enrolment in pre-school groups.

As regards general education, within the scope of the 2012-2017 program of the Government of the Republic of Armenia, the possibility for representatives of national minorities to receive high-quality basic education is expanded. Pursuant to the program and timetable for the development of education of national minorities drafted by the Ministry of Education and Science of the Republic of

Armenia, textbooks are published, printed and re-printed for the schools of national minorities on an annual basis, as well as regular trainings are conducted for teachers of the schools of national minorities on a regular basis.

Non-governmental organizations of national minorities in the Republic of Armenia have established Sunday schools which operate in their languages. As of 2014, there are Polish, Greek, Georgian, Jewish, German, Belarusian and Ukrainian Sunday schools, most of which organize their courses at the Cultural Centre provided free of-charge to national minorities by the State.

Taking into consideration the situation in Syria and the number of immigrants in Armenia, all children have been provided with the opportunity to continue their education in corresponding classes of a general education school, irrespective of the availability of documents certifying their grade. With a view to ensuring maximum integration, all refugees have been centralized in several schools where they have been provided with psychological and educational assistance individually.

The applicants belonging to national minorities are enrolled in the institutions of higher education on general basis, as well as based on the applications submitted by the heads of national minority communities. However, based on the results of admissions exams, every year, upon the proposal of the given community, tuition free slots are provided from the reserve slots to the representatives of national minorities (to the Assyrian, Yezidi and Kurdish communities).

At the same time, based on the situation in the Syrian Arab Republic, a 50% discount has been set for the tuition fee for students having migrated from Syria and studying in the preparatory departments of colleges and universities of Armenia. It is also necessary to mention that the tuition fees of several hundreds of students who had migrated from Syria have been reimbursed every Academic year.

Mr. Chairman,

The development of the cultures of national minorities creating and producing cultural diversity in Armenia is in the focus of the Government. The Armenian authorities make allocations from the State Budget for the implementation of relevant activities and programs. The issues relating to the preservation of historical, spiritual, cultural values and ethnic identity of national minorities residing in the territory of the Republic of Armenia are also included in the programs of the culture sector of the National Security Strategy. It is also necessary to mention that by the Decision of the Government of the Republic of Armenia of 1 March 2012 “On approving the criteria for recognition of the cultural spaces in the Republic of Armenia and the list of cultural spaces”, it is envisaged to preserve the folk traditions of national minorities, study the development of their culture, reinforce co-operation with relevant regional and international institutions ensuring the broadest possible participation of communities, groups — which create, preserve and transfer intangible cultural values — in activities for the preservation, development and dissemination of that heritage.

With the state support various initiatives are carried out, such as exhibitions of arts of national minorities, music festivals, celebrations of national holidays, publication of literature and preservation of books in the languages of national minorities.

It is also important to note that programs about national minorities of Armenia dedicated not only to their language, culture and history, but also to the problems thereof, are broadcast regularly both on television and on the radio.

Concluding, Mr. Chairman, I would like to draw the attention of the Committee to the issue of credibility of the organizations submitting alternative reports as well as to the information contained therein. In this regard we would like to know whether the Committee has developed an internal procedure for the verification of the NGOs submitting the alternative reports. It is of great concern that an organization named "Caucasus center of human rights monitoring" submitted an alternative report containing false information and abusive and discriminatory language. This is even more aggravated by the fact that the organization reports that it is registered in Georgia, however, according to the information provided by the Ministry of Foreign Affairs of Georgia in response to our inquiry, no such organization is registered in Georgia. It is unacceptable that non-existing "organization" can be granted the opportunity to have such a report published on OHCHR website, and therefore we ask the committee to consider removing any report containing false information and racially motivated abusive language.

Thank you.

