

Norms of the Council of Europe in the Postsoviet space: National Minorities in the Republic of Armenia and FCNM

by

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Content

List of Abbreviations	3
1. Introduction	4
Chapter I: Historical Overview of the National Minorities in Armenia	6
I.1. Yezidi and Kurdish minorities	6
I.2. Russian minority	9
I.3. Greek, Jewish, Assyrian, Polish, Ukrainian minorities	12
I.4. The Lost Azerbaijani minority of Armenia	15
Chapter II: Current minority institutions and their legal regulation in Armenia	16
Chapter III: Framework Convention for the Protection of National Minorities and the Republic of Armenia	20
III.1 Fourth State Report submitted by the Republic of Armenia on 2 of December 2014	23
III.2 Fourth Advisory Committee visit to the Republic of Armenia and Opinion	26
III.3 Government comments and Resolution by Committee of Ministers	28
III.4 Fifth State Report submitted by the Republic of Armenia on 15 June 2020	32
IV. Conclusion	34
Primary Sources	35
Internet Sources	36
Bibliography	37
Appendix I	

List of Abbreviations

AC	Advisory Committee
CoE	Council of Europe
FCNM	Framework Convention for the Protection of National Minorities
HPG	Hêzên Parastina Gel (People's Defense Forces)
ICCPR	International Covenant on Civil and Political Rights
KCK	Koma Civakên Kurdistanê (The Kurdistan Communities Union)
PKK	Kurdistan Workers' Party
RA	the Republic of Armenia
SSR	Soviet Socialist Republic
UN	United Nations
UNICEF	the United Nations International Children's Emergency Fund
USSR	Union of Soviet Socialist Republics

1. Introduction

The historical, geographical, national and religious characteristics of Armenia largely determined the demographic picture of the region. Located on the territory of the South Caucasus, the status and borders of Armenia have often changed due to numerous wars and conflicts over centuries, and along with the borders, ethnic component has also changed. Representatives of the modern national and ethnic minorities have been living in the region side by side with Armenians for centuries, since the appearance of their other part was determined over the past two hundred years with a change in balance of powers on the territory of Transcaucasia and the Caucasus in general. The growing presence of the Russian Empire since the nineteenth century, entry of Armenia into the USSR in 1920, Armenia's withdrawal from the USSR in 1991 and the subsequent Karabakh conflict had a great influence on its demographic picture, laying the foundation of the existence of relatively new ethnic minorities alongside with domestic traditional national minorities in Armenia, whereas some of them have disappeared, for example Azerbaijan.

Since the early years of independence of the third Armenian Republic, steps have been taken by Armenia to improve conditions for the existence of national minorities and to eliminate any type of discrimination.¹ Thus, since the beginning of the 90s, Armenia has signed a number of international conventions and treaties regarding protection of the rights of national minorities such as International Covenant on Civil and Political Rights (ratified in 1993), The International Convention on Elimination of All Forms of Racial Discrimination (ratified in 1993), The European Charter for Regional or Minority Languages (ratified in 2001) and The Framework Convention for the Protection of National Minorities (FCNM; ratified on 17 February 1998). However, despite all these attempts, the number of representatives of national minorities has been steadily decreasing since the first years of independence of Armenia.

National minorities in Armenia nowadays can be conditionally divided into two groups. The first group includes the Yezidi and Kurdish national minorities of Armenia. The second group includes all other national minorities of Armenia. This classification is mainly based on religious principles: the first group represents the non-Christian minority in Armenia. Yezidi laws and customs strictly forbid conversion and exogamy, thereby separates this minority and minimize social contact. The situation is the same with the Kurdish minority in Armenia. This leads to the fact that these minorities do not integrate and, moreover, do not assimilate into

¹ [Public report of the RA Human Rights Defender on the protection of the rights of national minorities 2001](#) (accessed: 21.10.2022).

society. The same is difficult to be said about the second group, almost all representatives of which profess Christianity and have a common feature in the form of marriages in the majority of the society, which enhances their integration into the hosting society. The context and reasons of such migration of those two groups are also distinguished factors, this discussion of which comprises part of this research.

The goal of this research is to understand the situation of national minorities in Armenia and to analyze how the policy of Armenia promotes improvement or decline in their situation. Part of the policy of Armenia is the function of FCNM (Framework Convention for the Protection of National Minorities), which is Europe's most comprehensive treaty protecting the rights of persons belonging to national minorities. The situation of national minorities in Armenia is highly dependent on the degree of fulfilment of obligations of FCNM, the process of which is not going unproblematic. Because of economic difficulties, Armenia sometimes cannot fulfill its obligations, thus resulting decrease of number of minorities in the country. Furthermore, because of their small number, national minorities are gradually quitting to be a central problem of Armenian domestic policy.

This research is based on both primary and secondary sources. Primary sources include legal sources, such as domestic legislation, international treaties and conventions; state reports to the Advisory Committee of FCNM, responsive comments of FCNM, interview with the representative of one of the national minorities, as well as media and public discourse. Secondary sources include a number of books, scientific articles, reports and data-based reports. Major primary sources regarding the history of national minorities of Armenia are stored in state archives of Armenia. My lack of access to those sources is because of my geographical distance what constitutes the limitation of this study.

Chapter I: Historical Overview of the National Minorities in Armenia

I.1. Yezidi and Kurdish minorities

By numerical criteria, the largest minority in Armenia are the Yezidis. Yezidis are a Kurmanji (Northern Kurdish) -speaking minority practicing a syncretic religion with a belief system dating back to ancient Iranian faith, something related to Zoroastrianism with elements of Sufi Islam and Christianity that are intertwined in a very complex way.² Their Caucasian community originates from the Yezidi parts of the Kurdish tribal confederations who previously lived in eastern Anatolia: they arrived to Armenia in waves, mostly during the Russo-Turkish War of 1828–1829 and the massacres of 1915–1918, probably more recently, along with many Armenian refugees. Most refugees who arrived in 1918 were poor and illiterate, but many of the younger generation enthusiastically joined the Soviet campaign to eradicate illiteracy. Kurdish community, although small, began a significant creative activity. It was at this time when the Kurdish intelligentsia of Soviet Armenia began to form. It is worth emphasizing that not only Soviet policy, but also Armenia's guardianship and concern for local education policy led to such results. In 1920, the first school for Yezidi children was opened in Armenia, and the first alphabet textbook was published. In the parliament of the first convocation of the first Republic of Armenia of 1918-1920, there was one Yezidi deputy, Yusub-Bek, who was a graduate of the Gevorkian Christian Seminary in Echmiadzin.³

The Soviet Union, highlighting nationality instead of religious beliefs as a marker of communities, considered the Yezidis to be Kurds along with the Muslim Kurds who already lived on the territory of Armenia.⁴ After 1926, they were no longer distinguished at all in Soviet census data and the ethnography of the Soviet Union. During most of the Soviet period, there were probably around 40–50,000 Kurdish-speaking people living in the Caucasus. The 1959 census counted 59,000 "Kurds" in the USSR, of which 26,000 were in Armenia.⁵ Thus, it becomes almost impossible to identify the exact number of Yezidis and Kurds separately from each other at that time. This is a striking example and a consequence of the policy of the Soviet

² Kreyenbroek, P. G. "Yezidism: Its Background, Observances and Textual Tradition", Edwin Mellen Pr, 1995.

³ Asatryan, G.; Arakelova, V. "The Ethnic Minorities of Armenia", Yerevan, 2002, 11.

⁴ Hirsch, F. "Empire of Nations: Ethnographic Knowledge and the Making of the Soviet Union" 1st ed., Cornell University Press, 2005, 108–23.

⁵ Müller, D. "The Kurds and the Kurdish language in Soviet Azerbaijan according to the All-Union Census of December 17, 1926 (A Contribution to the History of the So-called 'Red Kurdistan,'" *Journal of Kurdish Studies* 3, 2000, 61–84; Chatoev, K. M. "Kurdy Sovetskoi Armenii: Istoricheskii ocherk (1920–1940)" (The Kurds of Soviet Armenia: A historical outline (1920–1940)), Erevan, Nauka, 1965; Aristova, T. F. "Kurdy Zakavkaz'ia" (The Kurds of the Caucasus), Moscow, Nauka, 1966, 19.

Union, practicing at the government level: the policy and ideology of atheism, thereby ignoring specific religious and national affiliations of small ethnicities.

