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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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**OPINION ON ARMENIA**

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## EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Armenia on 11 June 2001 (due on 1 November 1999), the Advisory Committee commenced the examination of the State Report at its 11<sup>th</sup> meeting, from 10 to 14 September 2001. In the context of this examination, a delegation of the Advisory Committee visited Armenia from 10 to 14 December 2001, in order to seek further information about the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on Armenia at its 14<sup>th</sup> meeting, on 16 May 2002.

The Advisory Committee welcomes the climate of intercultural harmony, respect and understanding reported to prevail in Armenia today and notes Armenia's commitment to implement the Framework Convention. Nonetheless, the current situation presents a number of shortcomings, particularly in the fields of education, access to the media, use of minority languages in the public sphere and the participation of persons belonging to national minorities in public affairs.

At the legislative level, given the limited number of provisions specifically providing for the protection of national minorities, the Advisory Committee takes the view that it is essential to establish an appropriate legal framework and strongly encourages the Armenian authorities to pursue and expand the existing legislative initiatives in this regard. At the institutional level, the setting up of a specialised governmental body should facilitate a better co-ordination between the competent state authorities and make it possible to develop a genuine public policy in this field.

With regard to the practice, the Advisory Committee considers that, notwithstanding the openness expressed by the Government, further efforts are required to bring about the conditions enabling persons belonging to national minorities to maintain and develop their culture and preserve their identity. The authorities should implement their recent initiatives in this field as promptly as possible in order to strengthen the support provided by the state to national minorities, including for the establishment of a cultural centre for national minorities.

There is also a need for further efforts in order to broaden the possibilities of access to and presence in the media by persons belonging to national minorities. Although this right is guaranteed by law, the current situation is unsatisfactory, both at the legislative level and in practice. The amount of broadcasting time allocated to minority languages in the public audiovisual services should be increased, particularly on television, including through a review of the relevant legislative provisions. Furthermore, there should be greater state support for the setting up of private electronic and print media by persons belonging to national minorities.

The Advisory Committee notes with concern the shortcomings in the field of education, notably with regard to the teaching of or in minority languages. It considers that the authorities should show greater commitment in this area, in order to enable persons belonging to national minorities to enjoy equal access to education and to promote awareness of the culture, history, languages and traditions of both the minorities and the majority. Increased attention is needed in this field with respect to the Syrians and the Yezidis.

The Advisory Committee is of the opinion that the implementation of the Framework Convention is not fully successful with regard to the participation of persons belonging to national minorities in the taking of decisions concerning them. The Advisory Committee believes that the authorities should broaden the forms of consultation with these persons and implement without delay the planned institutional measures in this connection.

## **I. PREPARATION OF THE CURRENT OPINION**

1. The initial State Report of Armenia (hereinafter: the State Report), due on 1 November 1999, was received on 11 June 2001. The Advisory Committee commenced the examination of the State Report at its 11<sup>th</sup> meeting, on 10 to 14 September 2001.
2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the Armenian authorities on 21 September 2001. The Armenian Government's reply to this questionnaire was received on 20 November 2001.
3. Further to an invitation from the Armenian Government, and in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a delegation from the Advisory Committee visited Armenia from 10 to 14 December 2001 in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources, including the OSCE Office in Yerevan, about the implementation of the Framework Convention. In preparing this opinion, the Advisory Committee also consulted a number of documents from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted this opinion at its 14<sup>th</sup> meeting, on 16 May 2002, and decided to transmit it to the Committee of Ministers<sup>1</sup>.
5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

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<sup>1</sup> The Advisory Committee decided, at its 12<sup>th</sup> meeting, on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a "Proposal for conclusions and recommendations by the Committee of Ministers" (Section V of the earlier opinions) and to introduce a new Section IV, entitled "Main findings and comments of the Advisory Committee". The Advisory Committee also decided to submit its "Concluding remarks" in Section V instead of Section IV. These changes are effective as from 30 November 2001 and apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention, adopted by the Committee of Ministers in October 2001.

## II. GENERAL REMARKS

6. The Advisory Committee regrets that the initial State Report of Armenia was received 19 months after the due date. The State Report provides general information about the legal and institutional framework in Armenia relating to the protection of national minorities at the time of the establishment of the report. At the same time, the Advisory Committee notes that the State Report gives only brief information about several articles of the Framework Convention, especially those relating to the relevant practice, and gives no detailed information about certain national minorities. The Advisory Committee however appreciates the fact that the State Report does point out a number of shortcomings concerning the implementation of the Framework Convention.

7. The Advisory Committee has nevertheless been able to obtain a considerably fuller picture of the situation from the Government's written reply to the questionnaire and especially from the visit to Armenia (see paragraph 3 of this opinion). The Advisory Committee finds that the visit organised at the invitation of the Armenian Government provided an excellent opportunity for direct dialogue with the state authorities and with various other sources. The additional information supplied by the Government and other sources, particularly by representatives of national minorities, was most valuable, especially in connection with the practical application of the relevant norms and more recent developments in this field.

8. The Advisory Committee welcomes the consultation by the Government, during the preparation of the State Report, of national minorities organisations, and notes the co-operative spirit in which the Armenian authorities participated in the process leading up to the adoption of this opinion.

9. The Advisory Committee encourages the Government to take further measures to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through publication and dissemination of the State Report and other relevant documents.

10. The Advisory Committee also wishes to specify that, while evaluating the implementation of the Framework Convention by Armenia, it took into consideration the serious economic difficulties that the country is facing at present. The Advisory Committee wishes to express its appreciation of the Armenian authorities' concern to implement the Framework Convention, notwithstanding that implementation of policies and measures generally requires sufficient financial resources.

11. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the articles at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage, but that need not necessarily be so in future monitoring

cycles. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

### **III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19**

#### **Article 1**

12. The Advisory Committee notes that Armenia has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

#### **Article 2**

13. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 3**

14. The Advisory Committee underlines that, in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Armenian Government is therefore deemed to be the outcome of this examination.

15. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

16. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

17. The Advisory Committee notes that the expression "national minority" is not legally defined in Armenia. The Advisory Committee nevertheless notes that the State Report says that the term is in practice taken to mean "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". This definition apparently reiterates the one which appears in the Convention of the Commonwealth of Independent States on the Protection of Persons belonging to National Minorities, which came into force in respect of Armenia in January 2001.

