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**Committee on the Elimination of Racial Discrimination****Concluding observations on the combined twelfth to  
fourteenth periodic reports of Armenia\***

1. The Committee considered the combined twelfth to fourteenth periodic reports of Armenia<sup>1</sup>, submitted in one document, at its 3119<sup>th</sup> and 3120<sup>th</sup> meetings<sup>2</sup>, held on 2 and 3 December 2024. At its 3130 meeting, held on 10 December 2024, it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the combined 12<sup>th</sup> to 14<sup>th</sup> periodic reports of the State party. The Committee also welcomes the constructive dialogue with the high-level delegation and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports and after the dialogue.

**B. Positive aspects**

3. The Committee welcomes the ratification by the State party of the following international human rights instruments during the reporting period:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure on 24 March 2021;

(b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 13 October 2020;

(c) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty on 18 March 2021;

(d) The Optional Protocol to the Convention on the Rights of Persons with Disabilities on 26 December 2022.

4. The Committee further welcomes the following legislative and policy measures taken by the State party:

(a) Human Rights Action Plan for the period 2023-2025;

(b) New Criminal Code and Criminal Procedure Code adopted on 5 May 2021, in force since 1 July 2022;

(c) The creation of the Council of National Minorities;

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\* Adopted by the Committee at its 114th session (November 25 - December 13, 2024).

<sup>1</sup> See CERD/C/ARM/12-14

<sup>2</sup> see CERD/C/SR.3119 and 3120

- (d) The recent inauguration of a new reception facility for asylum seekers in Abovyan;
- (e) The abolition of all exceptions to the minimal age of 18 for marriage.

## C. Concerns and recommendations

### **Status of the Convention in the domestic legal order and anti-discrimination legislation**

5. While taking note of the explanation provided by the State party that treaty norms take priority over national norms, the Committee is concerned about the delay in the passing of the Law on Ensuring Equality which would be instrumental to give full effect to all the articles of the Convention (arts. 1 and 4).

**6. Reiterating the recommendation made in its previous concluding observations<sup>3</sup> and recalling its General Recommendations No. 7 (1985) and No. 15 (1993) relating to the implementation of article 4 of the Convention, the Committee recommends that the State party finalises urgently the adoption of the draft laws on anti-discrimination and the draft law on the rights of minorities, and that it continue to bring its legislation into line with the Convention.**

7. The Committee welcomes the information that the State party consulted the European Commission for Democracy Through Law (Venice Commission) and the Directorate General of Democracy and Human Rights (Directorate General) on its draft Law on National Minorities, however, it is concerned about the delay in its enactment (arts. 1 and 4).

**8. The Committee recommends that the State party to take into consideration the joint recommendations provided by the Venice Commission and the Directorate General and to speed the process of revision and enactment of the draft Law on National Minorities.**

### **Organizations that promote racial hatred and racist propaganda**

9. The Committee welcomes the information provided which indicates that the new criminal code of Armenia prohibits hate speech (article 325) and public calls for violence (article 330) and that it provides for the possibility of criminal responsibility of legal entities. The Committee also welcomes that the draft law on “Ensuring Equality” which includes special procedures by which, in cases of alleged discrimination, after a prima facie case has been made by the plaintiff, the burden of proof will be shifted to the defendant to prove that the action, inaction, attitude or regulation does not amount to discrimination. However, the Committee remains concerned that, according to the information received from the State party, the Tax Administration is the only authorized body which can petition a Court to liquidate public organizations if they are found to have engaged in illegal activities such as promotion of racial hatred and racist propaganda (art 4 (b)).

**10. Recalling the recommendation made in its previous concluding observations<sup>4</sup> the Committee reminds the State party of its obligation under article 4 (b) of the Convention to declare illegal and prohibit organizations that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law, and reiterates its recommendation that the draft Law on Ensuring Equality be enacted urgently.**

### **Hate crime and hate speech legislation**

11. The Committee is concerned at reports of racist hate speech and discriminatory statements in public discourse, including by public and political figures and in the media-and on the Internet, including at reports of inflammatory and hate speech in the context of the Armenia and Azerbaijan situation. It further notes with concern that there is a the lack of

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<sup>3</sup> See CERD/C/ARM/CO/5-6, paragraph 8 and CERD/C/ARM/CO7-11, paragraph 6

<sup>4</sup> See CERD/C/ARM/CO/5-6, paragraph 8 and CERD/C/ARM/CO7-11, paragraph 6

clear regulation for reporting and removing hateful content, and that the Media Ethics Observatory's decisions lack binding power and cannot enforce sanctions effectively. The Committee is also concerned about the lack of reliable statistics on hate speech and hate crimes occurrences (art. 4 (a)).