Nevertheless, in the last years of the USSR, with the advent of Gorbachev's Perestroika and as a result of the policy of Glastnost, for the Yezidis was characterized by a rise in national consciousness. In 1988, the Yezidi movement was formed in Armenia. It appeals to the Third Pan-Armenian Yezidi Assembly⁶ with a call to demand that the government officially should recognize their identity. As a result, in the 1989 USSR census, the Yezidis were represented as a separate minority, according to which the total number of Yezidis in the territory of Armenia amounted to 52,700 people. Consequently, out of 60,000 people who previously identified themselves as Kurds, Armenia identified themselves as Yezidis.⁷

By the end of the twentieth century, when Armenian nationalism gained a surge which was largely associated with the Karabakh conflict, Armenians found suspicious similarities between Muslim Kurds and Azerbaijanis. By the way, this led to a split in the Yezidi segment itself, one part considered themselves Kurds by nationality, while the other considered Kurdishness as a religious, that is, Islamic identity. The latter considered Yezidism a nationality, calling their language “Êzdîkî” instead of Kurmanji.⁸ However, during the escalation of the Karabakh conflict and throughout the entire length of the whole, the Yezidi contingent took part from the time of the volunteer detachments of the Armenian side and further from the moment a regular army was created. In this context, the case of Armenia's Armed Forces Private Kyaram Sloyan should be noted, as for an example, who was a representative of Yezidi national minority. Armenian official rhetoric and mass media presents this as a case of heroism, and also cites evidence, that further cruelty towards the corpse (Kyaram was beheaded by Azerbaijani forces) of a private from the Azerbaijani forces is due precisely to his identity belonging to Yezidi nationality.⁹

In many ways, this may be due to the social condition of the representatives of this minority and the peculiarity of a particular territory. Poverty and low indicators of social security are typical for representatives from both sides of the split. Like representatives of Armenian nationality, Yezidis also depart for large neighboring countries such as Russia or Ukraine in search of work and for earnings, and this in turn leads to a decrease in the number

⁶ Asatryan, G.; Arakelova, V. “The Ethnic Minorities of Armenia”, Yerevan, 2002, 10.

⁷ All-Union census of 1989.

⁸ Allison, C. “Addressivity and the Monument: Memorials, Publics and the Yezidis of Armenia.” *History and Memory* 25, no. 1, Indiana University Press, 2013, 152.

⁹ [Murazi, Boris. *Karabakh conflict: Azerbaijani soldiers behead Ezidi from Armenia, April 4, 2016.* \(accessed: 23.10.2022\).](#)

of Yezidis in the country. Schools located in Yezidi enclaves teach Yezidi students in their native language. Along with their native language, almost all Yezidis in the territory of Armenia are fluent in Armenian, a significant part also speaks Russian.¹⁰

The lack of textbooks is a problem for Yezidi schools. This serious issue regarding textbooks is rooted in the UNICEF sponsoring books have been published in Cyrillic.¹¹ On the territory of Armenia, part of Yezidis uses Cyrillic script for writing, meanwhile other part of Yezidis as well as Kurd population uses Latin script and they refuse to use textbooks. As a result, twelve of the fourteen Yezidi villages are not using these newly created publications and do not benefit from recent efforts. The textbook of the first class, as it should be, begins with the study of the alphabet (Cyrillic). It is noteworthy that in the final pages of the book there is a text about Karabakh and Yerablur.¹² The book has only 1000 copies, which is of course a small amount compared to the population of the Yezidis.¹³ The cover of the 7th grade textbook depicts the Yezidi leader and Catholicos Vazgen the First, which undoubtedly refers to the strong friendship between the Yezidi and Armenian peoples. The textbook presents various Yezidi figures associated with Armenia.¹⁴ In the textbooks of the 8th and 11th grades, there are materials on the Armenian genocide in the Ottoman Empire, various military Yezidis and, surprisingly, the Armenian national hero Andranik Pasha. There is also a large amount of Yazidi religious materials.¹⁵¹⁶

¹⁰ Allison, C. "Addressivity and the Monument: Memorials, Publics and the Yezidis of Armenia." *History and Memory* 25, no. 1, Indiana University Press, 2013, 145–81.

¹¹ Krikorian, O. "Armenia Yezidi Identity Battle: New Textbooks Highlight Division within Armenia's Yezidi Community", *Caucasian Reporting Service* No. 364, 2006.

¹² Yerablur or Yerablur Military Pantheon is a military cemetery located on a hilltop in the outskirts of Yerevan, Armenia. Since 1988, Yerablur has become the burial place of Armenian soldiers who died during the Nagorno-Karabakh conflict. It is a sacred place for all Armenians.

¹³ *Yezidi Alphabet*, 1st grade textbook of the General Education School, Spika, 2015.

¹⁴ *7th Yezidi grade textbook of the General Education School*, Spika, 2014.

¹⁵ *8th and 11th Yezidi grade textbook of the General Education School*; "Spika" 2011, 2014.

¹⁶ Appendix 1.

I.2. Russian minority

After the Yezidis, the second largest national minority in the Republic of Armenia are Russians. The first settlers from Russia to Armenia were diplomats, sectarians and military members.¹⁷ In the second quarter of the nineteenth century on duty or in order to avoid religious and other types of persecution, all these representatives of Russian nationality often moved to and settled in Armenia with their families. Doing so often with a sense of presence on their own land which was associated with the status of Armenia as part of the Russian Empire. It was at that time when the old-timer Russian minority formed in Armenia, when the empire set the task of developing, protecting and incorporating the newly acquired region into its economic system.¹⁸

Legislative acts, decrees and decrees of 1830-1840 gave rise and a new impetus to the resettlement movement of Russian peasantry in direction of the Caucasus and Transcaucasia. By 1880 in Erivan province the total number of Russians reached 4150 people,¹⁹ on the territory of the modern Republic of Armenia there were 23 Russian-populated villages in which more than ten thousand people lived (this was a significant amount of the population of that time), of this number, 6 villages were Russian Orthodox, and 17 were sectarian. The largest community was Russian sect of Molokans. The Molokans determined the face and identity of the Russian ethnic group on the territory of Armenia, and this is largely due to the factor of their numerical superiority in relation to other representatives of the Russian nationality in Armenia. Until now, many Armenians associate the Russian minority in Armenia with the Molokans. The identity of Molokans in Armenia, among other things, remained unique in many aspects, due to their religious beliefs. Interfaith marriages are prohibited among Molokans by all spiritual authorities. This principle is very important in Molokan confessional "ethics". Consequently, the observance of this principle prevented the implementation of many social relationships that contribute to the assimilation of the minority into the host society of the titular nation. There is one non-governmental organization of Molokans in the Republic of Armenia: The Foundation for Aid and Facilitation to the Russian Compatriots.²⁰

¹⁷Asatryan, G.; Arakelova, V. "The Ethnic Minorities of Armenia", Yerevan, 2002, 16.

¹⁸Dolzhenko, I. V. "Russkie v Armenii: istoria, kultura, tradicii" (Russians in Armenia: history, culture, traditions), Kavkazski Uzel, 2002.

¹⁹Obzor pereselencheskogo dela na Kavkaze za pyatiletie (Overview of the resettlement in the Caucasus over the five years), 1908-1912; St. Petersburg; 1913, 6.

²⁰Semyonov, I. "Istoria Zakavkazskix Molokan I Duxoborov" (History of Transcaucasian Molokans and Dukhobors), Erevan, 2001, 120-124.

As a result of the Great Russian Revolution of 1917 and the subsequent Sovietization of Armenia, the number and composition of the Russian population of Armenia partially changed. Russian population of the Armenian Soviet Republic continuously increased until the early 1980s. According to statistics.²¹ The growth of the Russian population in Armenia was related to an increase in level of urbanization. Rural Russian population began to move to the cities, with the exception being the same Molokans (for the same reason of religious beliefs, since they believed that only physical labor could lead a person along the right path). In the 1970s, administrative norms were introduced in the republic that were designed to limit and regulate the population of large cities.²²

Against the background of 1970s restrictions, new problems related to employment of the population have emerged. The imperfection of rural infrastructure of Soviet Armenia and subsequent problems with finding means of income in some regions led to the replacement of internal migration by external one. It should be noted that the migration outflow of 1970-1980 affected not only the Russian, but also the indigenous population of Armenia. Hundreds of thousands of people migrated from Armenia to other Soviet countries for work or in search of a better life abroad. As a result of these phenomena, in 1989 the number of Russians in Armenia amounted to 51,6 thousand people. According to the statistics of 1979, the number of Russians in Armenia was 69,6 thousand people²³.