18. The Advisory Committee also notes that there is no list of officially recognised national minorities, and that a level of uncertainty exists in this respect. The State Report mentions the existence of over twenty "nationalities", eleven of which are included in an

open-ended list: Germans, Belarusians, Georgians, Greeks, Jews, Kurds, Poles, Russians, Syrians, Ukrainians and Yezidis.

19. The Advisory Committee notes in this regard the existence of a controversy as to the national identity of the Kurds and Yezidis and their belonging to a single national minority or to two distinct national minorities. The Advisory Committee is pleased to note that the recent census (October 2001) offered the persons concerned an opportunity to identify themselves as either Yezidis or Kurds. The Advisory Committee hopes that the census results will provide clarification in this respect, and it encourages the Armenian authorities to clarify as appropriate in consultation with those concerned, when preparing and adopting the forthcoming legislation on national minorities. The Advisory Committee notes that the census forms contained an open-ended optional question about ethnic origin, as well as other questions covering mother tongue and any other languages spoken. The results, which, according to the authorities, will be available around July 2002, should provide an up-to-date picture, based on reliable data, of the current make-up of the population of Armenia (see also comments relating to Article 4 below).

20. The Advisory Committee notes that the Armenian authorities supplied information about the existence of other ethnic groups which they do not, at this stage, regard as national minorities. For instance, the authorities have specified that the eleven national minorities mentioned in the State Report are those which have their own representative organisations and which are represented in the Co-ordinating Council, a representative body of national minorities within the President's Office. According to the authorities, it is difficult to consider the other ethnic groups which exist in Armenia as being national minorities, in the absence of a manifest expression of their wish to be treated as such. These groups have no representative organisations, a fact which reflects the lack of such a wish, according to the authorities.

21. The Advisory Committee notes that the authorities do not exclude the possibility that these groups, in future, expressly communicate their wish to be recognised as national minorities. The Advisory Committee nevertheless takes the view that the mere fact that the individuals belonging to these groups have no representative organisations should not lead to their exclusion from the right to benefit from the protection of the Framework Convention. The Advisory Committee is of the opinion that it would be possible to consider including persons who belong to other groups, including non-citizens where appropriate, in the application of the Framework Convention on an article-by-article basis. It considers that the Armenian authorities should examine this question in consultation with those concerned.

22. With respect to the legal basis for the protection of persons belonging to national minorities, the Advisory Committee notes that there is no special law governing the protection of national minorities. Given that, apart from the general guarantee which appears in Article 37 of the Constitution, Armenian legislation contains few detailed provisions on the protection of national minorities, the authorities consider that this absence represents a shortcoming in the Armenian legislation. The Advisory Committee notes that preparatory work with a view to the drafting of such a law is under way and that the future law could contain a definition of the concept of national minority. It also notes the existence of two draft laws, one drawn up by the Government Department for Migration and Refugees and the other stemming from a Parliamentary initiative.

23. The Advisory Committee notes, alongside the lack of co-ordination and communication between the different government bodies in this context and between them

and the parliament, that there is no agreement for such a law by all those who play an active role in Armenian political life (see also comments relating to Article 15). The Advisory Committee did, in contrast, note that the national minorities were in favour of the adoption of such a law and wished to be involved in its preparation. In this context, their representatives have expressed discontent that they were not involved in the preparation of the governmental draft and have been critical of the draft subsequently submitted to them. The Advisory Committee considers that it is important to establish a legal framework likely to guarantee appropriate protection for persons belonging to national minorities, in conformity with the principles enshrined in the Framework Convention and in consultation with those concerned, and it encourages the competent authorities to do all that is necessary in this respect.

24. The Advisory Committee notes that the Armenian Constitution, like all Armenian legislation, is currently undergoing a broad process of revision, with a view to it being brought into line with European standards. In this context, it encourages the authorities to ensure, through appropriate co-ordination between the various authorities responsible, that all the amendments to be made take due account of the needs of persons belonging to national minorities, so as to ensure that the Armenian legislative system is consistent in this field and that it complies with the principles laid down in the Framework Convention.

#### **Article 4**

25. The Advisory Committee notes that the Armenian Constitution provides that all citizens shall be equal before the law and enjoy equal protection by the law, without discrimination, as well as guarantees relating to the defence of their rights. Armenian criminal law contains provisions prohibiting any discrimination by public authorities or private entities, and also lays down sanctions for any violation of equality carried out on racial or ethnic grounds. The Advisory Committee notes that provision is made for possible remedies for victims of discrimination. As regards protection against discrimination in different societal settings (including employment, provision of services and housing) provided by civil and administrative law, the Advisory Committee invites the Armenian authorities to examine the situation in the context of the current revision of the Armenian legislation with a view to filling any gaps that may remain in this field.

26. As to the non-judicial mechanisms for the protection of human rights, which may contribute significantly to the effective implementation of the principles of the Framework Convention, the Advisory Committee notes that the Ombudsman's office has still not been set up, although this was one of the undertakings made by Armenia when it joined the Council of Europe, and that the relevant law ought to have been adopted within six months of accession. According to the authorities, the Ombudsman should be appointed by parliament and authorised to take cases to the Constitutional Court.

27. The Advisory Committee is aware that the setting up of the Ombudsman's office is an integral part of the process of revision of the Constitution, a process which appears to be both slow and complicated. It also notes that this role has been fulfilled since April 1998 by the Presidential Commission for Human Rights. While recognising the importance and usefulness of this commission, the Committee notes the legal uncertainty about its status and the fact that, according to governmental sources, its term of office should have expired in March 2002. The Advisory Committee encourages the authorities to take all the necessary steps to speed up the setting-up of the Ombudsman's office, while making sure, as far as possible, that

the person appointed will be independent and will have the necessary resources to carry out his or her duties.

28. As regards the implementation of the legislation against discrimination, the Advisory Committee notes that the authorities, the representatives of national minorities, non-governmental organisations and Armenian media have no information of any case of discrimination based on the ethnic origin of a person and no such cases have been recorded by the Armenian courts. Noting in this context that no statistics are available from official sources, and taking account of the information supplied in reports by certain sources (see paragraphs 40 and 41, below) according to which there are nevertheless certain manifestations of discrimination, the Advisory Committee considers that it is impossible to evaluate the effective application of the anti-discrimination mechanisms, and therefore the principles laid down in Article 4 of the Framework Convention. It is therefore imperative that the monitoring of developments in this field be undertaken (see also comments relating to Article 6).

