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**REPORT SUBMITTED BY ARMENIA  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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## TABLE OF CONTENTS

INTRODUCTION.....	4
Part I.....	5
Brief historical review .....	5
The Republic of Armenia according to the Constitution .....	5
The administrative territorial divisions of the Republic of Armenia .....	6
The relation between the international law and national legislation of the Republic of Armenia .....	6
The judicial reforms of the Republic of Armenia .....	6
Information on ethnographic statistic data of the Republic of Armenia .....	7
The state policy of the Republic of Armenia in the sphere of the national minorities' rights protection.....	7
The policy on the fulfilment of the aims of the Framework Convention.....	9
The shortcomings of the legislation of the Republic of Armenia .....	10
Part II.....	10
Article 1 .....	10
Article 2.....	11
Article 3.....	12
Article 4.....	13
Article 5.....	14
Article 6.....	15
Article 7.....	18
Article 8.....	19
Article 9.....	19
Article 10.....	21
Article 11.....	22
Article 12.....	24
Article 13.....	26
Article 14.....	26
Article 15.....	27
Article 16.....	28
Article 17.....	28
Article 18.....	29
Article 19.....	30
Article 20.....	30
Article 23.....	31
Article 30.....	31

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**First Report  
of the Republic of Armenia  
Pursuant to paragraph 1 of Article 25  
of the Framework Convention  
for Protection of National Minorities**

## INTRODUCTION

Since the independence in 1991 Armenia has adopted the policy of integration in the International and European structures and in the international community in general. The precondition for that is the compliance with the international standards in the sphere of protection of human rights and fundamental freedoms. Making the issue of further development of democracy and the protection of human rights as one of its internal and foreign policy priorities, Armenian authorities have made significant efforts for the formulation of legal and institutional protection of human rights. Recognising the necessity and the role of international cooperation in protection of human rights and fundamental freedoms, the Republic of Armenia by the virtue of its sovereignty is responsible for the comprehensive development of this field and for implementation of its commitments in good faith.

Pursuant to the Article 27(1) of the Framework Convention for Protection of National Minorities, Armenia, not being yet the member of the Council of Europe, was invited by the Committee of Ministers of the Council of Europe to sign the Convention.

Armenia signed the Framework Convention on 25 July 1997 and ratified it on 17 February 1998. The instrument of ratification was deposited with the Secretariat of the Council of Europe on 20 July 1998.

In respect of the Republic of Armenia the Convention entered into force on 1 November 1998. Subject to paragraph 1 of Article 25 of the Framework Convention for Protection of National Minorities the Republic of Armenia should have submitted this Report on November 1, 1999, within one year after the entering into force of the Convention. However, because of certain reasons consequential for the elaboration of the Report, it is being submitted with some delay.

The reasons are as follows:

1. As the last census in the Republic of Armenia was held in 1989, the next census should be in 1999, according to the practice. But according to the Law on Census adopted by the National Assembly of the Republic of Armenia in 1999 holding of a new census was envisaged for 2001. The goals of census are to receive necessary information on population for the purpose of designing the main directions of socio-economic development of the Republic of Armenia, for the demographic social researches, for the quantity of population, current register and predictions. And therefore, it would be more preferable to use in this report the data of the new census.

2. In case of the absence of new census data, trustful information on national minorities was available from the organisations of national minorities registered in the Ministry of Justice of the Republic of Armenia. But there was also a problem connected with Article 6 of the Law on Application of the Civil Code of the Republic of Armenia adopted by the National Assembly of the Republic of Armenia (17.06.1998), constituting that until January 1, 2001, request for reorganisation and compliance with the requirements of norms prescribed in Chapter 5 of Civil Code of the Republic of Armenia on foundation documents of legal persons contemplated by Chapter 5 of Civil Code and established prior to entering into force of the Civil Code. This fact itself deals with the problem of organisations of national minorities.

This report was prepared by the Ministry of Foreign Affairs of the Republic of Armenia on the basis of information provided by the relevant ministries and agencies, taking into account the remarks and proposals made not only by the relevant agencies, but also non-governmental organisations of national minorities, namely, Georgians, Greeks, Jews, Kurds, Poles, Russians, Syrians, Yezides.

## **Part I**

### **Brief historical review**

1. Being one of the ancient countries, Armenia became independent on the 28 of May in 1918 and lost its independence on 29 November 1920. After it Armenia became one of the 15 Republics of the former Soviet Union.
2. On 21 September 1991 the Republic of Armenia re-established its independence through the referendum.
3. The territory of the Republic of Armenia is 29.800 square kilometres; population is about 3800000<sup>1</sup> people. Armenia is bordering with Georgia, Azerbaijan, Iran and Turkey.

### **The Republic of Armenia according to the Constitution**

4. The Constitution of the Republic of Armenia was adopted on the 5 June 1995 through the referendum<sup>2</sup>.
5. The Constitution of the Republic of Armenia declares that the Republic of Armenia is a sovereign, democratic State, based on social justice and the rule of law. The Constitution is the basis for legislation.
6. The Article 4 of the Constitution of the Republic of Armenia declares: “The State guarantees protection of human rights and freedoms based on the Constitution and the Laws, in accordance with the principles and norms of International Law”.
7. The Chapter 2 of the Constitution refers to fundamental human and citizen rights and freedoms. The Constitution declares that all are equal before the Law and have equal

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<sup>1</sup> As of 1 July 2000 in the Republic of Armenia the number of population in cities was 2534,2 thousand people and in villages-1269, 4 thousand people. The number of present population is considerably less because of emigration. There are not reliable data on index of population number because of insufficient emigration records. Reliable data on a part of emigration are only in difference of indexes of those that have arrived and left by air transport. According to the calculation data of transportation implemented by General Department of Civil Aviation of the Republic of Armenia, in 1992-1999 the number of leavers from the Republic exceeded the number of those that have arrived by more than 622 thousand people. Since the May-June 2000 was received information on transportation by means of motor transport and trains (bus, express taxis and cars).

<sup>2</sup> In 1998 was established Commission under the President of the Republic of Armenia for the purpose of preparation constitutional reforms. Currently the preparation of proposals on constitutional reforms is in its final phase. The Constitutional reform is carried out in close co-operation with the Venice Commission and the Working Group of the Venice Commission and the Armenian delegation drafting the Constitution will hold a working meeting in Strasbourg in early June 2001. It is envisaged that a final draft will be submitted to the next plenary meeting of the Commission (7-8 July 2001). The Commission will probably issue an opinion on the draft during the same session.

opportunities to enjoy the rights, freedoms and responsibilities as defined in the Constitution and in other legislative acts.

### **The administrative territorial divisions of the Republic of Armenia**

8. According to the Constitution the Republic of Armenia is a unitary State. The Administrative Units of the Republic of Armenia are provinces (“Marzes”) and districts (communities). According to the Constitution of the Republic of Armenia and the Law on Administrative Territorial Divisions, the Republic of Armenia exercises State government in the provinces and local self-government - in the districts. The Republic of Armenia consists of 10 provinces and of the City of Yerevan, which has a status of province. The relevant Law regulates local self-government. Matters related to regional government are regulated by sublegislative acts (Decree of the President of the Republic of Armenia). The draft Law on foregoing sphere is in preliminary phase.

### **The relation between the international law and national legislation of the Republic of Armenia**

9. The Constitution of the Republic of Armenia confirms the principle of direct transformation. According to Article 6 of the Constitution of the Republic of Armenia the ratified International treaties are the integral part of the legal system. In case of discrepancy between the International treaties and the Laws of the Republic of Armenia, the International treaties shall prevail. According to Article 5 of the Law on International Treaties of the Republic of Armenia the norms of international treaties effect directly except when it is provided by the International treaties in question or its effective application does not require the adoption of a domestic act. The International treaties that contradict the Constitution may be ratified after making a corresponding amendment to the Constitution.

