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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ARMENIA

Draft Law
on national minorities

REPUBLIC OF ARMENIA
LAW
ON NATIONAL MINORITIES

CHAPTER I. GENERAL PROVISIONS

Article 1. Purpose of Regulation

1. The purpose of this law is to regulate relations related to the exercise of the rights of persons belonging to national minorities, to define the relevant problems of state and local self-government authorities, as well as to regulate the organizational and legal bases of the formation and operation of the Chamber of National Minorities.

Article 2. Legislation on the Implementation of the Rights of Persons Belonging to National Minorities

1. Relations pertaining to the exercise of the rights of persons belonging to national minorities are regulated by the Constitution of the Republic of Armenia, this law, the Law of the Republic of Armenia "On Ensuring Equality" and other legal acts, as well as international treaties of the Republic of Armenia.

Article 3. Persons Belonging to the National Minority

1. Persons belonging to the national minority are citizens of the Republic of Armenia who are members of the national minority, i.e. a group with their inherent national or ethnic identity, historically formed in the Republic of Armenia.

2. National minorities in the Republic of Armenia are Assyrians, Belarusians, Germans, Yezidis, Poles, Jews, Greeks, Russians, Georgians, Ukrainians, Kurds.

Article 4. The Right to Choose to Belong to a National Minority

1. A person belonging to a national minority has the right to be considered as such or not. That choice, as well as the exercise of rights related to it, shall not lead to adverse consequences for that person.

2. No one can be forced to determine or indicate their national and ethnic identity, belonging to any national minority, nor can they be forced to renounce them.

Article 5. Prohibition of Discrimination

1. In the Republic of Armenia, discrimination based on belonging to a national minority is prohibited. Persons belonging to national minorities have equal rights and responsibilities with Armenian citizens of the Republic of Armenia.

2. Relations pertaining to the provision of equal opportunities for the realization of the rights and freedoms of persons belonging to the national minority are regulated by the Law of the Republic of Armenia "On Ensuring Equality".

3. The state and local self-government authorities of the Republic of Armenia, within the framework of their assigned powers, shall take the appropriate measures aimed at:

1) prevention of cases of discrimination based on person's belonging to a national minority;

2) effective protection of the rights and legal interests of persons discriminated on the ground of belonging to a national minority;

3) ensuring equality of rights for persons belonging to national minority in the spheres of economic, social, political and cultural life;

4) raising public awareness about the rights of persons belonging to national minorities, as well as eliminating intolerance towards them.

Article 6. Processing of Information on National Minorities

1. In the Republic of Armenia, the processing of information of persons belonging to the national minorities regarding the fact of being a national minority shall be carried out in the cases and according to the procedure established by the law.

2. Questionnaire of the census conducted according to the legislation of the Republic of Armenia shall contain a question about a person's belonging to a national minority and ethnic identity, to which the person (respondent) has the right to answer or refuse to answer.

CHAPTER II. ENSURING IDENTITY OF PERSONS BELONGING TO NATIONAL MINORITIES

Article 7. The Right of Persons Belonging to National Minorities to Preserve their Identity

1. Persons belonging to national minorities have the right to preserve their national and ethnic identity, preserve and develop their traditions, religion, language and culture.

2. It is forbidden in the Republic of Armenia, to initiate and carry out actions or measures aimed at disintegration (assimilation) of persons belonging to national minorities against their will.

3. State and local self-government authorities shall implement programs and measures aimed at creating conditions for the preservation and development of traditions, religion, language, culture of persons belonging to national minorities, as well as promoting intercultural dialogue.

Article 8. The Right of Persons Belonging to National Minorities to Preserve their Traditions

1. To the extent that it does not contradict the legislation of the Republic of Armenia, persons belonging to national minorities have the right to:

1) maintain and develop their intra-family relations in accordance with their national culture;

2) maintain and develop their internal interpersonal and intergroup relations in line with the peculiarities of their culture and traditions;

3) raise their children according to their national traditions and culture.

