



Institute on Religion and Public Policy

Religious Freedom in Armenia

Executive Summary

The Constitution of the Republic of Armenia provides for freedom of thought, conscience, and religion. Although the law does not require the registration of religious communities, registered communities enjoy privileges unavailable to non-registered communities. Armenia's Criminal Code calls for the punishment of acts committed in religious hatred, but there are several noted examples of violence against religious minorities that have failed to produce a response from the authorities. The most blatant and oppressive examples of official discrimination are Armenia's policies and actions against conscientious objectors whose religious beliefs disallow military service.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

Legal and Policy Framework

Armenia was the first country to officially declare itself a Christian nation when King Tiridates III converted to Christianity in AD 301. As a result, the Armenian Apostolic Holy Church (AAHC) held a pre-eminent position in the development of Armenian society and culture. During the Soviet era the AAHC, along with all other religious denominations, were severely repressed, but upon Stalin's death Moscow eased some of its repressive policies allowing the AAHC to revive.

Today, Armenia is a mono-ethnic state where ethnic Armenians constitute 98% of its population, and religion is closely linked to ethnicity, with approximately 90% of the population belonging to the AAHC. Despite being a predominantly Armenian Christian nation, Armenia has been known as one of the more accommodating former Soviet Republics. Liberalization of religion policy progressed slowly in Armenia beginning with the changes in Soviet policies in the late 1980s and continuing to Armenia's accession to the Council of Europe.

During the 1990s, many minority religions, particularly Jehovah's Witnesses and those considered "non-traditional," were still discriminated against. However, upon joining the Council of Europe in January 2001, Armenia declared its intent to "ensure that all Churches or religious communities, in particular those referred to as 'non-traditional,' may practice their religion without discrimination."

Article 26 of the 2005 Constitution of the Republic of Armenia ensures that "everyone is entitled to freedom of thought, conscience, and religion." Article 8 promises the separation of church and state, but simultaneously establishes the "Armenian Apostolic Holy Church as a national church in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia."

Religious communities wishing to operate without limitations must apply for registration under the Department of Religious Affairs and National Minorities. By law, registered communities must have beliefs founded on "historically recognized holy scriptures" and a congregation of 200 adult members. Although organizations are not legally required to register, unregistered communities are restricted by their inability to spread information through broadcast and print media, rent space to hold meetings or to sponsor visitors. These registration requirements limit the ability of smaller religious communities as well as those who use non-"historically recognized holy scriptures."

Repressive changes to Armenia's religion law were proposed by Republic Party member Armen Ashotian on February 5, 2009. They were approved by Parliament in their first reading on March 19, 2009. These changes present a serious setback in religious freedom policy for Armenia, and especially for religious minorities living in Armenia.

The proposed Religion Law contains provisions that are clearly aimed at restricting and prohibiting elements of faith that are pivotal to an evangelical tradition and to the full expression of religious freedom. Proselytism was technically prohibited under the previous law, but a number of activities were considered exceptions. The proposed amendments repeal any exception to the ban and provide an expanded definition that will most certainly lead to increased harassment, discrimination, and abuse of religious minorities. The proposed amendments will also change the minimum member requirement from 200 to 500 members. This drastic change will effectively ban small religious communities from existing in Armenia. All of the changes contained within the proposed law will not only severely restrict religious liberty, they will also move Armenia further away from its international human rights commitments.

Violations of Freedom of Conscience

Despite the government's asserted goals of promoting and protecting religious freedom, many religious adherents that are not members of a mainstream

Christian tradition do not feel protected. For example, the government promised in 2001 to enact a law allowing for conscientious objection, but no law was created until 2004 leading to the arrest and imprisonment of numerous Jehovah's Witnesses.

Armenia's policy on conscientious objectors to military service stands in violation of Article 26 of its own constitution and Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), both of which ensure the freedom of conscience. The Council of Europe recommends that alternative service should "not be of a length which could be considered punitive in relation to military service," but the duration increases significantly from 24 months of military service to 42 months of civilian service.