### **The judicial reforms of the Republic of Armenia**

10. The judicial reforms have been completed in the Republic of Armenia, but after the accession to the Council of Europe some other reforms are necessary to be carried out<sup>3</sup>.

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<sup>3</sup> Within past years National Assembly of the Republic of Armenia elaborated and adopted the Civil Code of the Republic of Armenia, the Civil Procedure Code, the Criminal Procedure Code, the Law on Court System, the Law on Status of a Judge, the Law on Prosecutor's office, the Law on Bar Activity, the Law on Arbitrages and Arbitrage Proceedings, the Law on Compulsory Execution of Judicial Acts, the Law on Freedom of Conscience and Religious Organisations, the Law on Press and Mass Media and other legislative acts. The Criminal Code of the Republic of Armenia is in its final phase of adoption. The adoption of some Laws, such as the Law on Ombudsmen, the Law on Alternative Arm-service, the new Law on Mass media and the Law on Non-governmental Organizations, is important, as well as the new Criminal Code of the Republic of Armenia.

### **Information on ethnographic statistic data of the Republic of Armenia**

11. The last census in the Republic of Armenia was carried out in 1989. Radical political, economic and social changes after the independence, the termination of activities of large factories and enterprises for environmental purposes, fuel crisis, Nagorno Karabakh conflict, economic blockade along the Azerbaijani-Armenian and Turkish-Armenian borders, the earthquake in 1988 had their reflection on the overall situation of the Republic of Armenia.

12. It is recognised that there are no monoethnic countries in the world and Armenia is not an exception. Within the centuries people of various national minorities have inhabited and live nowadays on the territory of Armenia and they have never been subject to discrimination. National minorities constitute about 3% of the population of the Republic of Armenia.

13. Representatives of over 20 nations live in the Republic of Armenia - Belorussians, Georgians, Germans, Greeks, Jews, Kurds, Poles, Russians, Syrians, Ukrainians, Yezides. They have found their second homeland and are taking part in the economic and cultural development of Armenia within their capabilities. If we look at this issue chronologically it becomes clear that the last period of the immigration of those nations to Armenia dates back to the mid-19th century.

14. According to the data of the latest census in 1989 the ethnical distribution of population in Armenia was the following:

	Absolute amount	Percent
Armenians	3.083.616	93,3
Azeris	84.860	2,6
Kurds and Yezides	56.127	1,7
Russians	51.555	1,6
Ukrainians	8.341	0,2
Syrians	5.963	0,2
Greeks	4.650	0,1
Other nations	9.664	0,3
Total	3.304.776	100,0

The general economic data of the Republic of Armenia

15. The indexes of gross national revenue in economy as follows:

GNP in market prices – AMD 1,032,629.9 million (AMD - Armenian dram) / USD 1,912, 179,592.6.

GNP per capita – AMD 271, 600 / USD 503

### **The state policy of the Republic of Armenia in the sphere of the national minorities' rights protection**

16. The principal basis for the performance of State policy on protection of the rights of persons belonging to national minorities is the Constitution of the Republic of Armenia. As a result of public development and social value, the Constitution is entitled to protect the rights and freedoms of individual.

17. The President of the Republic of Armenia in its proclamation emphasised that Armenia is the homeland not only for natives, but also for the national minorities living on its territory.

18. In the Agreement on Establishment of Commonwealth of Independent States signed among Russia, Ukraine and Byelorussia on the 8th December 1991 in Minsk, formally confirming the end of USSR<sup>4</sup>, was envisaged that parties should protect the national minorities living on their territories aiming to assist the expression, preservation and development of their ethnical, cultural, linguistic, religious identity. The CIS heads of States signed in the Convention “On protection of the rights of persons belonging to national minorities”, In 1994, in Moscow. The National Assembly of the Republic of Armenia ratified it on 11 October 1995<sup>5</sup>.

19. The absence of Law on national minorities<sup>6</sup> is a shortage in the legislation of the Republic of Armenia. Consequently, the definition of the term “National Minorities” does not exist. But, practically, the term “National Minorities” means the nationals of the Republic of Armenia permanently living in the Republic of Armenia who are different from the basic population by its ethnic origin. Such approach coincides with the term defined in the CIS Convention “On the Protection of Rights of Persons Belonging to National Minorities”, pursuant to which persons belonging to national minorities, are permanent inhabitants on the territory of any Contracting Party and have its citizenship, however, differ from the basic population of such Contracting Party by their ethnical origin, language, culture, religion and traditions.

20. Although Article 37 of the Constitution of the Republic of Armenia and the above-mentioned Convention are in force, a State body (authority) is necessary for their effective application. But even the absence of such body shall not refer to essential lack in this sphere.

21. Armenia is bound by several International conventions and treaties concerning human rights. (See Article 1).

22. In 1998 Commission of human rights was established under the President of the Republic of Armenia which was considered to be important and necessary step towards the establishment of the institution of Ombudsmen. The Commission is occupied with the discussion and re-establishment of violated rights and takes measures for preventing violations of human rights. The Commission has prepared the Law on Ombudsmen of the Republic of Armenia, which was forwarded to National Assembly of the Republic of Armenia. The Commission consists of 17 members, representing State bodies, non-governmental organisations, independent journalists and lawyers.

23. The establishment of Co-ordination council of national minorities of the Republic of Armenia under the advisor to the President of the Republic of Armenia is an important step in protection of national minorities. The purpose of this Council, officially established on the 15 of June 2000 by order of the President of the Republic of Armenia, is to provide the protection of national minorities, to activate their inter-community relationships, as well as to make more effective the State care of the problems of education, culture, legal and other problems. It shall be noted that the Decree of the President followed the first conference of representatives of

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<sup>4</sup> 8 Republics of the former USSR also accede to the Agreement (including the Armenia) on the 21 December 1991 signing the additional protocol that is integral part thereof.

<sup>5</sup> As of January 2001 The Convention is in force for Armenia, Azerbaijan, Belarus.

<sup>6</sup> The preliminary works of Law draft on “National minorities” was commenced on initiative of fraction of ARF in National Assembly and staff of the President of the Republic of Armenia involving the famous specialists of ethnographical scientific thought of Armenia.



national minorities which took place on the 12 March 2000. The Co-ordination council is a link for establishing a special State body on matters of national minorities. The President of the Republic of Armenia and the Prime Minister of the Republic of Armenia have held a number of meetings with the Co-ordination council for discussing the establishment of cultural centre of national minorities.

24. Though there is no Law on National Minorities in the Republic of Armenia, some Laws directly constitute and guarantee the rights of national minorities. The Law on language of the Republic of Armenia constitutes the general provisions of language policy of the Republic of Armenia, governs the state of language, the language relationship between State and administrative authorities, enterprises, offices and organisations. According to this Law Armenian Language is declared as the State language to be used in all spheres of the Republic of Armenia. It also states that the Republic of Armenia guarantees freedom of use of languages of national minorities on its territory. Article 2 of the Law declares: “In the communities of national minorities of the Republic of Armenia the general education and study may be organised in their native language according to the state school programmes, with obligatory study of Armenian language. There are also Laws on education, Freedom of conscience and religious organisations and others.

25. The term “National Minority” is well known and obvious for Armenians, who as a result of the genocide in the beginning of 20<sup>th</sup> century, have spread throughout the world and themselves constitute national minorities in different countries. It shall be noted that Article 11 of the Constitution of the Republic of Armenia, is binding for authorities of the Republic of Armenia according to the principles and norms of International Law:

1. to assist to the protection of Armenian historical and cultural values located in the other countries,
2. to assist to the development of Armenian educational and cultural life in the other countries.