Since the end of 1989 and the beginning of the 1990s, reduction of Russian population in Armenia has already assumed a massive character. In different periods of time, this is due to different objective and subjective factors. A huge role in the phenomenon of the exodus of Russians from Armenia was played by the secession from the USSR and the independence of Armenia and the Karabakh conflict. The first years of independence were characterized by a rise in the feeling of nationalism in Armenia. The announcement of Armenian as an official language and the subsequent loss of the role of Russian language left many representatives of Russian nationality in Armenia unemployed. Since 1992-1993, a fundamentally new category has appeared among Russian migrants from Armenia - refugees. Since 1992, residents of the city of Krasnoselsk, bordering on the Gadabay region of Azerbaijan, have been repeatedly

²¹ Rabochiy archiv Goskomstata Rossii. Tablica 9c. Raspredelenie naselenia po nacionalnosti i rodnomu yaziku. (The working archives of State Committee of Statistics: Table 9c. allocation of the population according to nationalities and language belonging), Demoscop Weekly, 2013.

²² Dolozhenko. I. V. "Xozaystvenniy i obshestvenniy bit russkix krestyan Vostochnoy Armenii(konec XIX-nachalo XX v.v.)(Economic and social life of Russian peasants in Eastern Armenia (late 19th - early 20th centuries), Erevan, 1985.

²³ All-Union population census of 1979 and 1989.

bombarded by the Azerbaijani side, becoming a direct target of violence. Today, from seven to eight thousand ethnic Russians live in the territory of the Republic of Armenia.²⁴

²⁴ Semyonov, I. Ya. "Russkie v Istorii Armenii" (Russians in Armenian History), Lusabats 2009, 274-276.

1.3. Greek, Jewish, Assyrian, Polish, Ukrainian minorities

At least two national minorities in Armenia, despite their small number, have a centuries-old common history with Armenia and the Armenians. Greeks and Jews are mentioned in works of some Armenian historians of antiquity and the Middle Ages such as Khorenaci or Faustus of Byzantium. Another evidence of a long-standing observation in Armenia may be the presence of Hebrew words in the Armenian language.²⁵ Presence of Jews in Armenia and their social contact strengthened over time, mainly through and under the influence of religious, political and economic factors. According to the first general census in the Russian Empire in 1897, more than eight hundred Jews lived in Erivan province, that census was carried out according to native language and not by nationality.²⁶ From the end of the nineteenth century, Mordechai synagogue operated in Yerevan. A new surge of Jewish migration to Armenia occurred during the period of Soviet Armenia. Thus, starting from 1937, current Jewish community of Armenia began to form. Evacuation of Jews by the authorities of the Soviet Union to the territory of Armenia during the Second World War and then voluntary migration to Armenia associated with the economic prosperity of Soviet Armenia led to the fact that in the second half of the 20th century, Jewish population in Armenia was more than ten thousand people.²⁷

After the end of the collapse of the Soviet Union and the first phase of the Karabakh conflict, a slight wave of anti-Semitism can be observed in Armenia, which, among other things, is associated with the first president of the third Armenian republic, Levon Ter-Petrosyan, and allegedly with his attitude towards Jews. Some fringe politicians have tried to introduce anti-Semitism into political discourse. For example, the presidential candidate of Armenia (Presidential elections 2008) Tigran Karapetyan (who scored 0.68% of the total number of voters) accused Jews of direct participation in the Armenian Genocide. The accusation was followed by a harsh reaction from the head of the Jewish community of Armenia, Rima Varuzhanyan.²⁸ She stated that Karapetyan could be given a place in one of the psychiatric hospitals in Israel. Also in January 2005, the chairman of the Armenian-Aryan Order party, Armen Avetisyan, was sentenced to three years by the Yerevan Court of First Instance for

²⁵ Stone, M. E.; Topchyan, A. "Jews in Ancient and Medieval Armenia: First Century BCE - Fourteenth Century CE", Oxford University Press, 2022, 75.

²⁶ The first General census of the population of the Russian Empire in 1897. Table XIII. Distribution of the population by native language. (Provincial results). T.T.51-89. St. Petersburg: 1903-1905.

²⁷ [Alexanian, Moorad, "Jewish History of Armenian", 2000](#) (accessed: 28.10.2022).

²⁸ [Tigran Karapetyan is ready to be allocated a place in an Israeli psychiatric hospital](#) (accessed: 29.10.2022).

insulting Jews and for trying to incite interethnic hatred.²⁹ Repeated desecration of the Yerevan memorial to the victims of the Holocaust also testifies of anti-Semitic sentiments in Armenia.³⁰

Armenian-Greek relations have a long history. The paths of the Armenians and Greeks have crossed time to time. The Greek population of Armenia has traditionally been mainly engaged in the development of mines, thereby forming settlements around enterprises, so cities and villages such as Alaverdi appeared in the north of Armenia. In the south of Armenia, near the city of Kapan, Greeks founded the settlement of Kavart, where they built an Orthodox church. In Nagorno-Karabakh, Greeks founded the village of Mehmana, which still exists. At the end of the 19th century, a new outflow of the Greek population from Ottoman Turkey began.³¹ New refugees founded a Greek quarter in the city of Alexandropol, calling it Urmonts, where at first there were 363 Greek houses. In the Greek part of the city there were baths, Greek schools. The Greek Orthodox Church also operated in Alexandropol. During the Soviet era, the number of Greeks in Armenia also increased. From villages, ethnic Greeks began to move to Yerevan. In 1989, the number of Greeks in Soviet Armenia was 4,650.³²

Assyrians are the third largest national minority in the Republic of Armenia, after Yezidis and Russians. From an anthropological point of view, modern Assyrians belong to the Armenoid type of the Balkan-Caucasian race.³³ According to the Russian “Ethnographic Department of the Imperial Society of Natural Science, Anthropology and Ethnography Lovers”, the name Assyrians was given them by the Armenians.³⁴ After the end of the Second World War from 1949 to 1950, the Assyrians of the USSR were subjected to repression by Soviet authorities. They were accused of treason and deportation from the territory of Transcaucasia to Siberia.³⁵ Historically, there was a circumstance of mental closeness of Armenian and Assyrian peoples. Along with other Christian populations, they were subjected to genocide in the Ottoman Empire. Armenian and Assyrian peoples have always been connected not so much by confessional harmony, but by centuries-old cooperation and

²⁹ [The trial against Armen Avetisyan has started-Azatusyun Radiokayan](#) (accessed: 29.10.2022).

³⁰ [Holocaust memorial in Yerevan, Armenia vandalized](#) (accessed 29.10.2022).

³¹ Diamanti-Karanou, P. “Migration of Ethnic Greeks from the Former Soviet Union to Greece, 1990-2000: Policy Decisions and Implications”, *Southeast European and Black Sea Studies* 3, 2003, 25-45.

³² All-Union population census of 1989.

³³ Tishkov, V. A.; Alexandrov. V. A. “Peoples of Russia: Encyclopedia. Scientific”, Publishing House Great Russian Encyclopedia, 1994, 40.

³⁴ Ethnographic review / ed. Miller V. F., Yanchuk N. A. “Publication of the Ethnographic Department of the Imperial Society of Lovers of Natural Science, Anthropology and Ethnography”, M.: OLEAE, 1903, 172.