29. With respect to measures taken to promote full and effective equality between persons belonging to a national minority and persons belonging to the majority, the Advisory Committee is of the opinion that the state needs to make further efforts in the fields of education, culture and participation in public life, and it encourages the authorities to step up their action in this respect (for details, see the comments relating to Articles 5, 12 and 15, below).

30. The Advisory Committee is aware that, in the absence of reliable data, it is very difficult for the Armenian authorities to devise and to implement measures which guarantee the full and effective equality of persons belonging to national minorities and for the international monitoring bodies to ensure that Armenia is fulfilling its obligations under the Framework Convention. The Advisory Committee is aware that significant demographic changes have occurred in Armenia during the past ten years and it takes note, in this context, that a new census was held in October 2001, the first population census since the country's independence. According to the estimates provided by various sources, hundreds of thousands of people have left Armenia since the previous census, held in 1989, among them Armenians but also a high number of Azeri, Russians, as well as persons belonging to other national minorities.

31. Bearing in mind the importance of the new census, not least in the light of the above-mentioned demographic changes, the Advisory Committee appreciates the fact that persons belonging to national minorities have benefited from the opportunity to express their wishes and expectations in respect of the methods used for the census. The Advisory Committee considers that the data resulting from the census, together with any other data relating to persons belonging to national minorities (such as estimates based on *ad hoc* studies, specialised or sample surveys, or other scientifically valid methods) should, where appropriate, be broken down according to age, gender and geographical distribution. In this context, it encourages the authorities to ensure, when processing this data, that the principles set out in the Committee of Ministers Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes are complied with (see also comments relating to Article 3, in paragraph 19 above).

## Article 5

32. The Advisory Committee appreciates the Armenian authorities' will to promote conditions necessary for persons belonging to national minorities to maintain and develop their culture and identity. The Advisory Committee notes that the Constitution (Article 37) guarantees the right of citizens belonging to national minorities to preserve their traditions and to develop their language and culture.

33. From the institutional point of view, the Advisory Committee notes that a Department for regional policy and co-operation has been set up within the Ministry of Culture and is responsible *inter alia* for government support for projects submitted by national minorities.

34. As far as practice is concerned, the Advisory Committee notes that numerous cultural activities are organised by the various ethnic communities living in Armenia. It nevertheless notes that the national minorities report difficulties in the preservation and development of their culture and identity. Their representatives take the view that the financial assistance which they have been granted by the state in this sphere only in the last few years remains inadequate, the aforementioned cultural activities have been largely financed by the communities themselves. Thus, notwithstanding the repeated requests made to the Government over the past few years, the minorities have still not received the state support they need for the setting up of a cultural centre of their own. Since the Government acknowledges the need to give a positive response to this request, the Advisory Committee encourages it to support with appropriate funds the setting up of a cultural centre for national minorities.

35. In general terms, the Advisory Committee believes, while taking note of the economic difficulties currently faced in the country, that additional efforts need to be made by the authorities in this field. At the same time, it notes poor co-ordination between the various ministries responsible, as well as shortcomings in communication between the authorities and the representatives of the national minorities. It thus seems that the national minorities are not aware of the legislative measures prepared by the government in the cultural sphere, and are inadequately informed about the practical possibilities for them in this field. According to the government, a draft law containing provisions relating to culture, which is currently being examined by parliament, provides for state support for the cultures of the national minorities, *inter alia* through special budgetary allowances (also see the comments relating to Article 15 below).

36. In the light of the above, the Advisory Committee encourages the authorities to adopt and implement the planned legislative measures as soon as possible and provide the appropriate financial support, while ensuring that there is ongoing co-operation and systematic dialogue with the representatives of national minorities.

## Article 6

37. The Advisory Committee notes that a spirit of tolerance and intercultural dialogue is reported to prevail in Armenian society today. The rights of persons belonging to national minorities remaining in Armenia are generally respected and the attitude of the majority population towards national minorities is favourable. The Advisory Committee encourages the government to continue its efforts to foster a climate of tolerance, mutual respect and co-

operation among all persons belonging to national minorities and the majority (see also related comments under paragraph 30 above).

38. In the legislative field, the Advisory Committee notes the prohibition of incitement to national, racial or religious hatred laid down in the Constitution, as well as the existence of other legislative provisions prohibiting manifestations of discrimination, hostility or violence on the basis of racial or ethnic grounds. The Advisory Committee notes that criminal sanctions are provided for such acts.

39. In the sphere of the media, the Advisory Committee takes note of the prohibition under the Law on the media of the broadcasting of programmes inciting viewers or listeners to violence and to hostility on ethnic and religious grounds. The Advisory Committee notes that in general, according to the information provided to it, the Armenian media do not convey negative images of persons belonging to national minorities. It further notes that the Armenian media show a great deal of interest in national minorities' artistic, cultural and religious events, which they try to make known to the public.

40. As to the implementation of the aforementioned legislative provisions, the Advisory Committee notes that, according to the Ministry of the Interior and the Presidential Commission for Human Rights, there have been no complaints or court decisions relating to such cases. It also notes that the representatives of national minorities have generally confirmed the authorities' statements on this. Nevertheless, the Advisory Committee has reliable information about the existence of certain manifestations of intolerance or hostility towards persons belonging to national minorities.

41. The Advisory Committee notes that certain sources provide information concerning discriminatory attitudes towards the Yezidis by certain local authorities (including in respect of the distribution of local resources or the allocation of land during the privatisation process), as well as the lack of reaction by the police when persons belonging to this minority are the object of acts of discrimination or hostility. Despite the lack of detailed information on these cases, the Advisory Committee considers that it is the state's duty to prevent them taking place, to record such instances, and ensure that appropriate protection is afforded to the victims. The Advisory Committee is of the opinion, even if these cases remain rare, that the authorities should take all measures necessary to guarantee to all persons the right to equality before the law and to equal protection by the law (see also the comments relating to Article 4, above).

42. The Advisory Committee would like to recall the observations it made under Article 4 concerning the absence of relevant statistics, and it encourages the authorities to make appropriate arrangements for monitoring possible new developments in this field (see also the comments relating to Article 4 above).