Having this consideration in mind the Republic of Armenia shall pay more attention to the execution of similar decisive policy concerning to national minorities on its territory.

### **The policy on the fulfilment of the aims of the Framework Convention**

26. Article 6 of the Constitution of the Republic of Armenia proclaims that the Laws shall take effect only after official publication. The non-published legal acts on human rights, freedoms and duties have no legal force. The Laws of the Republic of Armenia shall be published in the Official Magazine of the Republic of Armenia.

27. Article 38 of the Law of the Republic of Armenia on International treaties constitutes that the International treaties of the Republic of Armenia, entered into force as prescribed by Law, shall be published in the “Official magazine on International treaties of the Republic of Armenia”. The “Official magazine on International treaties of the Republic of Armenia” is the official periodical of the Ministry of Foreign Affairs of the Republic of Armenia published in a frequency defined by the Ministry of Foreign Affairs of the Republic of Armenia. The International treaties of the Republic of Armenia concerning human rights, freedoms and duties will be published also in the “Official Magazine of the Republic of Armenia” according to the legislation on the publication of the Republic of Armenia and other normative legal acts.

28. An information meeting was held in Yerevan under the patronage of the Council of Europe on 12 November 1998, with an aim of informing on the provisions on protection of national minorities Framework Convention. The foregoing measures shall give the opportunity to make reality the efforts taken to inform the public on this Convention.

29. Within the framework of Memorandum of Understanding signed in 1998 between the OSCE Office for Democratic Institutions and Human Rights and the Government of the Republic of Armenia, in May of 2000 in Yerevan the Ministry of Foreign Affairs of the Republic of Armenia organised a round table on the problems of national minorities as well as religious organisations of Armenia. In the works of round table took part the representatives of national and religious organisations living in Armenia as well as State bodies concerned. The experts invited from the Council of Europe and OCSE/ODIHR particularly explained the participants one more time the International Standards concerning to the protection of national minorities. As a result of discussions was decided to contemplate special courses on relevant themes in the programmes of educational institutions of the Republic of Armenia. For this purpose special educational collections are being prepared and shall be published soon.

### **The shortcomings of the legislation of the Republic of Armenia**

30. Comparative analysis of International legal documents signed within past years and Armenian legislation showed the incompleteness of the latter. The revealed fundamental lacks are the following:

- The human rights are not recognised as supreme value,
- The human dignity constituted not as an object of constitutional right but as a civil criminal right. The approach specific to previous Soviet juridical system has not been overcome yet in Armenia.
- There is not clear division between Right and Law, moreover the peril of sub classification the right to Law is substantial.
- The individual is deprived of constitutional justice and other.

These all are essential lacks, which seriously reduce the guarantees of protection of human fundamental rights and freedoms. For the improvement the legal field are being implemented constitutional reforms in Armenia.

## **Part II**

### **Article 1**

***The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the International protection of human rights, and as such falls within the scope of International co-operation.***

31. Regarding the protection of national minorities' rights as integral part of International protection of Human Rights, shall be paid attention to integration process in International sphere. The protection of rights of national minorities in International Law is usually

implemented in 2 directions - by providing of human basic rights and freedoms and by recognising and implementing the special rights of national minorities.

32. In March of 1992 the Republic of Armenia became Member State of UN. The Republic of Armenia is a member of some International Organisations (OSCE, UNESCO and et.) reflecting the activities of the Republic of Armenia in the sphere of International Co-operation. And on 25 of January of this year Armenia became a member of the Council of Europe.

33. Armenia is a party to following international legal instruments:

- International Covenant on Civil and Political Rights of 16 December and Protocol Thereto,
- International Covenant on Economic, Social and Cultural Rights of 16 December 1966,
- International Covenant on the Elimination of all Forms of Racial Discrimination of 21 December 1965,
- International Convention on the Suppression and Punishment of the Crime of Apartheid 30 November 1973,
- Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1949,
- Convention on the Elimination of all Forms of Racial Discrimination against Women of 31 March 1953,
- UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,
- Convention relating to the Status of Refugees 28 July 1951, and Protocol thereto,
- Convention on the Rights of Child of 20 November 1959,
- European Framework Convention for the Protection National Minorities,
- Agreement relating to the Restoration of the Rights of displaced Persons, National Minorities and Nations (CIS),
- Convention on protection of the rights of persons belonging to the National Minorities (CIS) and others.

34. At the time of the ceremony of its accession to the Council of Europe the Republic of Armenia signed the European Convention on Protection of Human Rights and Fundamental Freedoms and its Protocols No 1, No 4, No 6, No 7. In respect of its commitments related to the accession to the Council of Europe the Republic of Armenia has signed the European Charter for Regional or Minority Languages on 11 May 2001 and also shall sign the European Social Charter.

## **Article 2**

***The provisions of this Framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.***

35. The Article 9 of the Constitution of the Republic of Armenia stipulates: “The foreign policy of the Republic of Armenia shall be conducted in accordance with the norms of international law with the aim of establishing good neighbourly and mutually beneficial relations with all States”.

36. As subject of International law the Republic of Armenia is bound to follow steadfastly the principles of International Law in which is also the principle *pacta sunt servanda bonae fidei*.

### Article 3

**1. *Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall arise from this choice or from the performance of the rights which are connected to that choice.***

**2. *Persons belonging to national minorities may individually and combinatly exercise the rights and enjoy the freedoms flowing from the principles of the present Framework Convention.***

36. The citizens of the Republic of Armenia have the right freely to choose to be treated or not to be treated as a person belonging to a national minority (indicating on the ethnic origin) and insist on the insertion it into their passports. The provisions on the latter are reflected in the 6 paragraph of the regulation established by decision N 821 of the Government of the Republic of Armenia on the 25 December 1998 “On establishment of the form of passport and regulation of passport system of the Republic of Armenia”. The above metntioned decission defines that the authorities of internal affairs in the Republic of Armenia and the consular institutions or diplomatic missions of the Republic of Armenia in foreign countries may, by the desire of the citizens of the Republic of Armenia, note the ethnic origin in the passports of citizens.

37. The Constitution of the Republic of Armenia adopted in 1995 uses the term “National Minorities”. Internal legislation mentions the term “National Minority”, but does not define it clearly. The necessity of more professional and detailed regulation of this matter is subject to a specific Law.

38. The National Statistic Service of the Republic of Armenia is responsible for collecting of ethnographic data.

39. According to separate official accountings of nations (ethnic group) the amplitude of their current number is oscillating from 200 to 12000. For example the number of Polishes is about 210 from which near 100 people inhabit in various provinces of the Republic of Armenia. Russians constitute the majority in the national minorities. Carefully observing the statistics, 51 thousand Russians lived in Armenia in 1989. Now in respect of hard economic situation of Armenia the number of national minorities is decreasing. In present the Russians are 12-13 thousands. Currently, in Armenia there are also Ossetians, Bashkirs, Estonians, Italians, Lituanians, Latvians, Moldavians, Mordvans, Kabardins, Komis, Tatars, Uzbeks and others. The small number (4-5 people) could not be basis for having their national organizations. Concerning to the data on national minorities location, about 6000 Syrians live in Yerevan, in Ararat province, especially in the village of Dimitrov, in Kotayk province, in Armavir province, Greeks no less than 4000 (especially in Yerevan, Alaverdi, Stepanavan, Hrazdan), Jews more than 90 % (700 people registered) dwell in Yerevan, the rest in Gumri, Vanadzor, Dilidjan, Germans the 56 families from 97 (in 1998) live in Yerevan, 13 in Vanadzor, 2-3 families in Gumri, Hoktemberyan, Abovian, Garni, Burakan, Airum, Georgians (110 persons) who basically dwell in Yerevan, also in Vanadzor (20 persons). The persons who had Georgian relatives minimum 3 generation ago are considered to be the members of the community. From

1988 to 1992 300000 to 350000 Armenians and Azeris respectively abandoned the territories of two States<sup>7</sup>.