**12. Bearing in mind its General Recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party**

(a) **Take appropriate measures to strongly condemn and distance itself from racist hate speech and discriminatory statements in public discourse, including by public figures;**

(b) **Call upon those responsible to ensure that their public statements do not contribute to incitement of racial hatred;**

(c) **Regulate the reporting and removing of hateful content , in particular on the internet;**

(d) **Register, investigate and bring to justice cases of hate speech and sanction those responsible;**

(e) **Develop an appropriate strategy for monitoring of hate speech incidents and collecting disaggregated data and adopts mechanisms to prevent online hate speech in collaboration with social media actors.**

**Reporting of cases of racial discrimination and prosecution of perpetrators**

**13.** While the Committee takes note of the four criminal cases for “incitement of national, racial or religious hostility”, as provided for by the previous Criminal Code (see CERD/C/ARM/12-14, para 55), as well as the intention to reverse the burden of proof in discrimination cases through the draft law on “Ensuring Equality”, the Committee remains concerned at the low number of cases of racial discrimination registered, investigated and brought before the courts during the reporting period. The Committee reminds the State party that the low level of complaints may signify impediments in invoking the rights in the Convention domestically, including lack of public awareness of the rights enshrined in the Convention and a lack of access to, availability of or confidence in the methods to seek judicial recourse (arts. 2 and 4-7).

**14. Recalling its General Recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee again reminds the State party that the absence of complaints or legal proceedings brought by victims of racial discrimination can be indicative of legislation that is insufficiently specific, a lack of awareness of available remedies, fear of social disapproval or reprisals, or an unwillingness on the part of the authorities to initiate proceedings. The Committee therefore reiterates its previous recommendation (CERD/C/ARM/CO/7-11, para 14) that the State party take all steps necessary to facilitate access by minorities to justice, to disseminate information on legislation relating to racial discrimination and to inform the population residing in its territory about all the legal remedies available to them and of the possibility of obtaining legal assistance.**

**Freedom of expression by minority groups**

**15.** The Committee is concerned at reports that a human rights defender of the Yezidi minority had criminal charges pressed against him under article 226, Part 2, Paragraph 1 of the (former) Criminal Code for “inciting national enmity between the Armenians and Yezidis” during an interview on June 8, 2020. The Committee is concerned at reports, including from Human Rights Council's Special Procedures, that such criminal charges constitute an undue restriction of the freedom of expression, in particular the freedom to raise concerns about the treatment of minorities within a State (art. 5 (d) (viii)).

**16. The Committee urges the State party to take all measures necessary to ensure that freedom of expression, in particular in the context of the rights of minorities, is fully respected within the State party.**

**Enjoyment of the right to education by ethnic minorities**

17. The Committee welcomes the information that the State party is undergoing a thorough reform of the education system and that it is undertaking the renovation of school centres, including in areas with high levels of population from national minorities. It also appreciates that pre-school education can be arranged for in minority languages in parallel with Armenian. However, the Committee is concerned at reports that there are issues related to the right to education of the Yezidi community, namely lack of kindergarden and preschools, inadequate professional skills of the teaching staff, and the lack of knowledge of minority languages, discrimination against Yezidi students, distances between the schools and the communities, the quality of school facilities and equipment and the adequate availability of textbooks in Yezidi language. The Committee is further concerned that the minorities, in particular, Yezidis and Kurds are at the lowest levels of education. While welcoming that the 2022 census contains disaggregated data based on ethno-religious origin collected on the principle of self-identification, the Committee remains concerned about the lack of information on small minority ethnic groups such as the Lom (also known as Boshra) and the Molokans (art. 5) and their access to education.

**18. The Committee requests that the State party provide the Committee with updated information on economic and social indicators disaggregated by ethnicity, nationality and country of origin, which will enable the Committee to better understand the extent to which minority groups, refugees and asylum seekers enjoy their economic, social and cultural rights, as well as the results of the current reform of the education system on those groups. The Committee also requests that the State party conduct studies and surveys on small ethnic groups such as the Lom and the Molokans to enable it to evaluate such groups' enjoyment of the rights protected by the Convention.**

**Enjoyment of the right to property by ethnic minorities**

19. The Committee welcomes the information provided that a special transitional justice mechanism has been established looking, among other matters, at issues raised by the privatisation process. However, it is concerned at reports that land used by persons of Yezidi ethnicity has been purchased and dealt with by third parties, in auctions about which the Yezidis were not informed and in which they did not participate; and that many Yezidis have been excluded from the privatisation process. In particular, it was reported that a complaint was filed with the Human Rights Defender Office on 2005 on behalf of 250 Yezidis and is still pending (art. 5 (d) (v)).

