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ARMENIA: Will critical review halt restrictive Religion Law?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

The Council of Europe and OSCE have given a highly critical review of proposed amendments which have already been approved by Parliament in their first reading. The amended Religion Law would ban the sharing of faith, require 500 adult citizen members before a religious community could gain legal status, ban non-Trinitarian Christian communities from gaining legal status, give broad reasons for banning religious communities, and recognise the "exclusive mission" of the Armenian Apostolic Church. The new Criminal Code Article 162 would punish the sharing of beliefs. "The authorities have to take the points of this review into account, though I don't know if they will," Russian Orthodox priest Fr David Abrahamyan told Forum 18 News Service. "If they adhered to European standards they wouldn't have adopted these amendments in the first reading." The government's senior religious affairs official, Vardan Astsatryan, told Forum 18 he had "no knowledge" of the results of the review. But the Jehovah's Witnesses told Forum 18 Astsatryan had told them in mid-June that the proposed amendments have been suspended but not abandoned.

One week after a critical international review of the restrictive proposed amendments to Armenia's Religion Law and Criminal Code was made public, the Armenian government's senior religious affairs official, Vardan Astsatryan, told Forum 18 News Service from the capital Yerevan on 1 July that he had "no knowledge" of the results of the review. "Parliament has probably not handed the review on to the government." Astsatryan, who heads the government's Department on National Minority and Religious Issues, stressed that the proposed amendments were the initiative of Parliament. "They'll discuss them and only then will the government give its views."

Although the government's then deputy spokesperson Petros Demirchyan had told Forum 18 back in March that the government was "satisfied" with the proposed amendments, Forum 18 has been unable to find out what its current attitude is, given the critical review. No spokespersons would discuss the issue by phone on 1 and 2 July. On 1 July Forum 18 submitted written questions on whether the government still supports the amendments, but had received no reply by the end of the working day on 2 July.

The highly critical review – conducted jointly by the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe (OSCE) Advisory Council on Freedom of Religion or Belief – was made public on 23 June on the Venice Commission website (<http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282009%29036-e>).

The controversial proposed new Religion Law would ban the sharing of faith ("proselytism"), require 500 adult citizen members before a religious community could gain legal status, ban non-Trinitarian Christian communities from gaining legal status, give broad reasons for banning religious communities, and recognise the "exclusive mission" of the Armenian Apostolic Church. The proposed new Article 162 in the Criminal Code would punish the sharing of beliefs. Both were approved by Parliament in their first readings on 19 March, despite strong criticism from human rights defenders and many religious communities (see F18News 24 March 2009 http://www.forum18.org/Archive.php?article_id=1272).

Deputies from only one political party, the centrist Heritage Party led by former Foreign Minister Raffi Hovannisian, voted against the proposed Laws in the first reading.

The amendments were initiated by Armen Ashotyan, then a parliamentary deputy of the Republican Party in the government coalition who has since become Education Minister. The parliamentary committee he headed – on Science, Education, Culture, Youth and Sport – is now led by Artak Davtyan. His staff told Forum 18 on 1 July that he is away at an interparliamentary meeting in Lithuania and unable to be reached. Forum 18 was unable to reach any other deputies on the Committee he heads.

However, an official of the Committee confirmed to Forum 18 that it had received the Council of Europe/OSCE review. The official added that as Parliament is on its summer recess, no action will be taken before September.

Ashotyan insisted to Forum 18 on 1 July that he no longer has any involvement in the process of adopting the amendments since his departure from Parliament and appointment as a minister. He said he had drawn up the original draft Laws working with "several persons" in the Armenian Apostolic Church, but declined to name any of these Church figures.

Some are sceptical over Ashotyan's claims that he is no longer involved. Stepan Danielyan, Chair of the Yerevan-based Collaboration for Democracy Centre who is a fierce critic of the amendments, told Forum 18 that "officially Ashotyan will not be involved, but unofficially he will".

Review identifies ten "major problems"

The Legal Opinion prepared by the Council of Europe's Venice Commission and the OSCE Advisory Council on Freedom of Religion or Belief is highly critical not only of both draft laws, but of the existing Religion Law as well.