#### Article 4

**1. *The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the Law and of equal protection of the Law. Pursuant to this any discrimination based on belonging to a national minority shall be prohibited.***

**2. *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons, belonging to national minorities.***

**3. *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.***

40. The Article 37 of the Constitution of the Republic of Armenia declares that citizens belonging to national minorities are entitled to the preservation of their traditions and the development of their language and culture. Subject to the Article 15 of the Constitution of the Republic of Armenia “Citizens regardless of national origin, race, sex, language political or other persuasion, social origin, wealth or other status, are entitled to all the rights and freedoms and subject to the duties determined by the Constitution and the Laws”. And the Article 16 as additional guarantee declares that all are equal before the Law and shall be given equal protection of the Law without discrimination. Then the Article 38 of Constitution constitutes that everyone is entitled to defend his or her rights and freedoms by all means not otherwise proscribed by Law. Everyone is entitled to defend in court the rights and freedoms fixed in the Constitution and the Laws”.

41. The Commission on human rights established under the President of the Republic of Armenia in April, 1998 consists of 17 members and has its great role in protection of national minorities rights. The mission and significance of the Commission was mentioned in paragraph 22 of this Report.

42. The establishment of Co-ordinating Council of national minorities under the advisor to the President of the Republic of Armenia is an important step in protection of national minorities rights. (See the paragraph 23 of this Report). This body was officially established within the first Session of Representatives of public, national cultural organisations of national minorities of the Republic of Armenia on 12 March of 2000.

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<sup>7</sup> At the same time, pursuant to official data of census in Armenia some of Azeris abandoned the territory of the Republic of Armenia within 8-10 months previously selling or changing their flats. This fact is officially registered in city councils and there are relevant documents approving that. Except this in 1989-90 the Government of the Republic of Armenia has reimbursed in an amount equivalent to 110 million US dollars to them who had abandoned the territory of the Republic of Armenia without selling or changing their flats.

The Council has 2 Representatives from each 11 national minorities (Belorussians, Yezides, Georgians, Germans, Greeks, Jews, Kurds, Russians, Poles, Syrians and Ukrainians). The Charter of the Council has already been drafted. The following conceptual directions was adopted:

- direct participation in elaboration of draft Laws emanating from the interests of national minorities
- co-operation with the self-government authorities
- co-ordination of political, economic, ethnical cultural matters on national minorities
- discussion of complaints, claims and proposals of citizens and organisations (The relevant Law on foregoing sphere is in force)
- exercising of information and publication activities
- organisation of congresses, sessions, seminars, exhibitions
- establishment of links with homelands of national minorities and others.

### Article 5

***1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.***

***2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to the national minorities against their will and shall protect these persons from any action aimed at such assimilation.***

43. Considering the necessity of full and complete equality, aiming to confirm self-existence of national minorities, confirming the basis of democratic State based on the rule of law, raising from famous Rules and Principles of International Law, the Law on national minorities is being elaborated in Armenia.

44. The protection of political, economic, social, juridical and other rights of national minorities is contemplated by this draft Law. Prior to adoption of this Law, the issues related to the national minorities are governed by general principles - procedures constituted by the Constitution and Laws.

45. For the preservation and development of national minorities culture as well as for preservation basic components of identity, religion, language, traditions and cultural heritage, the Constitution of the Republic of Armenia in the face of the Article 37 is the fundamental legal act.

46. After the Declaration of Independence one of the first Laws adopted by the Republic of Armenia was the Law “On freedom of conscience and religious organisations”, the first Article of which constitutes: “Every citizen freely determines its persuasions on religion, has the right to confess any religion, to perform religious ceremonies himself or with other citizens”.

47. In January of 2000 officially were registered 14 different religious organisations.

1. Armenian Apostolic Church
2. Armenian Catholic Church
3. Russian Orthodox Church
4. Yezides religious community
5. Jewish community
6. Pagan (Heathen) community
7. “Bahai” community
8. Mormons
9. Baptists
10. Evangelists
11. Christians of evangelical faith
12. Kharizmats
13. 7<sup>th</sup> day Adventists
14. New Apostolic Church

The communities of “Jehovah’s Witnesses” (the charter of which contradicts to the Constitution of the Republic of Armenia) and “Hare Krishna” are performing without registration.

#### Article 6

***1. The Parties shall promote the spirit of tolerance and dialogue between cultures, as well as take efficient measures to facilitate mutual respect, mutual understanding and co-operation between all persons living in their territory notwithstanding of their ethnic, cultural, linguistic and religious affiliation, especially in the field of education, culture and information media.***

***2. The Parties shall undertake to take all appropriate measures to protect the persons who could become victims of threats or acts of discrimination, hostility or violence on the grounds of their ethnic, cultural, linguistic or religious affiliation.***

48. Armenia has rich cultural heritage and tight net of cultural institutions. The hard social, economic conditions of last 10 years had its serious influence on the cultural sphere. One of the main problems in mentioned sphere is the lack of legislation. The Government submitted to discussion the draft Law “On principles of cultural legislation of the Republic of Armenia”. The following draft Laws are in elaboration phase:

1. “On museums and museum fund of the Republic of Armenia”
2. “On libraries and librarian activities of the Republic of Armenia”
3. “On State assistance of cinematography of the Republic of Armenia”
4. “On taking out and introduction of cultural values”.

49. The number of theatres in 1998 was about 21. Within a year in Armenia were performed 2024 performances and nearly 487 thousand spectators have been present to these performances. In the list of theatres the famous one is the Russian Theatre named after Stanislavski.

50. Two kinds of performances are organised in the Republic of Armenia – official (republican, regional) and non-official. In the system of the Ministry of Culture, Youth Affairs and Sports of the Republic of Armenia perform 13 official theatres and State Circus.
51. The Draft of Government decision “On providing social and economic assistance to theatrical culture of the Republic of Armenia” is in elaboration phase.
52. On average 579 concerts for about 97,400 spectators are organised in Armenia within one year.
53. The following Concert and Song Ensembles perform in the structure of the Ministry of Culture, Youth Affairs and Sports of the Republic of Armenia: Symphonic Ensemble, Academic Chorus, State Chamber Orchestra, Stringed Quarter, Centre of Sawed Culture 3 Music Study Centres, the Centre of Popular Works, Concert Hall.
54. Many national minorities have ethnographic ensembles in their communities in Armenia. Especially famous is the Ukraine Ensemble for children and adults that perform in Yerevan and in Vanadzor. Besides Ukraine Chorus are operating Syrian, Russian, Slavonic, Greek Ethnographic Qualified Ensembles in Armenia.
55. Hard economic situation has its negative effect on the libraries of the Republic of Armenia. Even the largest libraries are not able to renew their funds. The Law on “Obligatory copy of publications” is in the phase of discussion.
56. It should be mentioned that the Article 35 of the Constitution of the Republic of Armenia confirms the right of education of every citizen, in State secondary educational institutions education is free of charge. Every citizen is entitled to receive higher education and other specialised education free of charge and on a competitive basis, in State educational institutions. The Law shall prescribe the establishment and operation of private educational institutions. At first it shall be noted that in the Law of the Republic of Armenia on State budget in 2000 29.908.853.7 thousand drams were granted to education for exercise of the guarantees of above-mentioned matter. Though there are not any separate schools for national minorities, however, there are schools where the lessons are organised in their native languages. There are also specialised schools.
57. In the sphere of spiritual culture the Articles 36 and 37 of the Constitution completely guarantee the representatives of national minorities to have freedom of literary, artistic scientific and technical creation, benefit from the achievements of scientific progress and to participate in the cultural life of society.
58. From this point of view the Nations Union from its first day up to now has organised more than 30 arrangements as well as meetings with heads of the Republic of Armenia, clergy, foreign representations, representatives of European Union. The festival on national cultures, organising 3 years uninterruptedly and denoted to Independence of Armenia shall be mentioned in these arrangements. This arrangement became a tradition. On decision of scientific council of oriental institute of National Academy of Science of the Republic of Armenia the Nations Union and Centre on Conflict Resolution of Armenia in Russian language have published a collection named by “Armenian Nations”. The collection was composed under the project on “The effect of ethnical-political conflict resolution on prevention of emigration from Armenia”. UN has granted to this project. First time the state of non-native population became subject for special