43. As to individuals' religious identity, the Advisory Committee notes that, while acknowledging that relations between faiths within society are on the whole friendly, certain human rights organisations note shortcomings relating to religious tolerance, particularly *vis-à-vis* religious minorities other than the ones represented by the Armenian Apostolic Church, which is the national church. The Advisory Committee points out that Armenia did undertake, when it joined the Council of Europe, "to ensure that all churches or religious communities – in particular those referred to as "non-traditional" – may practise their religion without

discrimination", and it encourages the authorities to step up their efforts to improve both the dialogue between the different religious groups and religious tolerance.

### **Article 7**

44. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### **Article 8**

45. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### **Article 9**

46. The Advisory Committee notes that Article 24 of the Armenian Constitution and Article 2 of the Law on the Media (October 1991) guarantee the freedom to receive and impart information through any medium. The Advisory Committee does, however, note that Article 5 of the Law on the Media mentions Armenian as the language of information dissemination through the media in Armenia. The Advisory Committee nevertheless notes that the same law acknowledges the right of persons belonging to national minorities to receive, prepare and disseminate information and to set up and use their own media in the relevant minority language.

47. The Advisory Committee also notes that according to Article 28 of the Law on Television and Radio Broadcasting (adopted in October 2000 and amended in October 2001), public television and radio broadcasting companies must develop programmes corresponding to the interests of national minorities and earmark air time for special programmes in minority languages. However, the Advisory Committee considers this law too restrictive, as it limits broadcasting time in minority languages to a maximum of one hour per week for all national minorities on television and one hour per day on radio. Given that, under the transitional provisions of the same law, by 2004 the programmes produced at national level must total 55% of all programmes broadcasted by radio and television companies, one can infer that broadcasting time in Russian and other minority languages will be gradually cut.

48. As to practice, the Advisory Committee notes with regret that access by persons belonging to national minorities to and their presence in the public electronic media are fairly limited. In connection with programmes or media in minority languages, there has been a downward trend in this respect over the last few years. This is apparently due partly to the very low level of state support and partly to insufficient action by those concerned. For instance, despite the aforementioned legislative guarantees and the open stance adopted by the authorities, the Advisory Committee notes that there are no programmes in minority languages on public television, apart from a special 7-minute news bulletin in Russian and English, broadcasted at midnight. Although there are television programmes on the cultures, identities and values of the national minorities, the authorities have apparently opted for prioritising public radio broadcasts in the minority languages. The public radio service broadcasts programmes in Russian and Yezidi (with daily transmissions), in Georgian (one hour every week), in German (more than two hours per week), as well as Kurdish and Farsi. The Advisory Committee considers that the Armenian authorities should address the above-

mentioned situation and take appropriate steps to increase the broadcasting time made available in the public media for persons belonging to national minorities.

49. The Advisory Committee notes that there are no restrictions on the access to or presence of persons belonging to national minorities in the private media. Furthermore, it notes the open stance adopted in this respect by the various private radio and television companies, which reflect in their programmes, the concerns, traditions and values of the various communities and their cultural events. Several private television channels broadcast 20 to 50 minutes of programmes in minority languages every day, particularly in Russian, Farsi and Kurdish. Every Sunday, one major television channel devotes thirty minutes to Russian-language programmes aimed at all the Russian-speaking populations throughout the Commonwealth of Independent States.

50. The Advisory Committee notes that no application for an audiovisual broadcasting licence has been registered from persons belonging to a national minority. One of the main reasons for this appears to be the shortage of financial resources for setting up broadcasting companies, due to socio-economic difficulties that the country is facing. Representatives of national minorities have complained of the lack of state support for the creation of private media companies by persons belonging to these minorities. Similarly, the Advisory Committee notes that even though, according to the minority representatives, there are specialists from national minorities capable of ensuring the functioning of such media, they have insufficient opportunities for specialist training and promotion in the profession. The Advisory Committee would urge the authorities to consider this situation and increase its support to persons belonging to national minorities in this field.

51. As to the press, the Advisory Committee notes the existence of a number of publications, some of which are published not in the language of the minority concerned but in Armenian, Russian or English, or else in several different languages. For instance, the State Report mentions the existence, in 1999, of about ten publications in Russian, belonging to the Russian, Ukrainian, Kurdish, Yezidi and Jewish communities. The same Report indicates that in May 2001 three new publications appeared for national minorities (Ukrainian, Jewish and Yezidi). However, the Advisory Committee notes that the representatives of national minorities are dissatisfied with the current situation. Even though in 2001 the State did grant some support to publications for national minorities in response to applications from the communities concerned, their representatives insist that the level of aid provided is far from sufficient. In the Advisory Committee's view, the Armenian authorities should examine this situation and take all the necessary steps to improve it.

52. The Advisory Committee notes that certain minorities enjoy support from their kin-State in this field, either directly or through intergovernmental co-operation. For instance, the Advisory Committee welcomes the effective co-operation between Armenia and Ukraine, which has enabled both countries to develop bilingual publications for the respective communities.

53. Overall, the Advisory Committee notes that even though access to the media is guaranteed in principle to persons belonging to national minorities, there are still shortcomings in this field. It also notes the existence of more general difficulties affecting not only persons belonging to national minorities, namely the fact that the media depend financially on the State because of the tax system and the virtual State monopoly on

distribution and printing, and the heavy influence of the political parties and the business community.

54. The Advisory Committee considers that the Armenian authorities should intensify their efforts to implement fully the commitments entered into under Article 9 of the Framework Convention. Having been informed that draft legislation on State support to the media is currently under discussion, the Advisory Committee encourages the authorities to take account of the needs of persons belonging to national minorities when preparing and adopting this legislation. In its view, the Government should consult with national minority representatives in order to ensure that any support it provides will be sufficient to meet the needs and to strike an appropriate balance among the various national minorities in terms of media access and presence. Furthermore, the Advisory Committee considers that the authorities should ensure that all the conditions are fulfilled for media independence, so that the media can play a positive role in promoting inter-ethnic understanding.

### **Article 10**

55. The Advisory Committee notes that according to Article 12 of the Constitution, Armenian is the State language of Armenia. At the same time the Advisory Committee notes that Article 37 of the Constitution grants citizens belonging to national minorities the right to preserve their traditions and develop their language and culture. At the same time, Article 1 of the Law on Language (April 1993) defining the State's language policy, guarantees national minorities the freedom to use their language in the country's territory.