³⁵ Usmanov M. “Tradicii, sovremennost, perspektivi: tezisi I kratkoe sodержanie dokladov mejdunarodnoy nauchnoy konferencii 10-11 oktayabrya 1996 goda”, *Kazanskoe vostokovedenie* (Traditions, Modernity, Prospects: Abstracts and Summary of the Reports of the International Scientific Conference, October 10-11, 1996, Kazan Oriental Studies), Fest, 1997, 240-241.

correlative historical destiny. The Assyrians of Armenia have always shown courage, initiative and loyalty in rebellious situations in the history of Armenia. Representatives of Assyrian minority are still being drafted into the Armed Forces of the Republic of Armenia. Thus, sympathy was strengthened between the Armenians and the Assyrians at the ethnic level. Mixed marriages are often observed between Assyrians and Armenians. This contributes to the integration of Assyrians in the Armenian society, but along with the integration, there is also assimilation in linguistic, social and confessional terms. The current number of Assyrians in the Republic of Armenia is approximately 8,000 people, of which about five hundred live in Yerevan.³⁶

As for Poles and Ukrainians, although their number in Armenia is insignificant, they are also national minorities and show interest in their own culture and traditions. The first Poles appeared on the territory of Armenia during the time of Imperial Russia, they were mainly political and military figures exiled to the Caucasus, but most representatives of the modern Polish national minority in the Republic of Armenia, came here in the twentieth century as a result of exile by Polish military, by the Soviet authorities in 1939. Poles in Armenia live mainly in cities, most of them are intelligentsia. They speak Russian and in some cases such as interethnic marriage with Armenians, they also speak Armenian. “Polonia” – The Polish Benevolent Public Organization is an only Polish non-governmental organization in Armenia. Ukrainians, like Poles, first appeared on the territory of Armenia in the nineteenth century, when Cossack regiments were stationed in Transcaucasia to strengthen the southern borders of the empire. The massive nature of stay of Ukrainians in Armenia also began and ended in the days of the USSR, when representatives of the intelligentsia were resettled in the Armenian Soviet Republic. After the collapse of the USSR and creation of Ukrainian statehood, the trend of reviving national culture intensified, including within the Ukrainian diaspora. There was a formation of ethnic self-consciousness, an increased interest in native language, history and culture, the integration of Ukrainians into national communities. The National Radio of Armenia produces a program in Ukrainian.³⁷

³⁶Asatryan, G.; Arakelova, V. “The Ethnic Minorities of Armenia”, Yerevan, 2002.

³⁷ Ibid.

I.4. The Lost Azerbaijani minority of Armenia

Prior to the beginning of the Karabakh conflict (1987), the largest national minority in Armenia were Azerbaijanis. After the acquisition of independence by the Transcaucasian republics at the beginning of the twentieth century, an interethnic situation began to deteriorate sharply. The fact is that the newly declared republics had territorial claims against each other and, among other things, the majority of the authorities belonged to the nationalist parties. After Sovietization, relatively few Azerbaijanis returned to the republic; the 1926 census recorded only 76.87 thousand. Thus, between 1922 and 1939, the Azerbaijani population of the Armenian SSR doubled. By 1939 their number had increased to 131,000.³⁸ Between the 1959 and 1979 censuses, the Azerbaijani population of the Armenian SSR increased again by almost 60,000 people.³⁹ Thus, according to the data of the Soviet 1979 All-Union Population Census 160,841 Azerbaijanis lived on the territory of the Armenian Soviet Socialist Republic, which accounted for 5.3 percent of the total population of the Armenian SSR.⁴⁰

In February 1988, the national movement in Armenia took on a broad scale. In the first weeks of demonstrations, more than a million people took to the streets of Yerevan. In short, nationalist movement in Armenia started in a form of peaceful demonstrations, but in the absence of favorable solutions Armenian nationalism was radicalized. In late 1988 the entire Azerbaijani population as well as Muslim Kurds – a total 167,000 people was kicked out from the Armenian SSR. However, the Karabakh conflict and subsequent expiration of circumstances caused not only the complete withdrawal of Azerbaijanis from Armenia and reduction of Muslim population, but also emigration of a large number of non-Armenian population. This was the last phase of the final homogenization of Armenia, increasing the mono-ethnicity of the country from 90 to 98 percent.⁴¹

³⁸ All-Union population census of 1939.

³⁹ All-Union population census of 1979.

⁴⁰ Rabochiy archiv Goskomstata Rossii. Tablica 9c. Raspredelenie naselenia po nacionalnosti i rodnomu yaziku. (The working archives of State Committee of Statistics: Table 9c. allocation of the population according to nationalities and language belonging), Demoscop Weekly, 2013.

⁴¹ Barrington, L. W., ed. "After Independence: Making and Protecting the Nation in Postcolonial and Postcommunist States". University of Michigan Press, 2006, 230-31.

Chapter II: Current minority institutions and their legal regulation in Armenia

The legal status and its characteristics of representatives of national minorities in the Republic of Armenia is determined by a number of laws and legal norms, both domestic and international, to which Armenia adjoins and which provide a number of guarantees for the protection of the rights of national minorities and mechanisms for monitoring these processes. The principle of non-discrimination on racial and national grounds is embedded in each of these legal norms and documents. However, unlike national (domestic) legislation, international documents guarantee a number of additional rights and freedoms for representatives of national minorities.⁴²

Let's start with international mechanisms for protecting the rights of national minorities. Among them, a special place is occupied by the Framework Convention for the Protection of National Minorities, which was adopted by the Committee of Ministers of the Council of Europe on November 10, 1994. The Republic of Armenia signed the Framework Convention on the Protection of National Minorities on July 25, 1997. The Convention was ratified on February 17, 1998 and it entered into force for the Republic of Armenia on November 1, 1998. According to the requirement of the convention, since 2001, Armenia regularly submits the report of the Republic of Armenia on the protection of national minorities to the Council of Europe. As an act of monitoring of the national report a delegation of the Advisory Committee is visiting to Armenia to receive further information on the implementation of the Framework Convention from government representatives, as well as non-governmental organizations and other independent sources. Then, if necessary, the Republic of Armenia presents its comments to the opinion of the Advisory Committee regarding Armenia.⁴³

European Charter for Regional or Minority Languages is the next important instrument of National Minority rights protection. It entered into force on March 1, 1998, and four years later, the Republic of Armenia also joined the Charter and it entered into force in the RA on May 1, 2002. According to Article 3, Clause 1 of the European Charter for Regional or Minority Languages, the Republic of Armenia declared that the RA recognizes Assyrian, Yezidi, Greek, Russian and Kurdish as minority languages within the meaning of the "European Charter for Regional or Minority Languages".⁴⁴

⁴² [Extraordinary public report of the RA Human Rights Defender on the protection of the rights of national minorities](#) (accessed: 15.11.2022).

⁴³ [The fifth and last visit of the committee took place from February 22 to February 25, 2022](#) (accessed: 15.11.2022).

⁴⁴ [Decision of the National Assembly of the Republic of Armenia on the participation of the European Charter for regional or Minority Languages \(Adclosed Declaration\)](#) (accessed: 15.11.2022).

According to clause 1 of Article 15 of the Charter, since 2003, Armenia regularly submits to the Council of Europe the report of the RA on the implementation of the provisions of the Charter. As part of the study of the national report, the delegation of the Expert Committee visits Armenia to obtain further information on the implementation of the Charter from government representatives, as well as from public organizations and other independent sources. Then, if necessary, the RA submits its comments in connection with the expert committee's opinion on Armenia.⁴⁵

The next treaty is the UN Convention on the Elimination of All Forms of Racial Discrimination. It was ratified by the RA on June 23, 1993. In accordance with Article 8 of this Convention, a Committee on the Elimination of Racial Discrimination is established.⁴⁶ In accordance with Article 9, States Parties undertake to submit to the Secretary-General of the United Nations for consideration by the Committee a report on the legislative, judicial, administrative or other measures they have adopted to implement the provisions of this Convention.⁴⁷

The last document on this list is the International Covenant on Civil and Political Rights, adopted on December 16, 1966. This treaty was ratified by the RA on June 23, 1993. According to Article 28 of this covenant, a Human Rights Committee was established. Although this treaty is not designed specifically to protect the rights of national minorities, however, it includes some aspects regarding the rights of representatives of national minorities.⁴⁸ By virtue of the aforementioned international agreements, RA started to initiate a number of legislative changes.⁴⁹ According to Article 21 of the Law of the RA "On Legal Acts", laws and other legal acts of the Republic of Armenia must comply with the universal norms and principles of international law.⁵⁰

In other words, according to the constitutional provision, the international treaties ratified by the Republic of Armenia are an integral part of the legal system of the RA and are superior to domestic laws. Thus, the principle of non-discrimination is also expressed in

⁴⁵ [The fifth and last report of the Government of Armenia was sent on June 20, 2019 by the decision of Prime Minister Pashinyan](#) (accessed: 17.11.2022).

⁴⁶ [Seventh-Eleventh \(joint\) Periodic National Report of the Republic of Armenia on Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination \(21 December 1965\)](#) (accessed: 18.11.2022).

⁴⁷ [International Convention on the Elimination of All Forms of Racial Discrimination](#) (accessed 18.11.2022).

⁴⁸ [Extraordinary public report of the RA Human Rights Defender on the protection of the rights of national minorities](#) (accessed: 19.11.2022).

⁴⁹ [In case of conflict between the norms of international treaties ratified by the Republic of Armenia and those of laws, the norms of international treaties shall apply. Article 5 part 3, Constitution of the Republic of Armenia](#) (accessed 20.11.2022).