studies. In this collection is elucidated the issues on historical relations of specific ethnical groups with Armenians, their current status, needs, demands and proposals on improvement of social conditions, expansion and protection of rights, on complete participation to political and cultural life of the Republic of Armenia. The representatives of national communities of Armenia have sent that collection to their native countries. Also was published the volume I of fundamental researches on “The national minorities of the Republic of Armenia in now days”. The research is denoted to contemporary demographic, socio-economic, legal-political, ethnical cultural problems of national minorities of the Republic of Armenia - (Kurds, Yezides), Greeks, Russians and Syrians, emanated within the reforms implemented in Armenia<sup>8</sup>. Besides the Nations Union has submitted application to the Secretary General of UN, Heads of the Governments of Russian Federation, the Ukraine, Greece, Israel, Germany and their religious leaders in October of 1994 by request on assistance to establish a Cultural Centre of Nations Union, in September of 1996 - for the first phase of festival of Nations Union culture denoted to five year anniversary of independence of the Republic of Armenia, in programme of 1997 the national anniversary of Kurds “Novruz” in March, awarding ceremony on Kurd-Armenian relationship society with council management of Kurd intelligence in April and other.

59. 763900 spectators visited to 98 museums in 1999. In fact the museums in Armenia were deprived of the relevant investments and assistance provided by the State within last ten years.

60. The Constitution of the Republic of Armenia guarantees the equality of all before the Law and equal protection, in addition, the Articles 38 and 39 of the Republic of Armenia effectively assist its guaranty.

61. The role of mass media is very important in civil society. A Law on mass media defines what the press and mass media in the Republic of Armenia are free and do not subject for censorship, the citizens of the Republic of Armenia are entitled to freedom of speech, expression of opinions, right to receive urgent and accurate information on every problem of public life through any medium of information. It is not allowed any privilege of mediums of mass media and press in the Republic of Armenia.

62. Other mediums of mass media and press operate in accordance with the Laws of the Republic of Armenia, under the principles of equality, humanism, pluralism, tolerance, respect, free of conscience and other universal values, assist the publicity and democracy, freedom of thought, speech.

63. In case of not being any claim or decision of court, according to the information provided by the Ministry of Internal Affairs of the Republic of Armenia and the Commission of human rights under the President of the Republic of Armenia, there are not any statistic data concerning to the institution of racial or national hostility or dissidence, making intentional acts to humble national honour and dignity as well as restrictions on rights of citizens or any direct or indirect privileges (the Article 69 of current Criminal Code of the Republic of Armenia).

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<sup>8</sup> The authors group made ethnographic researches in respect of foregoing minorities of all provinces of the Republic of Armenia, the results of which became basis for this book. In research is not mentioned only the difficulties of national minorities development, but the possible ways and methods of its overcoming basing as on the data of research as on International instruments. The research has applicable and cognitive significance.

## Article 7

***The Parties shall ensure the respect of the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.***

64. In Article 26 of the Constitution of the Republic of Armenia the citizens of the Republic of Armenia are entitled to hold peaceful and unarmed meetings, rallies, demonstrations and processions. This Article reproduces the brief content of Article 21 of International Covenant on Civil and Political Rights and Universal Declaration of Human Rights.

65. Within past ten years the authorities of Armenia have met many demonstrations, rallies, processions related to instability of this transition period. In mentioned sphere connected to the protection of human rights the head of district, pursuant to Article 27(D) of the Law of the Republic of Armenia on local self-government, performs the following State power – solves the problems on consent to holding meetings, rallies, demonstrations and processions as described by legislation.

66. The Article 25 of the Constitution of the Republic of Armenia defines that everyone has the right to form associations with other persons, including the right to form or to join the trade unions.

67. Pursuant to the data provided by the Ministry of Justice of the Republic of Armenia before the application of the requirements of the Law “On entering into force of the Civil Code of the Republic of Armenia”, the following national communities have been registered with the Ministry of Justice of the Republic of Armenia:

- Jewish community of Armenia,
- Syrian Association “Atur”,
- “Ponti” Republican Union of Greeks in Armenia,
- Council of Kurdish intellectuals of the Republic of Armenia,
- “Committee Kurdistan”,
- “National Union of Yezides”,
- Council of Orthodox Believers Trustees,
- Jewish Cultural Centre “Menorah”,
- Non-governmental Organisation of Greeks of Armenia and Artsakh,
- “Patriada” of Greeks of Armenia,
- “Nations Union of the Republic of Armenia”,
- Community “Agbiur” of Germans of the Republic of Armenia,
- “Ukraine” Federation of Ukrainians of Armenia,
- Greek Federation of Armenia,
- “Beriozka” Charitable Union of Russians,
- “Polonia” Charitable Non-governmental Organisation of Co-operation of the Poles,
- Kurd-Yezidi Community,
- “Phaeton” Greek Community,
- “Slavonic cultural, sport, health centre”
- National Union of Yezides of the world,
- Syrian Youth Centre “Ashur”,
- “Ponti” Greek Community of Vanadzor,

- “Romeos” Greek Community of Alaverdi,
- Greek Community of Anastas,
- “Belarus” Community of Belorussians of Yerevan” of Armenia,
- “Olympus” Greek Community of Noyemberyan,
- Congress of Cultural Non-governmental Organisation of Russian Communities of the Republic of Armenia,
- “National committee of Yezides” non-governmental organisations<sup>9</sup>.

### Article 8

***The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and association.***

68. Subject to Article 23 of the Constitution of the Republic of Armenia everyone is entitled to freedom of thought conscience and religion, The freedom to exercise one’s religion and confession may only be restricted by Law on the basis described by Article 45 of the Constitution. Subject to the Article 45 of the Constitution of the Republic of Armenia some human and civil rights and freedoms, except for those provided under Articles 17, 19, 20, 39, 41-43 of the Constitution, may be temporarily restricted in a manner prescribed by law, in the event of martial law, or in cases prescribed under paragraph 14 of Article 55 of the Constitution.

69. In 46, 47 paragraphs of this report referred to religious issues.

70. In the Republic of Armenia the church is separate from the State. The State authority (State Council on religious issues) entitled by the Government of the Republic of Armenia regulates the relations between the State and religious organisations.

71. The provisions of the Law on freedom of conscience and religious organisations of the Republic of Armenia defines that religious organisations may not be financed by the centres beyond the territory of the Republic of Armenia. Hereafter, the other provisions detail that religious organisations may not be financed by and finance a political party. The conclusion follows that there are not religious organisations financed by State or assisted directly or indirectly in the Republic of Armenia. The foregoing Law shows the resources of funds of religious organisations and details the goal of its use.