**20. The Committee recommends that the State party ensures the full participation of minorities in the transitional justice mechanism, as well as ensures that all complaints regarding illegal appropriation of land used by minorities are duly examined.**

**Non-refoulement and non-penalization**

21. While welcoming the domestication of the non-penalisation clause of article 31 of the 1951 Refugee Convention, reflected in the Law on Refugees and Asylum as well as applied in the new Criminal Code and Criminal Procedural Code; the Committee is concerned at reports that deportations have taken place whilst an appeal against the rejection of asylum was pending before domestic Courts (arts. 2 and 5).

**22. The Committee urges that the state party ensures that asylum-seekers are not returned or removed to a country or territory where they are at risk of being subject to serious human rights violations, including torture and cruel, inhuman or degrading treatment or punishment, including by further strengthening the safeguards for non-penalisation of irregular entry by asylum seekers and ensuring asylum seekers in detention have access to fair and efficient refugee status determination procedures, as well as appeal procedures with the possibility of having a suspensive effect on the deportation order.**

**Situation of refugees and asylum-seekers**

23. Whilst welcoming the inauguration of a new reception facility in Abovyan and the fact that refugees and asylum seekers have, according to law, the same access to health care,

education and right to work as citizens of Armenia, the Committee remains concerned at reports that asylum seekers may not be exercising those rights as they may be unaware of them because of absence of information shared in border crossings and at reception facilities, as well as lack of language capacity in those.

**24. The Committee recommends that the State party ensures that the applicable law giving the same access to health care and education and right to work for, refugees and asylum-seekers as citizens of Armenia is applied in effect and practice, and that data is made available on the enjoyment of economic, social and cultural rights by refugees and asylum-seekers in the country.**

#### **Stateless persons**

**25.** The Committee welcomes the efforts undertaken by the State party to introduce safeguards against the loss of nationality in the context of naturalisation in a foreign country, which had caused instances of statelessness, as well as to extend the possibility of simplified acquisition of Armenian nationality by stateless persons. However, the Committee remains concerned that as of December 2023, 389 persons remain stateless in Armenia.

**26. The Committee urges the State party to establish a designated statelessness determination procedure and take the necessary steps to identify and protect stateless persons in Armenia and to reduce statelessness, to better fulfil its obligations under art. 1, 2 and 5 and in light of the Committee's General Recommendation No. 30.**

#### **Participation in public life**

**27.** Whilst the Committee commends the creation of the Council of National Minorities; it is concerned at reports that the role and competence of this body is not clearly defined and that the current draft Law on National Minorities does not fully address such lacunae (art. 5 (c) and (d)).

**28. The Committee reiterates its recommendation that the State party take into consideration the recommendations issued by the Venice Commission/Directorate General to its draft Law on National Minorities, and to expedite the enactment of a Law on National Minorities institutionalising the participation of minority groups as well as to ensure to the extent possible, the effective participation of all groups in public bodies and institutions, including the public administration, the police and the judiciary.**

#### **Child marriage**

**29.** The Committee welcomes the information provided that as of 11 September 2024, there is no longer any exception to the minimal age of 18 for marriage. However, it remains concerned at reports that child marriage remains frequent in the Yezidi community and that rates of unregistered marriages are particularly high among the Yezidi (arts. 2 and 5).

**30. The Committee invites the State party to further its efforts and take all necessary steps to prevent all instances of child marriage.**

#### **Missing persons**

**31.** Whilst concerned at the thousands of persons that have gone missing in the context of the armed conflict between Armenia and Azerbaijan, the Committee welcomes the State party's determination to collaborate with the ICRC and Azerbaijan to clarify the fate of those persons.

**32. The Committee encourages the State party to continue engaging in good faith in a dialogue to reach a long-lasting peace agreement and clarify the fate of all missing persons, including those that went missing in the 1990s.**

## **D. Other recommendations**

### **Ratification of other treaties**

33. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

### **Amendment to article 8 of the Convention**

34. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

### **Declaration under article 14 of the Convention**

35. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

### **Follow-up to the Durban Declaration and Programme of Action**

36. In light of its General Recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

### **International Decade for People of African Descent**

37. In light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is coming to an end, the Committee requests that the State party include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's General Recommendation No. 34 (2011) on racial discrimination against people of African descent.

### **Consultations with civil society**

38. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

### **Dissemination of information**

39. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the

concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

#### **Common core document**

40. The Committee encourages the State party to update its common core document which dates 10 May 2019 in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

#### **Paragraphs of particular importance**

41. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 16, 26 and 30 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### **Follow-up to the concluding observations**

42. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 6, 12 (d) and 20 above.

The Committee commends the State party for the timely submission of the follow up report requested in its previous concluding observations.

#### **Preparation of the next periodic report(a)**

43. The Committee recommends that the State party submit its 15<sup>th</sup> and 16<sup>th</sup> periodic reports, as a single document, by 23 July 2028, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.