⁵⁰ [Law of the Republic of Armenia "On Legal Acts"](#) (accessed: 20.11.2022).

Articles 28 and 29 of the Constitution, which define: "everyone shall be equal before the law and Discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited." It is worth noting, that the second part of this article of the Constitution implies the right to replace the military service of a citizen with another service if it contradicts his religious tradition, practice and beliefs.⁵¹

Article 56 of the Constitution of the RA declares that everyone has the right to preserve their national and ethnic identity. Persons belonging to national minorities have the right to preserve and develop their traditions, religion, language and culture. Articles 26-29 of the Constitution of the RA, as well as the relevant laws, guarantee human and citizen's rights to freedom of thought, conscience, religion, beliefs, peaceful assembly and association, and free expression. Article 77 declares that the use of basic rights and freedom for the purpose of violent overthrow of the constitutional order, incitement of national, racial or religious hatred or propaganda of violence or war shall be prohibited.⁵²

There are several institutions in the RA that are connected with national minorities and represent rights and needs of national minorities. Since the RA is a parliamentary country, let's start with the Government. The RA Government Staff Ethnic Minorities and Religious Affairs Division has the authority to perform functions related to national minorities within the system of state bodies. It coordinates policy in the sphere of ethnic minorities and religious affairs. Also carries out professional expertise of draft legal acts and individual issues related to the areas of its activity, submitted for consideration or for obtaining the opinion of the Government of the RA and the Prime Minister of the RA, gives opinions on legal acts relating to the development and improvement of the efficiency of the activity of the relevant sphere etc.⁵³

Based on the need to ensure the protection of RA national minorities, to activate their inter-community relations, as well as to make the state care for special educational, cultural, legal and other problems more effective, in 2000 on June 15, the President of the RA by his decree approved the creation of the Coordinating Council of National Minority of the RA under the advisor of the President of the RA. Coordinating Council includes binary representatives of all national minorities living in Armenia. Thus, the Coordinating Council has 22 members,

⁵¹ [Articles 28 and 29 of Constitution of the Republic of Armenia](#) (accessed: 20.11.2022).

⁵² Articles 26, 27, 28, 29, 56 and 70 of Constitution of the Republic of Armenia.

⁵³ [The Republic of Armenia Government Staff Ethnic Minorities and Religious Affairs Division](#) (accessed: 30.11.2022).

whose composition is changing. The main functions of the Coordinating Council are to support and protect the rights and freedom of national minorities, preparation of recommendations on issues related to rights of national minorities, discussion of draft legal acts regarding the rights and freedom of national minorities, analysis and preparation of recommendations, discussion of issues related to the educational and cultural programs of national minorities.⁵⁴

Since 2000, 10 million drams have been allocated to national minorities from the RA state budget every year. This amount is equally distributed among non-governmental organizations of national minorities. It should be noted that for such a number of national minorities, 10 million drams is a small amount in the RA. At that time 10 million drams amounted to approximately 50,000 dollars. Every year, the budget annex specifies the mechanism of money distribution.

However, since 2012, the amount allocated to national minorities has doubled and instead of 10 million, RA began to supply 20 million drams. At the same time, the Coordinating Council reviewed the mechanisms and procedure for distributing this amount. It should be noted that distribution mechanisms were not decided by the Government, but as before by representatives of organizations of national minorities included in the Coordinating Council. According to this order, at the beginning of each year, 9 million out of the total amount is provided to member organizations of the coordinating council on the basis of the programs they submit for ensuring and regarding preservation and practice of national traditions. 1 million is provided for activities of the coordination council as a whole, and the remaining 10 million finances various programs regarding preservation of the language and traditions of national minorities of the RA. However, 20 million is not such a large amount. To understand how insignificant this means for such a large number of organizations of national minorities, it is enough just to give the equivalent of these funds in dollars. As so one million drams is equal to 2000 dollars as of this period. Accordingly, 20 million drams amounted to approximately 50,000 dollars.⁵⁵

⁵⁴ [Extraordinary public report of the RA Human Rights Defender on the protection of the rights of national minorities](#) (accessed: 30.11.2022).

⁵⁵ [The fourth joint periodic national report of the Republic of Armenia on the implementation by the Republic of Armenia of the Framework Convention on the Protection of National Minorities of the Council of Europe](#) (accessed: 01.12.2022).

Chapter III: Framework Convention for the Protection of National Minorities and the Republic of Armenia

Despite the fact that the concept of "national minority" still does not have a specific and generally accepted definition, attempts to protect the rights of an individual or a group of individuals differing in special characteristics (more specifically, religious) from the majority have been made in international level since the 17th century, for example in 1648 Peace Treaty of Westphalia.⁵⁶ Nevertheless, the first truly international system for protection of rights of national minorities appeared after the First World War within the framework of the League of Nations between the participating countries. A comprehensive system for protection of rights of minorities was the result of agreements between participating countries, as well as on some provisions of the so-called Paris Peace Treaties. Although this system failed due to the rising tide of nationalism and aggression and the subsequent World War II, it nevertheless provided recognition of group rights - and included the right to non-discrimination, but, above all, provided a wide range of additional rights in areas of public administration, culture and education.⁵⁷

After the end of World War II, until the 2nd half of the 20th century there was a tendency in UN policy to consider the rights of national minorities within the framework of universal human rights. The first significant step taken was the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination in 1965. Its provisions, in particular article 5, have been used by the Committee on the Elimination of All Forms of Racial Discrimination as an important tool for protection of the rights of minorities, going far beyond protection against discrimination. However, article 27 of the International Covenant on Civil and Political Rights (ICCPR) is generally considered the most relevant provision for protection of the rights of persons belonging to national minorities at the universal level.⁵⁸

With the beginning of the 90s and with the collapse of states like the USSR, Yugoslavia and Czechoslovakia, a number of conflicts rolled around the world in which war crimes took place. Ethnic conflicts began in Karabakh, Kosovo, in Central Asia between Kyrgyzstan and Tajikistan, events in Abkhazia, Ossetia and Chechnya, as well as ethnic tension between Latvia

⁵⁶ The Peace of Westphalia refers to two peace agreements - Munster and Osnabrück, signed, respectively, on May 15 and October 24, 1648. They ended the Thirty Years' War in the Holy Roman Empire and established a new system of international relations. The legal provisions of the treaty guaranteed Christians of a religion other than the official religion of the Principality in which they live the right to worship freely.

⁵⁷ Meijknecht, A. "Minority Protection between World War I and World War II", in Wolfrum, R. (ed), Max Planck Encyclopedia of Public International Law Vol VII, 270.

⁵⁸ Burchill, R. "Minority Rights", in Alex Conte and Richard Burchill (eds), "Defining Civil and Political Rights", The Jurisprudence of the United Nations Human Rights Committee, Routledge 2nd ed. 2009, 261.

and Estonia, and finally growing tension between Hungary and Slovakia over the issue rights of Hungarian national minority in Slovakia. All these conflicts and tensions were the result of ethnic tensions between nationalist groups, and a common conviction prevailed among many political sectors. This situation exposed a serious threat to peace and stability for all of Europe, which must be combated not only by political but also legal measures. This measure was the creation of Framework Convention for the Protection of National Minorities (FCNM).⁵⁹

The FCNM is the first binding legal instrument ever dedicated to protecting the rights of persons belonging to national minorities. The peculiarity of the document, among other things, lies in the possibility of its interpretation according to the peculiarities of the participating countries, that is, its "framework" essence, consists of optional norms and principles that must be implemented through internal legislation and policies of the participating countries. Only exceptions are in Article 3, which guarantees the right of a person belonging to a national minority to freely choose to be classified as a national minority or not,⁶⁰ and Article 13, which guarantees the right of persons belonging to a national minority to establish and manage their own schools.⁶¹

One of the most important evidence of the effectiveness and efficiency of the FCNM is the large number of its participating countries. Until March 2022, the number of participating countries reached 39, however, after the suspension of Russia's membership in the Council of Europe, Russia is no longer considered a participating country.⁶² Today it is valid for 38 CE member states and since 2004 it has been applied in accordance with the UN MIK-Council of Europe Monitoring Agreement in Kosovo.⁶³ As it was already mentioned, the RA signed the Framework Convention on the Protection of National Minorities on July 25, 1997. The Convention was ratified on February 17, 1998 and it entered into force for the RA on November 1, 1998.