### Article 9

***1. The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.***

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<sup>9</sup> 13 non governmental organizations of national minorities were reregistered according to the provisions of the law on application of the Civil Code of the Republic of Armenia

**2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound, radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound, radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. Within the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

72. The Constitution of the Republic of Armenia in its Article 24 confirms one of the main human rights. According to the above-mentioned Article everyone is entitled to assert his or her opinion. No one shall be forced to retract or change his or her opinion, then is noted that everyone is entitled to freedom of speech, including the freedom to seek, receive, disseminate information and ideas through any medium of information, regardless of State borders.

73. In the Republic of Armenia is operating the Law on Mass media and the Law on Radio and Television adopted on the 9<sup>th</sup> of October, 2000. (Some provisions of this Law were recognised contradictory to the Constitution of the Republic of Armenia). The foregoing Law defines the status of radio and TV companies, the order of its formation, patent and management, and others.

74. The Article 5 of the Law on Radio and TV defines that the language of the broadcast programmes is Armenian, except the cases prescribed by this Law. The TV programmes, feature and documentary films, cartoons as well as episodes of Armenian programmes in foreign language are broadcast in simultaneously Armenian translation/interpretation/. National minorities have an hour on public TV weekly and an hour on radio daily.

75. The Article 8 of the Law on Broadcasting of the Republic of Armenia defines that within the territory of Armenia the addresses of written statements received and broadcast by operators are in Armenian and the text is in any language and in letters, in case of technical availability. The Article 10 of mentioned Law defines the principles of activities in the sphere of broadcasting:

- a) Equal rights of users of broadcasting services
- b) Providing of confidentiality and freedom of programmes broadcasting by technical means and broadcasting nets
- c) State protection of orbit postures of broadcasting satellite and sphere of radio frequencies by technical means and broadcasting nets

76. Regarding the press it shall be noted that 10 magazines and newspapers in Russian language are being published in Armenia. Subject to data furnished by the Ministry of Justice of the Republic of Armenia up to 1999 the following Mass media (magazines and publications) of national minorities have been registered in the Ministry of Justice of the Republic of Armenia:

1. “Russkiy dom” (Rosia community)
2. “Dnipro” (Ukraine charitable fund)
3. “Ria taza” (Kurd community)
4. National union “Voice of Yezides”
5. “Barekamutyun” (Kurd-Armenian friendship)
6. “Botan” (Committee Kurdistan)
7. “Shangal” (National community of Yezides)
8. “Sinchar” (Community of Kurd-Yezidi friendship)
9. “Kohelet” (Jewish community)
10. “Panagia” monthly magazine

Currently there are registered the following Mass media of national minorities:

1. “Dnipro-Slavutich” weekly magazine (“Ukraine” Ukrainian federation of Armenia), founded in 12.02.2001.
2. “Kohelet” official magazine (Jewish religious community of Armenia) founded in 25.12.2000.
3. “Lalsh” magazine (“National community of Yezides” non-governmental organisation), founded in 19.12.2000

77. Currently in Armenia are operating 1116 mediums of mass media 193 TV companies, 55 radio companies.

78. Radio programmes in Georgian, Kurdish, Russian, Yezidi languages are broadcast by radio. The representatives of mixed marriages have the opportunity to listen to the radio programmes in Arabic, Azeri, English, French, Persian, Turkish languages. Considering the activities of trade and economical relations with Iran, the duration of Persian radio programmes shall be prolonged.

## Article 10

***1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.***

***2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.***

***3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.***

79. Subject to the Law on Language of the Republic of Armenia the State language of the Republic of Armenia is Armenian. As mentioned in different parts of this report this is not discrimination as the Article 37 of the Constitution of the Republic of Armenia guarantees the right of national minorities to preserve and develop their cultural traditions, language and others.

80. The use of minority language in their relations with administrative authorities in the territories inhabited by sufficient number of people belonging to national minorities shall be available, but as the majority of national minorities knows Armenian and Russian the Armenian authorities have not had such problem yet.

81. The guarantees of person during criminal procedure are constituted in the Code of Criminal Procedure of the Republic of Armenia. The Article 18 of the Constitution of the Republic of Armenia defines that everyone is entitled to freedom and the right to be secure in their person. No one may be arrested or searched except as prescribed by law. A person may be detained only by court order and in accordance with legally prescribed procedures. The Article 40 of Constitution proclaims that everyone is entitled to receive legal assistance. Legal assistance may be provided free of charge in cases proscribed by law. Everyone is entitled to legal counsel from the moment he (she) is arrested, detained or charged.

82. According to Article 130 of the Criminal Procedure Code the arrest shall not prolong more than 96 hours from the moment of arrest and shall be indicted within this period. Subject to the Article 136.c the body, performing criminal procedure, announces its decision on application of pre-trial measure to suspect or accused and submits the copy of decision to him (her) immediately. Subject to Article 203 the person shall be indicted not later than within 48 hours after the decision of investigator on engagement as accused, but in any case not later than the date of his (her) appearance or compulsory appearance of the accused. The investigator shall, assuring in the identity of the accused, state to him (her) the decision on engagement as accused and explain the sense of charge.

83. In accordance with Article 15 of the Criminal Procedure Code of the Republic of Armenia the criminal procedure shall be held in Armenian. Within the criminal procedure everyone is entitled to represent in language, which he knows, except the body performing the criminal procedure. On decision of the body performing the criminal procedure, the persons, participating in the criminal procedure and not knowing the language of the criminal procedure, are entitled to perform all their rights defined in the Code by a translator (free of charge). The certified copies of documents contemplated by the Code (including the decisions on arrest, etc.) will be forwarded to the persons, not knowing the language of criminal procedure, in their language. The documents in other languages shall be attached to the criminal case with its Armenian translation.

## Article 11

***1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronymic) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.***

**2. *The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.***

**3. *In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.***

84. In accordance with the Article 58 of the Code of Marriage and Family of the Republic of Armenia the child shall be named by consent of parents, the middle name shall be the middle name of the father or the middle name of person registered as father as defined in the Article 57 of the Code. According to the Article 59 the surnames of children shall be the surname of parents. If the parents have different surnames the child shall have the surname of mother or father by consent of parents and in case of disagreement -- by decision of tutelary bodies.

85. The legislation envisages the right of individual to preserve or to change first name, middle name and surname or to reconstitute the previous first name, middle name and surname. The Article 22 of Civil Code of the Republic of Armenia constitutes that the citizen acquires and performs rights and duties by his/ her own name, which includes his/her first name, middle name and surname at his/ her discretion. The citizen is entitled to use pseudonym (invented name) in cases and order defined by law. Citizen is entitled to change his/ her name as defined by Law. The citizen, changed his/her name, is entitled to make relevant amendments in documents drawn up by his/her previous name. The name of citizen, received at the birth as well as the change of his/her name, shall be registered as defined for registration of Civil Status Acts. Then is defined that it is prohibited to acquire any rights and duties on behalf of other person.

86. The Law on Advertisement is operating in Armenia (April 30, 1996). The language of advertisement of the Republic of Armenia is Armenian. If appropriate, the text of advertisement may, as addition, be accompanied by other languages in small letters respectively. This provision shall not refer to newspapers, special publications, trademarks and brand names. The text of advertisement shall not be smaller than the variant in other language. The Article 8 mentions that the advertisement, violating the propriety of advertisement, is prohibited as followings:

a) Compromises the general and national ethical norms.

b) Includes insulting expressions, comparisons, photos and others referred to race, nationality, profession or social origin, age group or sex, language, religious or other persuasions.

Outward advertisement shall be distributed in residence places by means of placards, bills, posters, and other technical means. The bodies of local self-government shall determine the extent, quantity and order of distribution of outward advertisement.