56. The Advisory Committee notes that Armenian legislation provides the necessary guarantees for all persons belonging to a national minority who are involved in criminal proceedings to exercise their right to be informed and to defend themselves in a language which they understand.

57. As far as practice is concerned, the Advisory Committee notes that the preservation of identity through the minority language constitutes one of the main concerns expressed by all representatives of national minorities. They consider that the State should invest more in this sphere in order to facilitate the exercise of language rights by all persons belonging to national minorities. The Advisory Committee notes in this connection that some persons belonging to minorities other than the Russian minority consider Russian as their mother tongue and prioritise its use and learning. Given that since the country's independence the Russian language has been gradually losing ground to Armenian, which is, according to the legislation, the language to be used in all fields, such persons consider that they have been placed at a disadvantage, including in their efforts to integrate into Armenian society.

58. The Advisory Committee notes that certain representatives of national minorities consider that, apart from the aforementioned general guarantee and the provisions on the right to education in the minority language, the Law on Language does not provide adequate protection for minority languages. The Advisory Committee notes that this law contains no details on the use of minority languages in relations with the administration. On this subject it notes that, according to Armenian legislation, the language of the administration is Armenian as regards both work and official documentation and inter-institutional and public relations. However, according to the State Report, "the use of the minority language will be authorised in relations with the administrative authorities in regions with a sufficiently large population belonging to a national minority". There appears to be no clear criteria as to what constitutes a

“sufficiently large number”. As matters stand, the authorities point out that in areas inhabited by a sufficiently large number of persons belonging to national minorities the local authorities are generally made up of representatives of such minorities, which therefore enable *de facto* the public to use the minority language in dealing with the administration.

59. In the view of the Advisory Committee, the authorities should endeavour to ensure the conditions which would make it possible to use minority languages in dealings with the administration in all areas where the criteria established by Article 10 paragraph 2 of the Framework Convention are met. The Advisory Committee is also of the opinion that this possibility should not be left solely to the discretion of the authorities concerned. The Advisory Committee therefore considers that Armenian legislation should specify the conditions ensuring the exercise of this right, and urges the authorities to take the necessary legislative and other steps to guarantee its full and effective implementation.

60. More broadly, the Advisory Committee encourages the authorities to consider the situation as regards the use of minority languages and to take the necessary steps, in consultation with the interested parties, to meet their specific language needs.

### **Article 11**

61. The Advisory Committee notes that Armenian legislation comprises no specific provisions on the possibility for using minority languages for local names, street names and other topographical indications intended for the public.

62. In this regard, the State Report points out the relevant legislative provisions in the texts on local self-government and the country’s territorial and administrative boundaries. However, the Advisory Committee notes that these provisions do not go into the specific language rights of persons belonging to national minorities. Even though it has not received any complaints in this regard, the Advisory Committee encourages the Armenian authorities to examine the situation and to complete the legislative framework in the context of the legislative reform under way so as to fully implement the provisions of Article 11, paragraph 3 of the Framework Convention.

### **Article 12**

63. In the legislative field, the Advisory Committee notes that Article 35 of the Constitution guarantees the right to education to every Armenian citizen. With regard to persons belonging to national minorities, the Advisory Committee is concerned by the fact that, apart from the aforementioned general guarantee, the State does not implement any active educational policy in favour of such persons and provides little or no support for educational initiatives by national minorities. The representatives of national minorities point out that the authorities rely heavily on the action of the persons concerned and the support of kin-States. The Advisory Committee notes the major problems encountered in this connection by the Yezidis and Syrians, who receive no aid from a kin-State. Notwithstanding the serious economic difficulties faced in the country, it encourages the Government to increase its involvement in this field by means of practical support measures so as to enable such persons to exercise their right to education and to encourage awareness of their culture, history, languages and traditions as well as of those of the majority.

64. As to equal opportunities in access to education, the Advisory Committee notes that persons belonging to national minorities would like the Government to regard such equality as a genuine right necessitating an active contribution from the State. In this context, the Advisory Committee is concerned by the difficulties facing some of the Yezidi children. According to certain sources, the problem of low to non-existent State support, which cannot be offset with aid from any kin-State, is supplemented by a high rate of absenteeism, partly for economic reasons and partly because of the discriminatory attitude of some pupils and teachers. The Advisory Committee considers that the authorities should address this situation and take all the necessary steps to eliminate the shortcomings noted.

65. The Advisory Committee is concerned to note the insufficiency of resources for the proper functioning of schools for national minorities and the consequent shortage of such schools. Among the shortcomings highlighted by representatives of national minorities and largely acknowledged by the Government, the Advisory Committee notes the lack of training officers for schools teaching the languages of national minorities, the shortage of nursery schools for children belonging to national minorities and the lack of public support in this field, as well as the absence of suitable textbooks and teaching curricula. The Advisory Committee notes that culture, history, religion and the traditions of persons belonging to national minorities are only taught in special Sunday classes, not as part of the general teaching curriculum. It appears that even though the law provides for Sunday schools and other optional classes aimed at studying the language and history of the national minorities, such activities are still fairly low-key and are difficult to run because of lack of State support. The Advisory Committee also notes that pupils belonging to national minorities consider discriminatory the fact that information on admission examinations is published and school competitive examinations are organised exclusively in Armenian. In the Advisory Committee's view, the authorities should take all the necessary steps to eliminate the above-mentioned shortcomings.

66. However, the Advisory Committee notes the positive initiatives taken recently by the Government in the field of access to education. For instance, a department responsible for national minorities has been set up in the Educational Reform Centre of the Ministry of Education and Science. This department is to help prepare study programmes relating to national minorities in the State schools, devise textbooks and seek financial resources, in co-operation with persons belonging to national minorities and their associations.

67. The Advisory Committee also notes that quotas have been set over the past few years to guarantee access by students belonging to national minorities to higher education, and in particular to courses for persons wishing to teach the minority language of their community of origin.

68. The Advisory Committee notes with satisfaction that, in view of their positive experience in this field, the authorities have announced their intention to reinforce bilateral co-operation in the educational field with the kin-States of certain national minorities in Armenia. They are hoping that this will increase the educational opportunities of persons belonging to these minorities, particularly in connection with supplies of school textbooks and teacher training.