Armenia's Law on Alternative Service in 2004 intended to be a fulfillment of the promise made to the Council of Europe to reform the policy and offer a "purely civilian" alternative to those who object to military service. Despite Armenia's claims that the alternative service was not initiated under military control, Order 142 of former Deputy Defense Minister Mikael Harutyunyan placed all civilians in alternative service under military supervision.

The nature of Armenia's alternative service renders the option unacceptable to many who claim conscientious objection due to religious beliefs, such as the Jehovah's Witnesses, whose religion does not allow military support. Although the alternative service is directed by the Ministries of Health and Social Security in name, it closely resembles the military with its mandated supervision by military police, organization of reserve units, military-issue uniforms and required armed forces identity cards.

The lack of "genuinely civilian" alternative service persuades some Armenians to opt for risking prosecution and jail time over service. At the end of 2008, Armenia held a record 82 religious "prisoners of conscience." The Armenian Parliament's former deputy speaker Tigran Torosyan assured the 2004 Council of Europe Parliamentary Assembly that "all conscientious objector prisoners would be freed"--yet arrests and trials continue.

Objectors face further legal obstacles following alternative service or jail time. Without a certificate of military service, they are unable to apply for a passport, which prevents them from leaving the country, gaining employment, voting, and marrying.

Failure to Protect Rights of Religious Minorities

Article 226 of Armenia's Criminal Code calls for the punishment of "actions aimed at the incitement of national, racial or religious hatred," but there are many examples of the authority's disregard for violence against religious minorities.

The assault of two female Jehovah's Witnesses by an Armenian Church priest in 2006 left one victim with a fractured arm, but "police refused to initiate an investigation, in part because the priest expressed remorse." In April 2007, two Jehovah's Witnesses claimed that they were threatened by a man with a pistol, but police did not investigate due to "lack of evidence." In June 2007, an Armenian Apostolic priest verbally assaulted two Jehovah's Witnesses as they discussed scriptures in a public square in Lusarat. The victims agreed to drop the charges if the priest apologized, but he denied the assault and authorities claimed there was not enough evidence to further the investigation.

The AAHC views the Jehovah's Witness community, along with other small religious denominations, as a threat, and has stated that Jehovah's Witness missions are "hunting for human souls, destroying families, and creating a split in society." The AAHC's sentiment is shared by many of its members and has resulted in a movement to recognize the AAHC's historical role in Armenian society. This movement resulted in official recognition of the AAHC in 2005 when the Armenian government amended the Constitution to recognize, "the exclusive historical mission of the Armenian Apostolic Holy Church as a national church, in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia." Although this amendment establishes the AAHC as the official state church, the Constitution also recognizes that, "the church shall be separate from the state," and that, "freedom of activities for all religious organizations in accordance with the law shall be guaranteed."

Thus, religious freedom in Armenia is deeply centered on the Armenian Apostolic Holy Church, and both the government and a majority of Armenian society attempt to curb any potential threats to the Church. The most recent move to curb the spread of other faiths was the proposed changes to the Law on the Freedom of Conscience and Religious Organizations (Religion Law) that were submitted by Republican Party of Armenia member Armen Ashotian on February 5, 2009. He publicly stated that this proposed draft is intended to deal with organizations that operate as "fishermen of souls." Ashotian explained that many Armenians are unhappy with the increase in proselytism throughout the country and that a law restricting this activity is long overdue. "That there aren't specific laws controlling this ... is an omission. This situation has been neglected, and it seems we spend more time protecting the rights of religious minorities than those of the majority," he stated. The religious minorities that will be affected by these changes claim that the AAHC is also behind the proposed amendments to the law. Comments from AAHC clergy stating that Jehovah's Witnesses are a dangerous "sect" and that religious freedom is an unnecessary policy initiative that only serves to comply with European organizations affirm these suspicions.

Conclusion

Armenia must uphold the freedoms guaranteed to its citizens in the constitution. Armenia needs to end the oppressive registration requirements that hinder the ability of smaller and non-traditional religious communities to operate freely. The state should stop the prosecution of conscientious objectors and release all current prisoners of conscience. A genuinely civilian alternative service is essential if Armenia wishes to defend the freedom of its citizens and prevent future conflicts and unjust imprisonment. Furthermore, Armenia must become more vigilant and active in the investigation and prosecution of acts of religious hatred.