⁵⁹ Heintze, H. "Commentary of Article 20" The Framework Convention for the Protection of National Minorities: a commentary, edited by Rainer Hofmann, Tove H. Malloy, Detlev R. Leiden; Boston: Brill Nijhoff, 2018., 313–323.

⁶⁰ Marshal, S. and Palermo, F. "Commentary of Article 3" The Framework Convention for the Protection of National Minorities: a commentary / edited by Hofmann, R.; Malloy T. H., Rein, D. L. Boston, Brill Nijhoff, 2018, 92-111.

⁶¹ Rein, D. 'Commentary of Article 13' The Framework Convention for the Protection of National Minorities: a commentary / edited by Hofmann, R.; Malloy, T.; Rein, D. Leiden; Boston: Brill Nijhoff, 2018, pp. 246–253.

⁶² On 16 March 2022, the Committee of Ministers adopted a decision by which the Russian Federation ceased to be a member of the Council of Europe, after 26 years of membership. The decision was made in the context of the procedure launched under Article 8 of the Statute of the Council of Europe. [As a result, the Russian Federation will no longer participate in the work of the CCPE or any of its subordinate bodies and working groups](#) (accessed: 15.12.2022).

⁶³ The Framework Convention for the Protection of National Minorities: a commentary / edited by Rainer Hofmann R.; Tove H. Malloy, Detlev R. Leiden, Boston: Brill Nijhoff, 2018, 12.

According to the requirement of the convention, since 2001, Armenia regularly submits the report of the RA on protection of national minorities to the Council of Europe. To date, there are 5 cycles of cooperation between the Advisory Committee and the Government of the RA. However, since the scope of this study is limited, we will focus on the Fourth and Fifth Cycles. The fourth cycle begins with the State Report dated November 1, 2014, the AC carried out a visit to the country from April 5 to 6, 2016, the Opinion was published on February 13, 2017, at the same time, the comments of the RA Government were published, the Resolution was adopted on May 2, 2018. The Fifth Cycle begins with the State Report dated November 1, 2019, the visit of the AC delegation took place on February 21-25, 2022, Opinion, Commentaries and Resolution are not published yet.⁶⁴

⁶⁴ [Specific monitoring in Armenia of the implementation of the Framework Convention for the Protection of National Minorities](#) (accessed: 15.12.2022).

III.1 Fourth State Report submitted by the Republic of Armenia on 2 of December 2014

In the Fourth State Report of 2014 to Council of Europe, the Government of Armenia provided some practical arrangements made at national level aimed to follow up the results of the Third monitoring cycle of implementation of the Framework Convention. According to the report, significant steps have been taken to improve the implementation of the obligations imposed by the framework convention. On the official page of the Government of the RA, the Framework Convention was published with a translation into Armenian, as well as many documents that are tools of protecting the rights of representatives of national minorities and their languages. The report notes that in 2013 several conferences were organized with non-governmental organizations of national minorities. 500 Booklets entitled “Some Provisions of Interstate European Documents Regarding the Rights of National Minorities of the RA” at the accounts of fund of state grant approved in the Coordinating Council for National and Cultural Organizations of National Minorities of the RA adjunct to the Staff of the President of the RA. These booklets were distributed to all participants, as well as to the Professional Commission for Reforms adjunct to the President of the RA, where they were discussed on 20 December 2013 and were accepted for information with a view to being taken into account during further constitutional reforms. Some improvements were implemented in educational system, especially in YSU. The Second and the Third national reports on the FCNM were translated into Armenian and Russian and were posted on the website of the Government of the RA.⁶⁵

The Fourth State Report also included details of Recommendations made by the Committee of Ministers in the Resolution *CM/ResCMG(2011)* of February 1, 2012. In particular, the report noted that the National Statistical Service of the RA presented the composition of the population of the RA based on the results of the 2011 census on a national basis, according to its distribution by urban and rural settlements, which was presented in Appendix 1 of the Fourth Report. Annex 2 presented the migration dynamics for the period from 2002 to 2011. Annex 3 presented the distribution of live births and those who were killed by nationality for the period from two years 2002 to 2012. The population census program of the RA for 2011 was developed in accordance with requirements of the recommendations on the 2010 housing census. Moreover, according to these recommendations, respondents are required to answer all questions included in the questionnaire, with the exception of questions

⁶⁵ Fourth report submitted by Armenia pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities, 2 December 2014, 1-5.

related to nationality, language and religion. In the case of a small nationality, it is respecting the confidentiality of individual data.⁶⁶

In response to the remark about anti-Semitic statements in some mass media and the failure of relevant authorities and the public to respond to them, Armenia replied in the report that the ALM TV channel, in which this kind of statement was made, stated that “no anti-Semitic statements have ever gone on air, and the television company has never intended to incite national hostility or division”. It has also been mentioned in the TV’s statement that the company brings its apologies for any of their statements that have been found offensive by the Jewish Community. The Jewish Community has not received any written complaint to the National Commission on TV and Radio.⁶⁷

The commentary about non-compliance with Paragraph 11 Article 1 of general principles of the Framework Convention, are namely, non-compliance with the grammar of the Belarusian Russian and Ukrainian languages during the translation of surnames and patronymics in birth and marriage certificates of persons belonging to national minorities. The Government of Armenia responded that adoption of the Decision of the Government of the RA in points 11 and 12 of the Procedure for completing forms of records of civil status acts, the record on the nationality of citizens having other nationality is made in the forms of records of civil status acts in case there is relevant entry in the identification documents. In birth records, nationality of a child is recorded upon written consent of parents.⁶⁸ According to Hoffman, among the various problems associated with the right to use one's own name, special attention should be paid to the norm existing in some languages providing for the addition of the suffix "-ova" to the surnames of females. In the norms of the Armenian language as the state language of the RA, addition of this suffix is also absent, which should be taken into account, since the implementation of this norm of the framework convention is directly related to the identity and dignity of a representative of a national minority.⁶⁹

In response to the comment on the need to continuing discussions with representatives of national minorities in preparation and implementation of programs for the reform of the local self-government system and on the need for the participation of representatives of national

⁶⁶ As According to FCNM one should not be obliged to reveal his/her nationality.

⁶⁷ The presidential candidate of Armenia (Presidential elections 2008) Tigran Karapetyan accused the Jews of direct participation in the Armenian Genocide, the accusation was followed by a harsh reaction from the head of the Jewish community of Armenia, Rima Varuzhanyan. P 15 of this research.

⁶⁸ [Decision of the Government of RA No 492-N of April 2005](#) (accessed: 20.12.2022).

⁶⁹ Hoffman, R. ‘Commentary of Article 11’ The Framework Convention for the Protection of National Minorities: a commentary / edited by Rainer Hofmann, Tove H. Malloy, Detlev Rein. Leiden; Boston: Brill Nijhoff, 2018, pp. 220–225.

minorities in public affairs⁷⁰, the Government of the RA emphasized that the Coordinating Council for the National and Cultural Organizations of National Minorities of the Staff of the President of the RA (hereinafter referred to as “the Coordinating Council”) operates in the republic. This conducts consultations with representatives of national minorities starting from 2000 onwards, the government in the report lists the powers of the Coordinating Council, however, the list of powers includes only functions related to the affairs of national minorities, such as support and protection of national minorities, preparation of recommendations regarding major programs related to national minorities. It is worth emphasizing that the Coordinating Council is only an advisory body.⁷¹

⁷⁰ Point 2 of Resolution CM/ResCMG(2012) adopted by the Committee of Ministers.

⁷¹ Fourth report submitted by Armenia pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities, 2 December 2014, 10-13.

