

## **RELIGIOUS FREEDOM CONCERNS IN ARMENIA**

### **ORAL STATEMENT BY THE GENERAL COUNSEL OF JEHOVAH'S WITNESSES**

Presented to the OSCE HDIM, Warsaw, 28 September to 9 October 2009

In **ARMENIA**, the 25,000 Jehovah's Witnesses and their supporters are facing several challenges to the expression of their faith. Although there are other issues that could be listed, the following three are the most pressing.

**Alternative Service:** There is still no provision for alternative service despite Armenia enacting a law in June 2004 under pressure from the Council of Europe. In 2005, the government of Armenia made an appearance of complying with the law, however it became evident that the so-called alternative service offered was still under military control and supervision. The young men who had chosen the alternative service, realizing that it was not purely civilian in nature, abandoned their service and were later charged and arrested under Articles 361 and 362 (*absence without leave* and *desertion from military unit*) of the *Criminal Code*. Nineteen of these cases are currently before the European Court of Human Rights as part of the application *Khachatryan and 18 others v. Armenia* dated May 20, 2006. In total, there are four pending applications before the European Court of Human Rights regarding the conscientious objector issue in Armenia. However as there are still no provisions for civilian alternative service outside of Military supervision, 70 young men are currently incarcerated for conscientiously objecting to military service for periods varying between 24 and 36 months.

**Draft Law on Religion:** The proposed draft law on religion (amending the current law), which passed the first reading in the National Assembly of Armenia on March 20, 2009 (89 for and 2 against), was reviewed by the Venice Commission. The Commission's opinion was officially published on June 23, 2009. Its conclusion is highly critical of the proposed amendments. The sixteen-page document very clearly highlights the prejudicial aspects of the draft law. The motivating factor behind the proposed amendments is to restrict the religious freedom of Jehovah's Witnesses, among others, in the Republic of Armenia and to give the Holy Armenian Apostolic Church (HAAC) precedence over all other faiths. Should this happen, freedom of religion in the Republic of Armenia will be seriously jeopardized. In view of these facts, the Commission concluded that not only do the proposed amendments need to be radically redrafted, but also that the current law in force is inappropriately restrictive to the freedom of religion and requires extensive amendments.

**Customs:** Jehovah's Witnesses continue to struggle with clearing shipments of donated literature through Customs. Routinely, Customs Authorities arbitrarily reject our declared values and impose highly inflated fictitious valuations – up to three times more than we declare. After which, they levy a 20% Value Added Tax tariff. We have filed 13 claims with the Administrative Courts challenging this baseless valuation of our shipments. On July 13, 2009, our first filed claim was denied by the court. We have submitted an application with the Cassation Court of Armenia appealing this decision.

We appeal to the authorities of Armenia to provide alternative service of a truly civilian nature to all citizens desiring to avail themselves of this provision; to take appropriate action with regards to the redrafting of the current Law on Religion in the Republic of Armenia to ensure freedom of worship to all citizens as per the recommendations contained in the Venice Commission's Joint Opinion; to uphold the laws and regulations pertaining to the Customs code and VAT law with regards to the unjust valuation of our literature shipments.

A delegation of Jehovah's Witnesses is ready to meet with Armenian representatives to discuss this serious issue.