69. The Advisory Committee encourages the Armenian authorities to implement the aforementioned measures without delay, consulting those concerned on their specific needs. At the same time, it considers that the shortcomings noted should be more systematically

remedied in the specific legislation to be drafted in the field of protecting national minorities and in the corresponding implementation policies.

### **Article 13**

70. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### **Article 14**

71. The Advisory Committee notes that Armenian legislation recognises the right of persons belonging to national minorities to learn their mother tongue. For example, the Law on Language (Article 2), which specifies that Armenian is the language of education and teaching in the territory of Armenia, provides for the possibility, in communities of persons belonging to national minorities, of organising general education and studies in these minorities' mother tongues, as part of the State programmes and with State support, with teaching of the Armenian language remaining compulsory. The Advisory Committee does not, however, consider this provision to be sufficiently clear (in particular on the minimum number of pupils from national minorities needed for such education to be provided), and urges the authorities to take all the necessary legislative and other measures to specify the conditions under which the aforementioned right can be exercised.

72. The Advisory Committee regrets that there are only a small number of schools for pupils belonging to national minorities (there are only a small number of Russian schools and none for the other national minorities) and hardly any classes with instruction of or in a minority language. Apart from Russian, which is studied in most schools, Kurdish is taught in some classes in areas with a sufficiently high number of pupils belonging to this minority, while Greek and Assyrian are taught as optional subjects in several schools. The Advisory Committee notes the existence of Arabic, Turkish and Farsi branches at the Faculty of Oriental Languages in Yerevan. However, according to the State Report, Armenian is the teaching language in 98.1% of the cases, with 1.7% of students taking courses in Russian and 0.2% in other languages.

73. The Advisory Committee notes that persons belonging to the Russian minority are to a larger extent entitled to education in their mother tongue - at primary, secondary and university levels. The Kurdish, Hebrew, Greek, Ukrainian and Polish languages are all studied at primary level in the special Sunday classes, as part of the activities of the respective communities. It appears that even though the law provides for Sunday and other optional classes aimed at studying the language and history of the national minorities, such activities are still fairly low-key and are difficult to run because of lack of State support. The Advisory Committee notes that, given the prevailing difficulties, some representatives of national minorities point out that they would be satisfied if the State offered to support multilingual schools.

74. The Advisory Committee also notes that some of the persons belonging to national minorities have opted for education in Russian rather than their own language, to the extent that they already know Russian and have access to the study of this language. Moreover, some persons belonging to national minorities have mentioned difficulties in learning Armenian, owing in particular to the shortage of textbooks in the language. In the awareness that knowledge of the state language is likely to facilitate integration and effective

participation in public life, such persons expect increased State support in this area. The Advisory Committee invites the authorities to examine the language needs of the various national minorities and attempt to identify the optimum solutions, in co-operation with their representatives.

75. The Advisory Committee notes that, apart from the broader financial, administrative and technical difficulties, one of the worst problems is the lack of teachers with relevant qualifications. The Advisory Committee recalls the aforementioned Government initiative to set quotas for higher education for students from national minorities (see paragraph 67). The Advisory Committee also takes note of the idea of concluding agreements with the students concerned by these quotas, agreements under which they would undertake to work for a number of years as mother-tongue teachers within their community of origin. The Advisory Committee appreciates that the authorities are planning, under the “State Programme for Educational Policies” covering the period up to 2005, to publish textbooks in minority languages on academic subjects other than the languages themselves.

76. The Advisory Committee observes that the Syrians and the Yezidi, who do not have kin-States, are at a disadvantage in this field, and therefore strongly encourages the authorities to take additional measures on their behalf so as to help them protect and affirm their linguistic identity.

#### **Article 15**

77. As to participation by persons belonging to national minorities in public life, the Advisory Committee notes that despite the authorities’ open stance on the matter, substantial efforts are still needed if this right is to be effectively implemented. For instance, the Advisory Committee notes that national minorities are not represented in either Parliament or in any Government body. Even though there is no law forbidding it, there are no provisions facilitating access by such persons to Parliament or, more generally, bringing them into the various branches of power. It would appear that neither the new electoral law nor the draft law on local self-government contain provisions to improve participation by such persons in public life. The Advisory Committee welcomes the fact that several persons belonging to national minorities hold posts in local and regional government bodies. Nevertheless it considers that specific measures are still needed in order to ensure the effective participation of persons belonging to national minorities in public affairs.

78. The Advisory Committee notes that representatives of national minorities would like to be more closely involved in the taking of decisions affecting them. They highlight that the current ways of consultation, in particular the Co-ordinating Council for National Minorities and/or the Union of Nationalities, are not sufficiently effective.

79. As regards the Co-ordinating Council, a consultative body set up with the Presidency in March 2000 in the wake of the first Congress of National Minorities, the national minorities are hoping that this body’s legal status and terms of office will be clarified and that it will be provided with appropriate premises. The Advisory Committee notes that this Council, which comprises representatives of 11 different national minorities, is headed by a civil servant, a presidential adviser, and that its responsibilities are fairly limited. Similarly, the Advisory Committee has noted a number of divergences and difficulties as regards communication within this body among the representatives of its component minorities. Moreover, it appears that the tension occasioned by the setting up of this Council alongside

the Union of Nationalities, an already existing organisation made up of representatives of 12 national minority cultural organisations, is still present.

80. More generally, the Advisory Committee notes the lack of consensus among persons belonging to national minorities on whether or not these representative bodies are actually helping to improve their situation. It therefore considers that the Government must maintain direct dialogue not only with the Co-ordinating Council and the Union of Nationalities, but also with organisations representing individual national minorities with a view to ascertaining their specific concerns and acting accordingly.

81. On the Government side, the Advisory Committee notes that issues of protecting national minorities are dealt with by various competent authorities, in the absence of a real co-ordination or a conception coherently incorporating all the planned measures. The Advisory Committee notes that notwithstanding the specific measures taken by these authorities and the Government's open stance on the matter, there is no fully-fledged public policy on the protection of national minorities. In the Advisory Committee's view, this is especially worrying as there seem to be difficulties in communication among the various public authorities in Armenia.

