



**Institute on Religion and Public Policy:
Religious Freedom in Armenia**

Executive Summary

(1) 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

(2) 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.

Introduction to the Legal Situation

(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 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.”

Violations of Freedom of Conscience

(6) 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.

(7) 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.

(8) Armenia passed the 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.

(9) 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.

(10) The lack of “genuinely civilian” alternative service persuades some Armenians to opt for risking prosecution and jail time over 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.

(11) 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

(12) 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.

(13) 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.

Conclusion

(14) 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.