

**OSCE HUMAN DIMENSION IMPLEMENTATION MEETING
Warsaw, 28 September – 9 October 2009**

STATEMENT OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA

**Working session 2: Fundamental freedoms I, including:
Freedom of thought, conscience, religion or belief**

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Mme. Moderator,

Freedom of religion or belief is one of the sensitive and comprehensive themes which really demand close attention from the State and its relevant institutions.

After decades of domination of atheism in Armenia, implementation of the rights to a freedom of religion or belief meant the beginning of religious revival, i.e. spiritual, moral, cultural rebirth of a life of the country, restoration of historical memory and traditions. In fact, an entire generation has been deprived of the right to exercise its religious and cultural heritage. It was vitally important to begin developing relevant regulatory legislation, but equally important was to return the property previously confiscated from church: church utensils, the grounds, the real estate etc.

Today in Armenia all historical and architectural monuments, cultural and religious buildings, irrespective of their ethnic or religious belonging are under protection of the State. In consideration of the fundamental value of religion in the formation of individual's moral values, the Faculty of Theology was opened at the Yerevan State University. The faculty included three chairs – theology, the theory and history of religion, history and ecclesiology of the Armenian Church.

Mme. Moderator,

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. At the same time, Armenia recognizes the exclusive historical mission of the Armenian Apostolic Holy Church as a national church in the spiritual life and development of the national culture. Armenia's Constitution declared that "freedom of activities for all religious organizations in accordance with the law shall be guaranteed in the Republic of Armenia". 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 2009, this number reached 66, and among these are Jehovah's Witnesses.

The decree of the President from March 15th, 2001 suspends the activities of the State Council on religion Affairs, whose main duty was monitoring the work of religious organizations.

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. For last two years, cases of refusal from alternative service have become frequent. This question is under the constant attention of relevant State structures and the Ombudsman, who submitted proposals on the improvement of the legislation and its practical applications. I would like to underline, that when passing the law in 2003, Armenia had already fully complied with its obligations.

Mme. Moderator,

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.

The law has been passed in 1991 and this was the evidence of special attention which was given by my country to the mentioned fundamental right. At the same time, following the implementation of the law, several gaps were identified and new amendments have been incorporated into the law later on. The latest package of amendments was suggested in January 2009, which aimed at bringing the law to compliance with the Constitution and in particular with its Articles 8.1 and 26 as well as ensuring the law's compatibility with international standards, and in particular, with Article 9 of the European Convention on Human Rights. The development of the latest amendments has been very transparent. Public discussions and round tables were organized with the aim to gather different view points from various religious organizations. Before the adoption, these amendments were sent to the Venice commission of the Council of Europe and to the OSCE/ODIHR for the expertise. At present the joint opinion on the law is under discussion.

Mme. Moderator,

Freedom of religion or belief is comprehensive, wide and complex issue which correlates not

only with the freedom to choice or change of a religion, but also is linked with the right to not profess any religion at all. Hence, here it is necessary to remember about non-believers or atheists. People should know that they not only the right to enter religious denomination or their choice, but also have the right to leave it.

The OSCE format allows active involvement of experts and provides excellent opportunity to discuss complex issues pertaining to human rights at supplementary Human Dimension meetings. One of such meetings was organized in July of this year and was devoted to the questions of freedom of religion or belief. This event allowed us to listen to different opinions and learn about various perspectives. We consider this practice very useful and this is should be continued in the future as well.

Thank you for your attention.