Article 9. Freedom of Persons Belonging to National Minorities to Use their Own Language

1. The Republic of Armenia guarantees the free use of the languages of national minorities, both oral and written. Persons belonging to national minorities have the right to use their

language without restriction in their private life and in public places, as well as to exchange and disseminate information in their language.

2. The Republic of Armenia promotes mastery of the state language of the Republic of Armenia, i.e. Armenian, by persons belonging to national minorities.

3. In communities where people belonging to national minorities are at least thirty percent of total population, the language of the national minority can be used as the language for oral communication with local self-government authorities. The total number and proportion of persons belonging to national minorities in the given community shall be determined based on the data of the regular census conducted in accordance with the legislation of the Republic of Armenia.

Article 10. The Right to Education of Persons Belonging to National Minorities

1. Pre-school education and training in public educational institutions for children belonging to a national minority can be organized in their mother tongue with compulsory teaching of Armenian; alternatively for children belonging to a national minority, additional educational groups can be arranged to teach their mother tongue, culture and history, according to the curriculum approved by the Government's authorized body in the field of education.

2. For children belonging to national minorities, non-state general educational institutions can operate in accordance with the legislation of the Republic of Armenia, where teaching is delivered in their mother tongue, with compulsory teaching of Armenian, according to the curriculum approved by the authorized body of the Government in the field of education.

3. The Republic of Armenia, through implementation of state programs, shall contribute to the development of educational programs and educational literature for national minorities and the training of pedagogical personnel in cooperation with representatives of national minorities.

4. The Republic of Armenia shall guarantee the admission of persons belonging to national minorities to state or accredited non-state educational institutions operating in the

Republic of Armenia, outside of the general competition, in case of passing the exams with positive scores, and studies at the expense of the funds of the state budget of the Republic of Armenia, in accordance with the procedure established by the legislation of the Republic of Armenia.

5. The Republic of Armenia shall allocate funds for the development of school curricula, publication of textbooks and other materials that teach the language and culture of national minorities that do not have a nation state.

6. In terms of this article, a child with at least one parent belonging to a national minority deems to belong to a national minority.

Article 11. The Right to Freedom of Thought, Conscience and Religion

1. Persons belonging to national minorities have the right to publicly or privately profess their own religion or belief, alone or jointly with others, or to express it a different way, to change or not to profess any religion.

2. Relations related to the exercise of the right to freedom of religion of persons belonging to national minorities are regulated by law.

Article 12. The Right to Celebrate National and Religious Holidays

1. Persons belonging to national minorities have the right to celebrate their national and religious holidays and historical dates, participate in their national ceremonies, use their national symbols, observing the requirements of the legislation of the Republic of Armenia.

2. Persons belonging to national minorities have the right to a maximum of three days of unpaid leave per year during the days of celebrating their national and religious holidays or historical dates, in accordance with the procedure established by the labor legislation of the Republic of Armenia.

Article 13. Access to Mass Media

1. According to the legislation of the Republic of Armenia, it is allowed to establish mass media, broadcast television and radio programs, and publish journals and magazines in the language of national minority.

2. Public television and radio shall broadcast programs representing the culture of the national minorities of the Republic of Armenia.

3. The terms and conditions for broadcasting programs in the languages of national minorities on public television and radio are defined by law.

Article 14. Names of Settlements, Streets and Public Facilities

1. In the communities where people belonging to national minorities make up at least thirty percent of the total population, the names of communities and streets, as well as the notices of state and community institutions, including the community hall, school, kindergarten, shall be written in the language of the national minority along with Armenian.

CHAPTER III. ASSOCIATIONS OF PERSONS BELONGING TO NATIONAL MINORITIES

Article 15. The Right to Establish Organizations

1. Organizations of national minorities are non-commercial organizations aimed at protecting and implementing the rights of persons belonging to the national minority.

2. Organizations of persons belonging to national minorities may issue their documents and forms, and prepare seals in their national language with parallel translation into Armenian.

3. Any organization of national minorities shall not be deemed to express the will of the entire national minority.

Article 16. Supporting Organizations

1. Programs of national minority organizations shall receive financial support from the state budget of the Republic of Armenia on an annual basis, the distribution of which shall be regulated by the Chamber of National Minorities provided for in Article 18 of this law.