82. In this context, the Advisory Committee notes with satisfaction that the authorities have recently realised that these shortcomings exist. They have announced their intention to introduce a legal and institutional framework as soon as possible to promote the involvement of persons belonging to national minorities in the taking of decisions affecting them. The Advisory Committee particularly notes the intention to draw up a specific law and establish a governmental body responsible for the protection of national minorities, measures likely to lead to the development of a coherent policy in this field. According to the State Report, similar structures should also be set up at the local and regional administrative levels. Furthermore, it appears that the draft law on national minorities will contain provisions that guarantee the right to political participation for persons belonging to national minorities. The Advisory Committee notes that the national minorities have welcomed these measures, and have great expectations from their future co-operation with the new bodies. It expects that this will lead to practical modalities of participation that genuinely promote the interests of such persons.

#### **Article 16**

83. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 17**

84. Given the particular restrictions on border crossings with some neighbouring countries, the Advisory Committee considers that the Armenian authorities should ensure that this situation does not constitute an excessive burden on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

#### **Article 18**

85. The Advisory Committee welcomes the fact that Armenia is a party to several bilateral treaties and cultural agreements on protection of national minorities (with Bulgaria, the

Russian Federation, Georgia, Greece, Kazakhstan, Lebanon, Romania and Ukraine). The Advisory Committee encourages the Armenian authorities to ensure that the mechanisms for implementing these agreements help to improve the effective protection of the persons in question.

86. Given the great importance to States of transfrontier co-operation as a means of protecting national minorities, the Advisory Committee regrets that such co-operation cannot be developed by Armenia with all neighbouring countries. It expresses the hope that a fair and lasting political settlement will be secured to solve the existing problems, *inter alia* in the interests of persons belonging to national minorities.

#### **Article 19**

87. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### **IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE**

88. The Advisory Committee believes that the main findings and comments set out below could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

#### **In respect of Article 3**

89. The Advisory Committee *finds* that Armenian legislation contains few provisions specific to the protection of national minorities. The Advisory Committee *considers* that it is important to establish a legal framework capable of securing appropriate protection for persons belonging to national minorities and encourages the authorities to make all the necessary efforts in this regard, in consultation with those concerned.

90. The Advisory Committee *finds* that a level of uncertainty exists over what is understood by the concept of “national minorities” and the groups recognised by the Armenian authorities as national minorities, particularly when such groups do not have any representative organisations. Similarly, the Advisory Committee *finds* that there is some controversy over the national identity of the Kurds and the Yezidis. The Advisory Committee *considers* that, in the context of the legislative measures planned in this field and in the light of the recent census, the authorities should make the necessary clarifications, taking due account of the positions expressed by the persons concerned. The Advisory Committee *considers* that it would be possible to consider the inclusion of persons belonging to other groups, including, where appropriate, non-citizens, in the application of the Framework Convention on an article-by-article basis.

#### **In respect of Article 4**

91. The Advisory Committee *finds* that there have been delays in establishing the institution of a human rights Ombudsman in Armenia and *considers*, in the interest of the protection of persons belonging to national minorities, that the authorities should make every necessary effort to speed up the establishment of this institution.

92. While noting that no complaint of cases of discrimination based on a person's ethnic origin has reportedly been registered with the Armenian courts, the Advisory Committee *finds* that the authorities have only very limited information on the practical application of the legislation on non-discrimination. Bearing in mind that other sources nonetheless point to the existence of certain cases of discrimination, the Advisory Committee *considers* that there is a need for a monitoring of the situation in this field.

93. The Advisory Committee *finds* that, in order to secure full and effective equality between persons belonging to a national minority and those belonging to the majority, additional measures are required in the fields of education, culture and participation in public life. The Advisory Committee *considers* that the Armenian authorities should step up their efforts in this regard.

#### **In respect of Article 5**

94. The Advisory Committee *finds* that, according to the representatives of national minorities, state support for the preservation and development of their culture and identity is not sufficient. The Advisory Committee *considers* that, notwithstanding the country's economic difficulties, the authorities should make additional effort in this field, including supporting the establishment of a cultural centre for national minorities.

95. The Advisory Committee *finds* that some institutional and legislative measures have recently been initiated to offer support to national minorities in the field of culture. The Advisory Committee *considers* that these measures should be adopted and implemented as promptly as possible, ensuring that there is better co-ordination between the competent authorities and systematic consultation of the persons concerned.

#### **In respect of Article 6**

96. The Advisory Committee *finds* that a spirit of tolerance and dialogue is reported to prevail between the various ethnic groups living in Armenia today but notes that certain human rights organisations highlight shortcomings in the field of religious tolerance. The Advisory Committee *considers* that the authorities should pursue their efforts to improve dialogue and tolerance in this field.

97. The Advisory Committee *finds* that there exists information concerning discriminatory attitudes towards the Yezidis, in particular by certain local authorities, and a lack of reaction by the police in respect of hostile or violent acts committed against persons belonging to this minority. The Advisory Committee *considers* that, even if such cases are rare, the authorities should take all the necessary measures to prevent such incidents, encourage the persons concerned to bring them to the attention of the authorities and ensure the protection of the victims.

#### **In respect of Article 9**

98. The Advisory Committee *finds* that, although access to the media by persons belonging to national minorities is guaranteed by law, there continue to be shortcomings, at the legislative level as well as in practice. The Advisory Committee *considers* that the authorities should step up their efforts to broaden the possibilities of minority access to and

presence in the media so as to fully implement the rights protected by the Framework Convention in this field.

99. The Advisory Committee *finds* that the Law on Television and Radio is too restrictive with regard to the use of minority languages in the public electronic media, particularly public television. The Advisory Committee *considers* that the authorities should take the necessary measures, including at the legislative level, in order to increase the broadcasting time allocated to minority languages in the public television and radio services.

100. The Advisory Committee *finds* that the support offered to national minorities to set up private electronic or print media is insufficient. The Advisory Committee *considers* that the authorities should examine the situation and identify the ways and means of increasing this support when drafting and passing the law on state support to the media. Particular attention should be focused, via consultation of those concerned, on matching aid to needs and striking a balance between the various national minorities.

### **In respect of Article 10**

101. The Advisory Committee *finds* that there is a lack of precision in Armenian legislation on the right to use minority languages in relations with the administrative authorities and notes that, according to the authorities, such a possibility exists in areas inhabited by a sufficient number of persons belonging to national minorities. The Advisory Committee *considers* that this possibility should not be left solely to the discretion of the authorities concerned and that appropriate measures should be taken, including at legislative level, to ensure the effective application of this right.