87. The Council of Elders enjoys the authority pursuant to paragraph 9 of Article 12 of the Law on local self-government of the Republic of Armenia concerning to traditional local names, street names constituting that the Council of Elders gives its consent to denomination and redénomination of streets, avenues, squares, parks, educational, cultural and other organisations under district, names and renames the streets, avenues, squares, parks of district, cultural,

educational organisations under district. The Article 5 of the Law on administrative-territorial division of the Republic of Armenia constitutes that the district, including a residence place, shall have the name of the residence place, the district including 2 or more residence places shall have the name of the district having more population.

Article 6 constitutes the change of administrative-territorial division of the Republic of Armenia pursuant to which regional division of the Republic of Armenia, changing of borders of blocks, of residence places, of districts, of communities, of administrative centres, of provinces' borders, establishment of new communities or foundation of new residence places, change of classification of residence places as well as the denominations and re-denominations of provinces, residence places, blocks, districts, communities shall be performed by the recommendation of the Government of the Republic of Armenia by making a corresponding amendment to this Law. Hereafter is mentioned that re-denominations of residence places shall be performed for the purpose of re-establishing historical denominations, liquidation of foreign, repeated denominations taking into account the opinion of population of the place concerned.

## Article 12

**1. *The Parties shall, where appropriate, take measures in the field of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.***

**2. *In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.***

**3. *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.***

88. The right of education has its important role in the framework of socio-economic rights. Article 37 of the Constitution of the Republic of Armenia includes the guaranty of the rights mentioned in detail in Article 12 of this Framework Convention.

89. Article 35 of the Constitution defines that every citizen is entitled to education. Education shall be free in State secondary educational institutions. Every citizen is entitled to receive higher education and other specialised education free of charge and on a competitive basis, in State educational institutions. Law shall prescribe the establishment and operation of private educational institutions.

90. The principles of State policy in educational sphere and legal and financial aspects of educational system are constituted by the Law on Education of the Republic of Armenia.

91. In educational State policy is important that the Republic of Armenia declares and guarantees the development of educational sphere as important factor in confirming of State. The basis of State policy in educational sphere is national school, the main goal of which is the formulation of compatriot educated by the spirit of humanism and of persons having duly professional training. The State provides the preservation and development of educational sphere by State budget financing, the capacities of which are determined in conformity with State programme on educational development.



92. Considering the principles of State policy in the sphere of education (education in the spirit of humanism, formation of relevant world view in some spheres, providing of democratic principles in the sphere of education, integration into the International educational system, secular nature of education in educational institutions, reasonable independence of educational institutions and availability, continuance of education and others), the Republic of Armenia ensures the right of education regardless of national origin, race, sex, language, creed, political or other persuasion social origin, wealth or other status. The Law determines the restrictions of right in respect of professional education. The State assists the participation of Armenian Diaspora in educational process.

93. The Law on education constitutes the educational system, State educational criteria, educational programmes and forms, types of educational institutions, common requirements to the education of the Republic of Armenia.

94. Considering the main problems of pre-school education it would be noticed that the following is confirmed in them: communication in native language and providing of preconditions for study of foreign languages on its basis.

95. The founder of State educational institution is the Republic of Armenia on behalf of the Government or appropriately authorised State body of the Republic of Armenia. The founder of educational institution of district is the district on behalf of the local self-government authority. The founder of private educational institution may be natural or legal person. State educational institutions shall be considered established at the moment of approving of its regulations by the founder and private educational institutions - by the decision of founder. These educational institutions are considered as established by Law at the moment of its registration in authorised educational body.

96. The authorised educational body shall exercise its obligation in respect of the educational management system, the qualification of pedagogic and managing personnel.

97. The educational institutions of the Republic of Armenia are entitled to co-operate with educational, scientific and other organisations pursuant to legislation of the Republic of Armenia and International Treaties of the Republic of Armenia.

98. Currently, in different degrees of educational system study more than 674000 people and majority of them study in State educational institutions. And it means more than 20% of population is engaged in educational system.

99. According to data of the Ministry of Register (1989-99) the total number of nurseries and kindergartens is about 856, the amount of learners in them is about 56604, the number of pedagogues – 7785, and the amount granted from State budget is AMD 22,7 million, the number of secondary schools is 1459, number of students in those schools is about 603100 and the number of teachers is 63000. The amount provided by State budget to this sphere is AMD 10326,1 million. The number of private educational institutions is 26, the students in the private educational institutions – 1590. Professional-technical educational institutions are 65, the number of students in those institutions is 4200, the number of teachers –1809, and the amount provided by State budget to this sphere is AMD 476,2 million.

100. 1039 students from foreign countries study in Armenia. In 1999 307 students from foreign countries entered higher educational institutions, and 39 % of them are women.

101. 98.1 % of the language of teaching in Armenia is Armenian, 17 % of students receive education in Russian and 0,2 % in other languages.

102. The Law on language (17.04.93) constitutes that general education in the communities of national minorities may be organised in their native language according to State programmes and patronage, with obligatory study of Armenian language. The Article 1 of this Law declares that the Republic of Armenia guarantees national minorities to use their language freely in their territory”.

103. Besides the secondary schools 3 Russian schools and Russian-Armenian (Slavic) University are operating in Armenia. Russian language is studied in the majority of mentioned schools. Also there are Russian classes in 12 schools. In the provinces where the number of Kurds is sufficiently large, Kurdish language is studied in some classes. Greek is studied in secondary school N 74 of Yerevan and Assyrian is studied in school N 8. Arabic, English, French, German and Spanish are among the languages taught at schools. There are chairs of Arabic, Persian and Turkish languages in the Faculty of Oriental Languages of Yerevan State University.

### Article 13

**1. *Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.***

**2. *The exercise of this right shall not entail any financial obligation for the Parties.***

104. The Article 35 of the Constitution of the Republic of Armenia defines that Law shall prescribe the establishment and operation of private educational institutions of the Republic of Armenia. As it was mentioned in previous paragraph of this report the private institutions may have any legal organisational form prescribed by Law. Private educational institutions shall be set up by decision of its founder and at the moment of its registration. Natural and legal persons may be founders of private educational institutions. Private institutions that contradict to State institutions, as well as businessmen are entitled to perform educational activities since getting license if the requirements of license are provided. For example: fundamental pedagogues and professors, laboratory base and educational premises, providing methods of education, library information system and other. The license for educational activities shall be provided by the body authorised for the state administration of education on the basis of expert examination. The order of license shall be approved by the Government of the Republic of Armenia.

### Article 14

**1. *The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.***

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**

**3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

105. The right of a person belonging to national minorities to learn his/her minority language aimed to establish the opportunity for preservation and development of linguistic self-existence of minorities. This provision is prescribed by the Law on language of the Republic of Armenia.

106. Pursuant to the data provided by the Ministry of Education and Science of the Republic of Armenia some foreign languages are being studied in the schools of Yerevan. For example English, German, Russian languages are studied in schools N 62 and 88 and in schools No 106,133, 134, 141, 163, 186, 90, 91, 105, 116, 152 and in other schools are studied Russian, English and French. In school No 89 of Yerevan besides English, French and Russian is also studied Georgian. In school No 74 of Yerevan besides Russian, English, French languages is studied Greek language, and in schools No 173, 129 - Arabic language. In schools No 78, 59 of Yerevan are studied the following languages: English, French, Persian and Russian and in school No 83 – English, Italian and Russian.

## Article 15

***The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.***

107. On participation of the members belonging to national minorities in cultural life see the Article 6 (48-63 paragraphs).