CHAPTER IV. PARTICIPATION IN PUBLIC GOVERNANCE

Article 17. Representation in the National Assembly

1. The representation of national minorities in the National Assembly of the Republic of Armenia is ensured by the Constitution of the Republic of Armenia and the Electoral Code of the Republic of Armenia in the manner and proportion established by the constitutional law.

Article 18. Chamber of National Minorities

1. The Chamber of National Minorities (Chamber) shall be established with the view to contributing to the realization of the rights of national minorities, monitoring the situation and problems related to the realization of rights, preparing recommendations for solving the problems and expressing their position.

2. The Chamber shall be composed of representatives of national minorities, two members from each national minority.

3. Candidates for members of the Chamber shall be nominated by organizations of national minorities that have been active in the field of protection of the rights and identity of the given national minority for at least the last five years, noticing the Chairman of the Public Council in writing. Where up to two candidates representing each national minority are nominated, they shall become members of the Chamber. Where more than two candidates are nominated, members of the Chamber shall be elected by the Public Council for decision-making in accordance with the law of the Republic of Armenia "On Public Council". When electing members of the Chamber, activities of the candidate in terms of implementation of the rights of the given national minority and protection of identity over the last five years shall be considered. The Public Council shall publish individual composition of the Chamber on its official website.

4. The Chamber shall organize its work through regular and ad hoc sessions. Regular sessions of the Chamber shall be arranged at least once a quarter. The Chamber shall endorse its working procedure at its inaugural session.

5. The activities of the Chamber shall be coordinated by the office of the Prime Minister of the Republic of Armenia. The sessions of the Chamber shall be chaired by the person authorized by the Chief of Staff of the Prime Minister of the Republic of Armenia, without the right to participate in the Chamber's voting (decision making).

6. Members of the National Assembly of the Republic of Armenia representing national minorities, representatives of the staff of the Human Rights Defender, can participate in the sessions of the Chamber, without the right to participate in the Chamber's voting (decision making).

Article 19. Chamber Functions

1. Chamber Functions Include:

- 1) promoting exercise of the rights of national minorities;
- 2) monitoring the exercise of the rights of persons belonging to national minorities;
- 3) submitting a claim to the RA Prime Minister's Office to allocate funds from the state budget for the implementation of programs of national minority organizations;
- 4) make a decision on distributing the financing allocated for the programs of national minority organizations from the state budget of the Republic of Armenia on an annual basis.

2. The rights and duties of the Chamber are:

- 1) cooperation with the state and local self-government authorities, Human Rights Defender of the Republic of Armenia, public and international organizations,
- 2) providing the public with information on the state of implementation of the rights of persons belonging to national minorities and their problems;
- 3) preparing recommendations on issues related to the rights of persons belonging to national minorities defined by the Constitution of the Republic of Armenia, international treaties of the Republic of Armenia, law and other legal acts, discussing, analyzing drafts of laws and other legal acts in that field, expressing a position on them and preparing recommendations.

2. State and local self-government authorities and their officials shall cooperate with the Chamber, and in case of a corresponding request, provide information, which they have about the state of exercise of the rights of national minorities and persons belonging to them.

3. The Chamber can prepare reports on the state of the rights of national minorities in the Republic of Armenia and share them with the National Assembly of the Republic of Armenia, the Prime Minister and the Human Rights Defender.

CHAPTER VI. FINAL PROVISIONS

Article 20. Entry into Force

1. This law shall enter into force on the tenth day following its promulgation.
2. The Chamber referred to in Article 18 of this law shall be established within six months after the date of entry into force of this law.

REPUBLIC OF ARMENIA

LAW

ON AN ADDENDUM TO THE REPUBLIC OF ARMENIA LABOUR CODE

Article 1. To add to Article 176(1) of **the Labor Code of the Republic of Armenia** of November 9, 2004, with a new Paragraph 5 as follows:

“5) persons belonging to national minorities - to celebrate their national, religious holidays or historical dates, no more than three days a year”.

Article 2. This law shall enter into force on the tenth day following its promulgation.