III.2 Fourth Advisory Committee visit to the Republic of Armenia and Opinion

The fourth visit of the Advisory Committee (hereinafter “AC”) to Armenia took place from 5-8 April 2016. The Committee would welcome the constructive and friendly attitude of the RA authorities towards the monitoring process. During the visit of the AC to Armenia, there was a discussion of constitutional reforms, the AC emphasized the importance of discussing the draft of the new Constitution with representatives of national minorities. It was also noted that the main constitutional basis for the protection of the rights of representatives of national minorities⁷² is preserved in the new Constitution, in the subsequent Opinion, the AC expressed the importance of revising along with the Constitution of the outgoing normative and legal acts, in particular the Electoral Code of the RA.⁷³

According to the AC, Armenian authorities, although they introduce ideas of tolerance and understanding into society, and representatives of national minorities generally enjoy a respectful and good-neighborly attitude, however, the RA remains a mono-ethnic country. Representatives of individual national minorities, especially small ones, are in many respects regarded as nothing more than just groups that complement the palette of the ethnic and national spectrum of Armenia. The AC expressed concern about the lack of attention of the media to national minorities and that the concept of "one nation, one religion, one culture", emphasized by some media in relation to religious minorities, equates them to sects and is hailed as a threat to the statehood of Armenia. The AC expressed its concern about the consequences of the country's fading socio-economic condition, especially emphasizing the difficulties created in remote regions of the RA densely populated by Yezidis, who are most prone to migration, including wages. However, despite economic difficulties, the RA accepted 20,000 people from Syria, mainly of Armenian and Assyrian origin, what is also was welcome by AC. AC connected socio-economic problems mainly with the unresolved Nagorno Karabakh conflict.⁷⁴

As a conclusion AC adopted four recommendations requiring immediate action, such as involvement of civil society and organizations of national minorities in the process of discussing the draft Law on National Minorities and other legislation related to national

⁷² Article 89, Article 29, “Prohibition of discrimination”: “Any discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, worldview, political or any other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.” See: “Draft Amendments to the Constitution of Armenia (Approved on 20 August 2015 in the sitting of the Specialized Commission on Constitutional Reforms adjunct to the President of the Republic of Armenia)”CDL-REF(2015)034-e, [www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2015\)034-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2015)034-e). (accessed: 08.01.2023)

⁷³ Fourth Opinion on Implementation of FCNM by RA, 13 February 2017, 5.

⁷⁴ Fourth Opinion on Implementation of FCNM by RA, 13 February 2017, 5-6.

minorities, to make sure that it fully complies with International Standards. Also among such aims it is important to list to develop a more active approach to the protection of the rights of national minorities in accordance with the Framework Convention, provide policies that affect the implementation of rights in accordance with the Framework Convention: consult with representatives of minorities to reflect their real needs. Redouble efforts to address the problem and difficulties urgently, regarding Yezidi children, especially girls, and their education, continuing efforts to revise legislation in line with international human rights standards, criminalize forced marriage, provide pre-school education to all children. Also, the list of recommendations requiring slow action included a consultation with local representatives of national minorities to clarify ways to implement the right to use the language of national minorities.⁷⁵

The list of Further Recommendations included comments such as ensuring that the census is properly conducted in the future, as well as other programs to collect information on national minorities and representatives of national minorities. Added as well to ensure positive relations between national minority groups, create proper conditions for dialogue between the Yezidi and Kurdish minorities, and make sure that the human rights defender has all the resources to ensure the rights of national minorities. Important part also to revise criminal legislation, attempt to criminalize discrimination based on discrimination of any kind, cyber-hatred, ensure that history of national minorities is properly presented in schools, make sure that public radio conducts its activities regarding national minorities in accordance with the principles of the Framework Convention and involve in consultations on the adoption of a new electoral of the RA code of representatives of national minorities in order to make sure that they are properly represented in the Parliament.⁷⁶

⁷⁵ List of Recommendations of Immediate action in Fourth Opinion.

⁷⁶ List of Further Recommendations in Fourth Opinion.

III.3 Government comments and Resolution by Committee of Ministers

The Republic of Armenia presented some observations in respect of the Fourth Opinion by CoE AC no FCNM. In the summary of the opinion from the Council, it was mentioned that the new Electoral Code was under consideration in the Parliament during the visit. Armenia responded to this point by informing that the Electoral Code entered into force on June 1, 2016 and cited the 9th part of Article 95⁷⁷, also stating that representatives of national minorities also took part in the discussion of the draft of this code and referring to all this, asked to amend the relevant part regarding this issue for the “*reliability of the information provided*”, suggesting to use following statement: “The Advisory Committee calls on the authorities to ensure effective implementation of the provisions of the Electoral Code on national minorities.”⁷⁸ It should be noted that the Committee's visit took place from 5th to 8th April 2016 and the Electoral Code came into force on June 1st and the Committee had every right to make this Recommendation.⁷⁹

Regarding the comment about the use of topographical names in languages of national minorities, the Government of Armenia replied regarding the comment about using topographic names in languages of national minorities, the Government of Armenia responded referring to the 6th article of the law of Armenia, according to which “On geographical names, state and local self-government, state bodies of the RA, public organizations, legal entities and individuals have the right to give recommendations on naming or renaming”. Also noted, that the department for national minorities regularly conducts consultations in rural areas, notifying local representatives of national minorities of their right to make proposals, topographical markings and indications in their languages.⁸⁰

The commentary on the 7th paragraph, as well as the paragraph itself, were very scrupulous. It referred to the unresolved Nagorno-Karabakh conflict and its consequences for the national minorities of Armenia.⁸¹ So, according to the committee, the unresolved Nagorno-Karabakh conflict, closed borders and subsequent social economic difficulties affect the state

⁷⁷ Electoral Code of the Republic of Armenia entered into force on 1 June 2016, part 9 of Article 95 of which defines that: “Four mandates of Deputies shall be distributed among national minority representatives by the principle of one mandate to each of the first four national minorities with the largest number of resident population according to the data of the latest census preceding the elections.”

⁷⁸ Comments of the Government of Armenia on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Armenia 13 February 2017.

⁷⁹ It should be mentioned that the Fourth Visit of the Advisory Committee is not even covered by the Armenian media.

⁸⁰ [The Law of the Republic of Armenia on Geographical Indications](#) (accessed: 03.01.2023).

⁸¹ It is noteworthy that the visit of the AC coincided with the four-day escalation of the conflict in April 2016.

of national minorities in the RA. The commentary of the Armenian government included a description of a four-day escalation of the war by Azerbaijan and described the atrocities and brutality of the Azerbaijani side during the escalation, including brutality against civilians, bombing schools and mutilating the corpses of military personnel and civilians, including beheading. Referring to the problem of the blockade by Azerbaijan and Turkey, the Armenian government noted that the blockade has its impact not only on national minorities, but also on the Armenians themselves. So, according to the commentary, the blockade and closed borders affect demographic appearance in the republic and are directly related to migration, including representatives of national minorities, especially to their “*business-minded and active members*”.⁸² The Armenian government disagreed with the commentary related to the reliability of the 2011 census, in particular, assuring with its comments that the census was carried out according to European standards and stated that a campaign was conducted to popularize participation in the census through copper and SMS, instead of responding to the recommendation to clarify the results of the census. It should be noted that in Armenia itself they do not quite trust the results of this census.⁸³

In response to the comment that representatives of national minorities told the members of the Advisory Committee that the census does not reflect the actual number of representatives of national minorities, the Armenian government states that the figures of the census results simply do not meet the expectations of representatives of national minorities. According to the government, in their own lists maintained by national minority organizations, members of minorities are only added and do not take into account the number of those who died or left the country. Also, according to the government, organizations of national minorities, during separate events or meetings with the media, share the data they want in order to increase their authority among other national minorities in order to enjoy the privileges envisaged.⁸⁴ The Armenian government disagrees with Paragraph 49, which denotes that the unresolved Nagorno-Karabakh conflict and the past suffering of the Armenian people gave birth to a sense of patriotism and isolation, exploited by some media. According to the government of Armenia, this comment should be changed because all of the above, and on the contrary, made Armenians

⁸² Comments of the Government of Armenia on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Armenia 13 February 2017.

⁸³ While working on this thesis, I came across a Facebook post from one of the well-known sociologists of Armenia, in which she speaks unflatteringly about the censuses in Armenia, which is now unfortunately deleted.

⁸⁴ Comments of the Government of Armenia on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Armenia 13 February 2017.

more open and responsive towards all nationalities. It should also be noted that this paragraph has the right to exist because, indeed, there are individuals and cases of pronounced xenophobia towards this or that minority.⁸⁵

Yet, in the Resolution adopted by the Committee of Ministers on May 2, 2018, 4 Recommendations of Immediate action and 7 Further recommendations for Armenia were adopted.⁸⁶ Recommendations of immediate action included active consultation with society and representatives of national minorities in drafting of a separate law on national minorities and the compliance of this law with all international standards. Development of an active approach to protection of rights in national minorities in accordance with the Framework Convention, ensuring policies affecting the implementation of rights in accordance with the Framework Convention and consultations with representatives of national minorities in order to identify their real needs was also pointed as a Recommendation of immediate action. Special attention in this category was given to redoubling efforts to address without further delay on the difficulties faced by Yazidi children, especially girls in accessing education, the importance of providing pre-primary education for all children. On this area it is crucial to do reviewing legislation in line with international human rights standards to criminalize marriage coercive imprisonment without the valid consent of both spouses when pressure or violence is used. As well as consulting with local representatives of national minorities to assess the demand for the use of national minority languages in accordance with administrative authorities and for topographic indications in geographical areas of compact residence of a significant number of persons belonging to national minorities is also extremely important.⁸⁷

A list of Further Recommendations included the importance of ensuring that proper procedures are in place for future censuses, as well as other forms of data collection. Providing reliable data on the situation of persons belonging to national minorities, promoting positive relations between various groups of national minorities, creating and encouraging opportunities for dialogue among minorities, providing the Ombudsman with all the necessary resources to perform the functions and powers that may be assigned to him by the law on ensuring the rights of minorities. The importance of further revision of criminal legislation with the aim of recognizing acts of hatred against minorities, including in the Internet, was emphasized. Ensuring adequate coverage and teaching of cultural characteristics of national minorities,

⁸⁵ Appendix 1.