108. A lot of problems in the field of performance of national minorities rights are stipulated only by hard economic situation not allowing to consider their requirements in social sphere, in employment, cultural, educational and health where are concentrated the fundamental interests of national minorities. The draft Law on national minorities contemplates freedom of political, economic, social, judicial, ethnical, linguistic, cultural and religious rights, providing of educational right and other, also are contemplated other norms which shall guarantee their right to participate in governance. For this purpose Department on matters of national minorities shall be established in the structure of the Government.

109. Now some amendments are being prepared as in Electoral Code, as in the Constitution. It is also important to engage the Representatives of national minorities in the works of governmental, judicial and local administrative structures. Now 15 Representatives of national minorities have managing posts in villages, local self-government bodies. It is contemplated that soon in regional governmental and in local self-governmental bodies shall be committees and relevant structural divisions. The Representatives of national minorities may establish consultative services on public basis, the formation and performance procedure of which shall be defined by appropriate bodies.

110. The electoral Code was adopted on 17 February of 1999. Subject to the Constitution the citizens of the Republic of Armenia have right of election, regardless national, racial, sexual, linguistic belonging, believe, political or other persuasions, social origin, property or other conditions have the right to elect and to be elected. Any restriction of the right of election concerning to foregoing principles shall be prosecuted by law.

#### Article 16

***The Parties shall refrain from measures that alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present Framework Convention.***

111. Recently such territorial changes which would alter social structure of population have not been registered in Armenia. The Law of the Republic of Armenia on administrative-territorial division considered the political, economical, ethnical, linguistic and other specifications during the implementation of this division.

#### Article 17

***1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons Lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.***

***2. The Parties undertake not to interfere with the right of persons, belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.***

112. Because of known reasons transfrontier co-operation of the Republic of Armenia is currently possible only with two neighbours (Georgia and Iran) out of four.

113. The CIS Convention on Protection of Persons belonging to national minorities constitutes that “Each Contracting party shall be obligated to provide rights of persons belonging to national minorities for establishing contacts among them without any hindrances as well as the right of establishing contacts with organisations of citizens and States to which they have origin of general ethnical, cultural, linguistic and religious persuasion”.

114. The right of contact of national minorities, including also the transfrontier contact, shall presume the obligation of State not to impede such contacts and not to prosecute those persons by not intervening in performance of the mentioned right. The performance of this right may be restricted only by the Law and in compliance with International Standards.

115. The Article 7 of mentioned Convention constitutes the right of national minorities on engagement in peaceful meetings, unions. However, it shall be mentioned that the regarded right of national minorities is connected with the paragraph 2 of Article 17 of Framework Convention which constitutes, “The Parties shall be bound not to impede the right of persons belonging to national minorities in participation of operation of non governmental organisations, both in

national and International levels”. The first obligation of the State is to register unions of minorities according to legislation as well as to provide formal and official opportunity for implementation of their regulation issues. Simultaneously, the States may constitute some privileges or direct assistance to the unions of minorities. The Republic of Armenia by its domestic legislation has already provided such opportunity and any obstacle shall not be risen out in implementation of mentioned right. 10 million drams was envisaged for national minorities by the State budget 2000 of the Republic of Armenia. An amount in the same measure is envisaged for that purpose by the State budget 2001.

### **Article 18**

***1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons, belonging to the national minorities concerned.***

***2. The Parties shall adopt where necessary, measures in order to encourage transfrontier co-operation.***

116. For the protection of persons belonging to national minorities the Republic of Armenia has signed multilateral and bilateral agreements (On Friendship and Co-operation) with other States, particularly with neighbour States.

117. There are some fundamental paragraphs in foregoing bilateral Agreements (On Friendship and Co-operation) directly concerning to protection of national minorities rights. For example, the Article 8 of the Agreement with Russian Federation, the Article 20 of the Agreement with Greece, the Article 14 of the Agreement with Romania, the Article 9 of the Agreement with Bulgaria, the Article 5 of the Agreement with Kazakhstan, the Article 8 of the Agreement with Lebanon, the Articles 5, 6 of the Agreement with Ukraine constitute provisions referring to establishment of necessary conditions for preservation and development of ethnical, cultural, religious identity of national minorities dwelling in 2 States respectively as well as performance of relevant arrangements.

118. The foregoing Agreements shall consider special traditional amicable relationships between 2 nations during the history. Recognising the significance of some duties taken by some International documents, the States shall be bound to co-operate on the basis of amicability and mutual reliance and to sign other Agreements, if necessary.

119. The Republic of Armenia signed the Agreement on Friendship, Co-operation and Reciprocal Security with its neighbour Georgia on 19 May, 1993. The 7 Article of the above mentioned Agreement defines: “The High Contracting parties assure that respect of rights of persons belonging to national minorities, as well as the commitment of the obligations toward the State are the essential factors for protection of peace, justice, stability and democracy in the Republic of Armenia and Georgia.

120. The Agreement on Friendship and Co-operation signed between the Republic of Armenia and the Republic of Greece reflects the following: The Republic of Armenia and the Republic of Greece, realising the common values of democracy and freedom, shall co-operate on protection and promotion of Human Rights and fundamental freedoms, particularly in the framework of relevant International Organisations (the Article 20 of the Agreement). The

foregoing Agreement directly confirms: “The Republic of Armenia and the Republic of Greece guarantee the establishment of necessary conditions and performance of relevant measures for protection and development of ethnical, cultural, and religious self-existence of Greek citizens dwelling in the Republic of Armenia and Armenian citizens dwelling in the Republic of Greece in conformity with the International norms. “The Parties shall, on the official level, assist public, religious, cultural, educational, sport and charitable activities of Greek community in Armenia and Armenian community in Greece”.

### Article 19

*The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.*

121. According to the most important principles of International Law which are *pacta sunt servanta, bonae fidei*, the Republic of Armenia considers that the provisions and principles of this Convention must be respected and applied, if necessary, by making only restrictions and exclusions prescribed by International legal documents, particularly by the Convention on Protection of Human Rights and Fundamental Freedoms.

122. Articles 44 and 45 of the Constitution of the Republic of Armenia constitute the framework of the rights and the conditions, which may restrict those rights. Such situation happened on 26 of September 1996 when the President of the Republic of Armenia enjoying his constitutional right performed the activities contemplated by paragraph 14 of Article 55 of the Constitution of the Republic of Armenia after which according to the Article 45 of the Constitution some human rights and rights of citizens and freedoms were temporarily restricted, except the Articles 17, 19, 20, 39, 41-43 of the Constitution. Though restrictions of some rights were applied, however, they were performed within the framework of Law and in compliance with International Standards.

### Article 20

*In the exercise of the rights and freedoms flowing from the principles enshrined in the present Framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.*

123. The Article 48 of the Constitution of Republic of Armenia defines the duty of each person to preserve the Constitution and the Laws of the Republic of Armenia, to respect the rights, freedoms and dignity of others. The exercise of rights and freedoms shall not serve toward the violent overthrow of the Constitutional order, for the instigation of national, racial or religious hatred, or for the incitement to violence and war.

### Article 23

***The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.***

124. According to the Constitution of the Republic of Armenia the Rights and Freedoms of national minorities are examined in the context of Human Rights and Freedoms.

The rights and freedoms of national minorities shall be understood so as to conform to the corresponding provision of the Convention for the Protection of Human Rights and Fundamental Freedoms or of the Protocols thereto after coming into force of the latter for Armenia.

### Article 30

***1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this Framework Convention shall apply.***

***2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Framework Convention to any other territory specified in the declaration. In respect of such territory the Framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.***

***3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.***

125. The Republic of Armenia has not such territory. At the ratification of this Framework Convention the Republic of Armenia has not made any declaration concerning to the territorial application of the Framework Convention. Therefore, the Convention applies to the entire territory of the Republic of Armenia.

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