

## **Religious Freedom in Armenia**

### Brief

On 23 June 2009, the Venice Commission, together with the OSCE/ODIHR, issued opinion on two draft laws on amending the Law on Freedom of Conscience and Religious Organizations and the Criminal Code of Armenia. The two draft laws were never enacted by the government of Armenia. Instead, in 2010 the Armenian authorities developed a new draft Law about Making Amendments and Supplements to the Law of the Republic of Armenia on Freedom of Conscience and Religious Organizations. The Venice Commission and the OSCE/ODIHR issued an interim opinion to the proposed draft law in December of 2010. However, this second draft law was also not adopted by Armenian authorities. In August of 2011 the Armenian authorities drafted an entirely new “Draft Law of the Republic of Armenia on Freedoms of Conscience and Religion” and again asked the Venice Commission to provide an opinion on this last draft. On October 17, 2011 the Venice Commission issued its third opinion (Opinion 643/2011, document CDL-AD(2011)028) in which it noted that even though the government of Armenia had made a “marked improvement” compared to previous draft laws of 2009 and 2010, the draft law was yet far from being in line with international standards since certain fundamental problems, that had been noted by the Commission and the OSCE in their previous opinions, still remained in the draft. For this reason the Commission decided to comment on those fundamental problems rather than on the issues that had been amended in the third draft.

The Commission recommended in changing the definition of “proselytism” in the law in order to avoid negative stereotyping of all forms of missionary activity. The Commission therefore recommended to define that the law prohibits only the “improper proselytism” and not the “proselytism” in general. Under the current trend in Armenia, which is openly supported by the government, all religious unions or organizations other than the dominating Holy Apostolic Armenian Church” (HAAC) are openly named as sects and their followers are strongly criticized by the wide public as betraying the national belief of Armenians. One of the key aspects of the religious freedom in Armenia is that both the government and the HAAC are tended to unify the ethnic and religious identity of Armenians. This is the reason why HAAC is widely considered as a national church and the belief system of HAAC as a national belief. Such approach leaves almost no alternatives to those Armenians who are the followers of other faiths or beliefs. They are openly called and, moreover, are agitated by public authorities and figures to be called as the victims of the sects funded by western countries. As a result to this, one of the main problems in the current public education system is the indoctrination of the system of belief of the Holy Apostolic Armenian Church in the religious educational system and the absence of alternative teaching mechanisms for pupils of other beliefs. This approach in turn entails to a slowly growing trend of practicing some religious rites and some elements of religious rites during classes even though Armenia is a secular state and the preaching at schools is prohibited by the Constitution. The above also explains why the textbook of the “Armenian Church History” used in public school teaches not the history of religion but the belief system of the Holy Armenian Apostolic Church. At schools it is a wide practice of asking the pupils by questionnaires whether they belong to a certain sect. Thus, at public schools the

democratic principles of objectivity and pluralism in religious teaching are not observed. The whole methodology and the purpose of religious teaching in public schools are aimed at **indoctrination** of the system of belief of the HAAC. **For example, the attendance to religious classes, in which the belief system of HAAC is taught, is mandatory which contradicts the article 2 of the Protocol 1 of the European Convention of Human Rights under which the States have obligation to establish alternative teaching mechanisms.**

One of the key aspects that has been continually criticized by the Venice Commission is the Law on the Relations Between the Republic of Armenia and the Holy Armenian Apostolic Church, which has to be read and interpreted as *lex specialis* of the above law. Under this law, the government and the HAAC agree that the latter **has absolute privilege in teaching religious history and other religious subjects in all educational institutions** including the public schools of Armenia, including such activities as “contributing to the spiritual education of the Armenian people”; and “undertaking charitable and benevolent activities”. Since the above activities are listed as “exclusive” missions of the Holy Armenian Apostolic Church”, it is understood that other religious associations will not be allowed to engage in such activities. The Venice Commission clearly stated in its opinion that such a restriction violates the international standards on freedom of religion or belief and on the prohibition of non-discrimination. No explanation is given in the law as to why no such privilege is given to other religious associations besides the HAAC. Following the above exclusive privileges, in the recent years the government started giving wide opportunities to HAAC for regulating the state education system concerning the religious education to the extent of recruiting the school teachers for teaching the subject of religious education. Moreover, today the HAAC has wide powers for dismissing those teachers who are not the followers of the HAAC. Even though this is the violation of the Constitutional principle of secularism, the government takes absolutely no action in keeping the church away from the sphere of state regulation of the educational system. Moreover, this trend now goes even wider by evolving into other spheres of state regulation.

The current legal framework and the evolving domestic practice seriously jeopardize the freedom of thought, conscience and religion, as well as the right to freedom of expression and opinion and freedom of association, and the right to nondiscrimination, which are safeguarded by both the international treaties to which the Republic of Armenia is party and the constitutional and national laws of the Republic of Armenia

One of the main problems is in the public education system where the system of belief of the Holy Apostolic Armenian Church is indoctrinated and there are no alternative teaching mechanisms for pupils of other beliefs. This situation entails to a slowly growing trend of practicing some religious rites and some elements of religious rites during classes despite the fact that Armenia is a secular state and the preaching at schools is prohibited by the Constitution. Another problem is the textbook of the “Armenian Church History” which presents not the history of the religion but the belief system of the Holy Armenian Apostolic Church. It is a wide practice in schools to ask pupils

by questionnaires about whether they belong to a certain sect. Thus, at public schools the democratic principles of objectivity and pluralism in religious teaching are not followed.

The other problematic issue is the termination of employees from their work for their religious faith. It happens in schools, in some medical institutions and in some ministries. But we have one problem here; people do not like to go to court and defend their rights . There are both objective and subjective reasons to this.

Another major problem that I want to tell about has a long history. It is the religious hate speech by some TVs and media companies.