102. The Advisory Committee *finds* that representatives of national minorities consider that overall the protection afforded to minority languages by the Armenia Language Law is insufficient. The Advisory Committee *considers* that the authorities should examine the situation, in consultation with the persons concerned, and take appropriate measures to satisfy their linguistic needs.

### **In respect of Article 11**

103. The Advisory Committee *finds* that there is a lack of precision in Armenian legislation concerning the possibility of using minority languages in topographical indications. The Advisory Committee *considers*, despite the fact that there have been no complaints from the persons concerned, that the authorities should supplement their legislation so as to ensure that the relevant provisions of the Framework Convention may be effectively implemented.

### **In respect of Article 12**

104. The Advisory Committee *finds* with concern that there is no active state policy in respect of persons belonging to national minorities in the field of education, and that the support offered by the state for the latter's initiatives is insufficient. The Advisory Committee *considers* that the authorities should show greater commitment in this field in order to ensure that these persons can enjoy equal access to education and that they can enjoy awareness of their culture, history, languages and traditions as well as of those of the majority.

105. The Advisory Committee *finds* with concern that there is a shortage of teachers, special curricula and textbooks for schools offering teaching in and of minority languages. It is also concerned that there is a shortage of nursery schools for children belonging to national minorities. The Advisory Committee *finds* that the Syrians and the Yezidis are particularly affected by these difficulties and that in some cases Yezidi children are being subject to discriminatory attitudes on the part of certain pupils and teachers. The Advisory Committee considers that the authorities should take all necessary measures to rectify these shortcomings.

106. The Advisory Committee *finds* that certain initiatives have recently been taken in the field of access to education and *considers* that the authorities should develop these further, and attempt, as part of the current legislative process and in consultation with the persons concerned, to identify lasting solutions to the current difficulties.

#### **In respect of Article 14**

107. The Advisory Committee *finds* that Armenian legislation is not sufficiently clear with regard to the conditions under which the right of persons belonging to national minorities to learn their mother tongue may be exercised. The Advisory Committee *considers* that the authorities should look into this question and make the necessary clarifications in conformity with the Framework Convention, including by amending the legislation concerned.

108. The Advisory Committee *finds* it regrettable that there is only a small number of schools and classes which provide education of or in a minority language, and notes that initiatives taken by minorities in this field do not receive adequate support from the state. The Advisory Committee *considers* that the authorities should develop additional support measures, taking account of the specific needs of the persons belonging to the various national minorities, with particular attention focused on the situation of the Syrians and the Yezidis. At the same time, increased support is needed with regard to the teaching of Armenian in order to help persons belonging to national minorities to better integrate into Armenian society.

#### **In respect of Article 15**

109. The Advisory Committee *finds* that substantial effort is still required with regard to the participation of persons belonging to national minorities in public life, and particularly with regard to the taking of decisions concerning them. While welcoming that several persons belonging to national minorities hold posts in bodies of local and regional authorities, the Advisory Committee *considers* that further effort is required in order to ensure the effective participation of national minorities in public affairs.

110. The Advisory Committee *finds* that there is no genuine public policy on the protection of national minorities and notes that there are communication difficulties between the competent authorities. The Advisory Committee *considers* that the setting up of a Government body responsible for the protection of national minorities, as is planned by the Government, could help develop a coherent policy in this field.

111. The Advisory Committee *finds* that there are a number of difficulties in the dialogue between the authorities and the organisations of national minorities, whose representatives take the view that the current arrangements for consultation are not effective enough. The

Advisory Committee *considers* that, in addition to the Co-ordinating Council and the Union of Nationalities, the Government should maintain a direct dialogue with the organisations representing the different minorities so as to become familiar with their specific concerns and act accordingly.

#### **In respect of Article 17**

112. The Advisory Committee *considers* that the fact that there are particular restrictions on border crossings with some neighbouring countries should not represent an excessive burden on the rights of persons belonging to national minorities to establish and maintain contacts beyond the borders.

#### **In respect of Article 18**

113. The Advisory Committee *finds* it regrettable that developing cross-border co-operation is not possible with all of Armenia's neighbouring countries. The Advisory Committee *considers* that a fair and lasting political solution to current problems should be found, also in the interests of persons belonging to national minorities.

### **V. CONCLUDING REMARKS**

114. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

115. The Advisory Committee welcomes the climate of intercultural harmony, respect and understanding reported to prevail in Armenia today and notes Armenia's commitment to implement the Framework Convention. Nonetheless, the current situation presents a number of shortcomings, particularly in the fields of education, access to the media, use of minority languages in the public sphere and the participation of persons belonging to national minorities in public affairs.

116. At the legislative level, given the limited number of provisions specifically providing for the protection of national minorities, the Advisory Committee takes the view that it is essential to establish an appropriate legal framework and strongly encourages the Armenian authorities to pursue and expand the existing legislative initiatives in this regard. At the institutional level, the setting up of a specialised governmental body should facilitate a better co-ordination between the competent state authorities and make it possible to develop a genuine public policy in this field.

117. With regard to the practice, the Advisory Committee considers that, notwithstanding the openness expressed by the Government, further efforts are required to bring about the conditions enabling persons belonging to national minorities to maintain and develop their culture and preserve their identity. The authorities should implement their recent initiatives in this field as promptly as possible in order to strengthen the support provided by the state to national minorities, including for the establishment of a cultural centre for national minorities.

118. There is also a need for further effort in order to broaden the possibilities of access to and presence in the media by persons belonging to national minorities. Although this right is guaranteed by law, the current situation is unsatisfactory, both at the legislative level and in practice. The amount of broadcasting time allocated to minority languages in the public audiovisual services should be increased, particularly on television, including through a review of the relevant legislative provisions. Furthermore, there should be greater state support for the setting up of private electronic and print media by persons belonging to national minorities.

119. The Advisory Committee notes with concern the shortcomings in the field of education, notably with regard to the teaching of or in minority languages. It considers that the authorities should show greater commitment in this area, in order to enable persons belonging to national minorities to enjoy equal access to education and to promote awareness of the culture, history, languages and traditions of both the minorities and the majority. Increased attention is needed in this field with respect to the Syrians and the Yezidis.

120. The Advisory Committee is of the opinion that the implementation of the Framework Convention is not fully successful with regard to the participation of persons belonging to national minorities in the taking of decisions concerning them. The Advisory Committee believes that the authorities should broaden the forms of consultation with these persons and implement without delay the planned institutional measures in this connection.

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