

HUMAN DIMENSION IMPLEMENTATION MEETING
Warsaw, 24 September – 5 October 2012

Republic of Armenia

Working session 10: Specifically selected topic:
Freedom of thought, conscience, religion or belief

Statement in the Exercise of the Right of Reply to the European Association of Jehovah's Christian Witnesses

The Constitution of Armenia approved by the 2005 referendum most precisely defines the right to freedom of religion or belief, and pays special attention to the separation of church from the State. The evidence of maintenance of religious pluralism in the country is well-demonstrated by the fact that in 1997, 14 religious organizations were registered as legal entities in Armenia, in 2011, this number reached 70.

The “Law on Freedom of Conscience and Religious Associations” which is still in force, was one of the first laws adopted by Armenia after gaining its independence in 1991 and this was the evidence of special attention given by my country to the mentioned fundamental right.

In 2001, after membership in the Council of Europe, Armenia has committed to pass the law on alternative service, thus providing equal opportunity for performance of duty by serving military or alternative service. Armenia committed itself to recognize that right and to pardon all convicted conscientious objectors not immediately but within three years of accession. Armenia had complied with its commitments within three years of accession as promised. In that period the Law on Alternative Service was adopted, 38 conscientious objectors were pardoned. Concerning the Bayatyan case, we would like to inform that Bayatyan was sentenced for refusing to perform military service on conscientious grounds as no law on alternative service existed in Armenia at that time.

The Law of the Republic of Armenia “On alternative service” adopted in 2003 (with effect from July 2004) envisaged alternative work service instead of mandatory military service (Article 2), which stipulates an alternative service for citizens, who refuse military service because of their religion and beliefs, through civil work at healthcare and similar organisations. According to the Law, alternative service is for those citizens, for whom it is against their religion and beliefs to take on military service in military units, as well as to bear, keep, maintain and use arms. Switching from military service to alternative service is carried out on voluntary basis, upon the application of citizen (Articles 7 and 8), by a civil committee established by the Government of the Republic of Armenia.

Currently a Draft Law of the Republic of Armenia “On making amendments and supplements to the Law of the Republic of Armenia “On alternative service” is submitted to the National Assembly of the Republic of Armenia, which provides for the improvement of the order of discussing the applications for sending to alternative service, amending the time periods for alternative service, envisaging the communities of the Republic of Armenia as places for alternative work service as well, establishing bodies responsible for alternative service and supervisory to the process of alternative service in the marzes of the Republic of Armenia (in

the city of Yerevan it should be the Ministry of Territorial Administration of the Republic of Armenia).

As for the status of those people who, as prescribed by Article 327 of the Criminal Code of the Republic of Armenia, have refused mandatory military service or alternative service based on their religious beliefs and are taking their punishment, we would like to inform that it is also planned to make relevant supplements in the Criminal Code of the Republic of Armenia, according to which, people who have committed an action defined by Article 327 of the Criminal Code of the Republic of Armenia because of their religion and beliefs, are released from criminal liability or punishment if they submit an application about taking on an alternative service within requested time.