⁸⁶ [Resolution CM/ResCMN\(2018\)5 on the implementation of the Framework Convention for the Protection of National Minorities by Armenia](#) (accessed: 03.01.2023).

⁸⁷ List of Recommendations of Immediate action in Resolution (CM/ResCMN(2018)5) by CoE of 2018.

ensuring the effective application of the electoral code affecting the interests of minorities is welcome.⁸⁸ The new revolutionary government of Armenia will have to implement all these recommendations, since in the spring of 2018 a velvet revolution took place in Armenia and Nikol Pashinyan came to power, who, in turn, chose the democratization of the country as the rhetoric of his power.⁸⁹

⁸⁸ List of Further Recommendations in Resolution (CM/ResCMN(2018)5) by CoE of 2018.

⁸⁹ Lansky, Miriam, and Elspeth Suthers. "Armenia's Velvet Revolution". *Journal of Democracy* 30, no. 2 (April 2019): 85-99.

III.4 Fifth State Report submitted by the Republic of Armenia on 15 June 2020

In the Fifth State Report of 2020 like in Fourth State Report of 2014 to Council of Europe, the Government of Armenia provided some practical arrangements made at national level aimed to following up the results of the Third monitoring cycle of implementation of the Framework Convention. In particular, it was noted that on the basis of point 82 of Annex 1 to the government decree of 2017 “On the approval of the Action Plan for 2017-2019 arising from the National Strategy for the Human Rights Protection”, the Ministry of Justice began work on the preparation of a draft law regulating the exercise of the right to preserve and develop national ethnic identity spend religion language and culture and persons belonging to national minorities. According to the Report the Ministry of Justice has elaborated a package of draft laws “On national minorities” and “On ensuring legal equality” and related laws. It was discussed with interested non-governmental organizations and state bodies and for the purpose of public discussion has been posted on electronic database website. According to the Report *“the Draft is currently in the stage of elaboration through public discussions and active co-operation”* with interested sides, *“based on the recommendations of the CoE expert opinion”*.⁹⁰

The Report noted that non-governmental organizations regularly organize seminars and discussions in provinces on problems of Yezidi students, in particular Yezidi girls. In 2018-2019, public organization "Armavir Development Center", funded by the US and Canadian Embassy in the RA, implemented programs to promote the right to education for Yezidi girls, the purpose of which was to promote full realization of the right to education of girls and women. During 2015-2018 Administrations of provinces of RA by suggest of the President of RA provided financial support to national minorities without a kin state. The Division held meetings with representatives of national minorities, communities and non-governmental organizations to discuss issues related to their situation, issues of concern, and the exercise of their rights.⁹¹

As a result of constitutional amendments RA transited from semi-presidential system to parliamentary one, the institute of Council started to function under the Chief Advisor to the Prime Minister, nevertheless on 3 May 2019 the Decision of Prime Minister of Armenia “On establishing a Council of National Minorities and approving the composition of the Council”

⁹⁰ [Drafts of laws](#) (accessed: 03.01.2023) only in Armenian.

⁹¹ Fifth Report submitted by Armenia Pursuant to Article 25, paragraph 2 of the FCNM received on 15 June 2020, 4.

entered into force.⁹² Some regulations were set forward in the Draft Law “On national minorities”, such as usage of minority language in public and administrative spheres in communities, where the percent of national minorities is at least thirty. Report included some provisions by the Statistical Committee based on the findings of the census of 2011, according to their distribution in urban and rural areas. Pursuant to Decision of Government of 10 October 2018, the regular census had to be conducted in RA on 18-27 October 2020. It is noteworthy that it would be first time in Armenia when the census conducted by using the data of the state register of population, and the data on additional characteristics to be collected with 25 percent sample surveys.⁹³

Started from 3 September 2018, a 35-40minute program entitled “Side by Side” about the cultural life of national minorities was broadcasted by the Public Television Company every Thursday at 19:35 and repeated every Friday at 15:25. At the same period the news service had also provided more than 40 materials and reports on events related to national minorities.⁹⁴ On 31 October 2019, the Ministry of Foreign Affairs of Armenia hosted a panel discussion entitled: “Draft Law on national minorities: issues, concerns and opportunities”. On 4 July, 2019, the Ministry of Foreign Affairs of the RA hosted a discussion of the Fifth Report of Armenia along with the representatives of 11 national minorities represented in the Council of National Minorities of Armenia.⁹⁵ In 2018 Armenia signed the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence.⁹⁶

In 2019 the construction of the world’s largest Yezidi temple in Armenia, the Malek Taus and Seven Angels was completed. A database of pupils representing national minorities has been created within the Department of General Education of the Staff of Yerevan Municipality in order to involve them in the national holidays and other events as well as to encourage their participation at these events. The Report also includes minor improvements in education, cultural activities, as well as all previous achievements in the field of protection of the rights of national minorities. The visit of the delegation of the Advisory Committee took place from 21 to 25 February 2022, there is no official Opinion at the time of this research.

⁹² [Decision of the Prime Minister on establishing a Council on National Minorities and approving the composition of the Council](#) (accessed: 03.01.2023).

⁹³ Decision of the Government No 1115-N of 10 October 2018.

⁹⁴ With this [program](#) (accessed: 03.01.2023), the First Channel addresses the different nationalities living in Armenia, presenting a complete picture of their life activities. It tells about the peculiarities of community life of different nations living in Armenia.

⁹⁵ [Discussion of the fifth report of Armenia submitted under the CoE Framework Convention for the Protection of National Minorities](#) (accessed: 03.01.2023).

⁹⁶ Istanbul Convention.

IV. Conclusion

The research goal was to study the fulfillment by RA of the obligations imposed on it by the Framework Convention. The results obtained in the course of the study allow us to draw conclusions about the history of the emergence and subsequent development of national minorities on the territory of Armenia, identify and evaluate the tools and mechanisms for protecting their rights, prove the hypothesis that the RA does not fully cope with these obligations, causing the problems of their implementation with financial and economic difficulties in the country. Theoretical analysis of the Fourth and Fifth monitoring cycles of the FCNM in the RA, an interview with the head of one of the largest non-governmental organizations of a national minority, media and public discourse, and literature on the problem of fulfilling these obligations made it possible to conclude that the term national minorities and methods for its protection do not have an unambiguous interpretation in modern world and therefore there are no specific mechanisms to enforce the fulfillment of obligations by the participating countries of the FCNM.

The research revealed that Armenia is trying to fill the gap in national legislation with the help of international mechanisms for the protection of rights and non-specialized normative and legal acts in the field of protection of national minorities. Under the guise of financial difficulties in the country, Armenia neglects to solve problems related to national minorities that do not require special financial costs, such as the creation/adoption of its own law on national minorities and control over the proper observance of the criminal code, in particular the paragraphs regarding kidnapping and early marriages. The study and comparative analysis of the State Report with the Opinions of Advisory Committee, as well as the subsequent Commentaries of the government, made it possible to reveal that Armenia is not implementing the Recommendations of the Council of Europe in substance way.

Today, in the conditions of the Russian-Ukrainian conflict and the state of the post-Soviet countries as a whole, there is a great interest in Armenia as a place of permanent residence. Since February, last year, an unprecedented influx of foreigners from Russia has occurred in Armenia, most of which show a desire to stay for a long time, and many are considering the possibility of obtaining the status of citizenship of the RA. Based on this, sooner or later Armenia will have to recognize the realities and begin serious work to improve the conditions of national minorities in the country. Hopefully, soon by data obtained in this study, steps will be taken into account and used for a broader consideration, work and final solution of the problem.

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