

Institute on Religion and Public Policy Report

Religious Freedom in Armenia

Executive Summary

(1) The Constitution of the Republic of Armenia promises the freedoms of thought, conscience, and religion. Although the law does not require the registration of religious communities, the 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

(2) 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. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Legal Background

(3) Article 26 of the 2005 Constitution of the Republic of Armenia ensures that "everyone is entitled to freedom of thought, conscience, and religion".

(4) 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".

(5) 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 and sponsor visitors. These registration requirements limit the ability of smaller religious communities as well as those who use non-“historically recognized holy scriptures.”

(6) In the summer of 2009, amendments to the Religion Law were approved by Parliament after the first reading of the document. Amendments to the law include the banning of sharing faith, the requirement of having 500 adult citizen members in order for a religious community to become registered, and the banning of non-Trinitarian Christian communities from procuring registration. These proposed changes were reviewed by the Council of Europe and the OSCE, which resulted in a highly critical analysis showing that the proposed changes do not comply with international law. Unfortunately, it remains unclear if Yerevan will follow the recommendations set forth in the review.

Violations of Religious Freedom

(7) Armenia’s policy on conscientious objectors to military service violates 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.

(8) 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 Armenia’s policy increases the required 24 months of military service to 42 months for civilian service.

(9) Armenia passed the Law on Alternative Service in 2004 intending to fulfill their promise to the Council of Europe to reform the conscientious objection policy by offering a “purely civilian” alternative. Despite Armenia’s claims that the alternative service is not under military control, Order 142 of former Deputy Defense Minister Mikael Harutyunyan placed all civilians in alternative service under military supervision.

(10) Because Armenia’s alternative service remains under military supervision, it is considered unacceptable by many conscientious objectors, such as Jehovah’s Witnesses, whose religious beliefs do not support military action. Although the alternative service is officially directed by the Ministries of Health and Social Security, it does not contain adequate separation from the military to be considered a legitimate civilian alternative. Its mandated supervision by military police, organization of reserve units, military-issue uniforms and required armed forces identity cards make this simply a special arm of the military designed for conscientious objectors.

(11) The lack of a “genuinely civilian” alternative service has forced some Armenians to risk prosecution and jail time for their refusal to participate in this

sham alternative service. In September 2007, 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.

(12) In December 2008, Jehovah’s Witnesses met with government officials to discuss amending the Alternative Service law, but the meeting did not resolve the problem. Meanwhile two parliamentary committees took up discussion of the law to determine if it provides adequate non-military service options. Furthermore, other government officials, such as Karine Soudjian who is head of the Human Rights Department in the Foreign Ministry, believe that the Alternative Service Law does not violate the country’s international human rights obligations.

(13) Conscientious objectors face additional legal obstacles even if they do participate in the government’s alternate service program because they are not issued certificates of military service. Without this certificate they are unable to apply for a passport, which prevents them from leaving the country, gaining employment, voting, and marrying.

(14) 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 societal violence against religious minorities where the authorities have completely ignored this provision. Unfortunately, Armenia’s Jehovah’s Witness population has suffered greatly under this unwritten policy.

(15) A priest from the Armenian Apostolic Holy Church assaulted two female Jehovah’s Witnesses in 2006, leaving one with a fractured arm. Police refused to investigate this crime because the priest expressed remorse. In April 2007, two Jehovah’s Witnesses claim 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 for further the investigation. In February 2009, a mother claimed that she was being denied her parental rights to her child because she was a Jehovah’s Witness when the boy’s father kidnapped him. Current government documents simply state that she is unsuitable to have custody of the child.

(16) In March 2009, Forum 18 noted that a new article has been proposed for Armenia’s criminal code which would make punishable the sharing of one’s beliefs. The code may also include extremely high membership requirements for registration. Both of these proposed additions would hamper legitimate religious freedom and many religious groups are troubled by the developments.

Conclusion

(17) 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. The recommendations made by the Council of Europe and OSCE must be followed in regards to the proposed religion law changes that came out earlier this summer.