Ten "major problems" in the drafts approved in the first reading are identified in the Opinion. Among the recommendations are that:

- all religious communities, including those not registered as a religious organisation, should be able to gain legal status if they want it;

- the proposed registration requirements "require extensive redrafting," including deleting the definition of Christianity – described as "entirely objectionable" - and not increasing the minimum numbers necessary to register. As the Opinion notes, even the current threshold of 200 is probably "discriminatory and disproportionate";

- the list of rights granted to registered groups by the current Religion Law "must be also guaranteed and accessible for smaller religious groups, and most of them must also be accessible even for individuals, because they are normal manifestations of freedom of religion or belief." The Opinion also stresses that this list should be seen as an illustration of legal rights, and not as a limitation on carrying out other kinds of religious activity;

- "proselytism" as an offence should be clearly defined as "improper proselytism." This definition itself should be "drawn with greater care" and the penalties "should be reconsidered as they could appear to be unduly harsh." The Opinion discusses the difficulties of defining "improper proselytism" and notes that "the right of proselytism must extend to individual members and to religious groups." The proposed Religion Law devotes much attention to restricting the right to share beliefs (see F18News 24 March 2009 http://www.forum18.org/Archive.php?article_id=1272).

- and the proposed Article 162 of the Criminal Code "should not permit the imposition of sanctions on a religious organisation such as the Jehovah's Witnesses" for stating that its members should refuse to undertake military service. As of 1 June, Armenia held 76 Jehovah's Witness prisoners of conscience in jail for conscientious objection to military service. The country promised the Council of Europe that it would introduce a genuinely civilian alternative to military service by January 2004, but has not done so (see F18News 11 December 2008 http://www.forum18.org/Archive.php?article_id=1228).

The review noted that the Venice Commission, the Council of Europe Directorate General of Human Rights and Legal Affairs and the ODIHR Advisory Council on Freedom of Religion and Belief "stand ready to continue to assist the Armenian authorities".

International review welcomed

Welcoming the Council of Europe/OSCE review were a number of religious communities Forum 18 spoke to. "They have done high quality work," Asatur Nahapetyan, General Secretary of the Baptist Union, told Forum 18 from Yerevan on 2 July. "It is very clear – if parliament accepts the recommendations from the Council of Europe and the OSCE it will be very nice for us. I don't know if they will though."

Although not as hostile to the proposed amendments as other religious communities, Nahapetyan said the Baptist Union is concerned over the requirement to have 500 members to gain legal status and the ease with which individuals who talk about their faith could be brought to court.

More critical of the proposed amendments is Fr David Abrahamyan of the Russian Orthodox Church in Yerevan. He complains of the "monopoly" the proposed Law would give the Armenian Apostolic Church. "This is against equality and is unjust," he told Forum 18 on 2 July. "Getting money from abroad – whether from the Moscow Patriarchate or our diocese in Krasnodar in Russia – would become impossible, while going into prisons, building churches and preaching would be restricted. Why are all these limitations being proposed?"

Fr Abrahamyan said the current proposed Laws do not accord with European standards. "Armenia should take account of international standards – we aspire to being a European state. The authorities have to take the points of this review into account, though I don't know if they will. If they adhered to European standards they wouldn't have adopted these amendments in the first reading."

The priest said the Russian Orthodox Church had written to Prime Minister Tigran Sargsyan to voice its concerns, but he had responded that it should write instead to the Speaker of Parliament, Hovik Abrahamyan (no relation of the priest). "We got no reply from the Speaker and were never invited to Parliament to give our views – it is very strange that when the Russian Orthodox Church

has concerns it is not listened to."

Jehovah's Witness lawyer Lyova Margaryan believes the international criticism was inevitable, given the restrictive provisions of the draft Laws. "It would have been impossible for the Council of Europe and OSCE to have approved these Laws," he told Forum 18 on 1 July.

Other religious communities Forum 18 sought views from – including the Armenian Apostolic Church, other Protestant communities and non-Christian faiths – did not respond.

Will Laws be pushed through or abandoned?

Danielyan of the Collaboration for Democracy Centre says the authorities have "no other choice" than to continue to push the Laws through, given that they have already been approved in the first reading. "They can't abandon them – this would be a sign that they and the Armenian Apostolic Church had lost," he told Forum 18. "They could continue with them, amend them or postpone them."

He would like to see a "serious public discussion" of how religion should be treated in law. "The Council of Europe/OSCE review provides a good opportunity." He believes the existing Religion Law itself needs to be discussed and argues that "strange formulations" in it need to be removed.

RenÅ© Leonian, head of the Evangelical Church of Armenia who also opposes the proposed amendments, said that now the review has been delivered, "I have more conviction that the Armenian authorities must suspend consideration of these Laws". He echoes the call for a public debate, which he says must involve government bodies, civil society and religious communities. "We believe there shouldn't just be a few changes but a global look at the whole issue involving these three parties," he told Forum 18 from Yerevan on 2 July.

Leonian said that when he met Speaker Abrahamyan on 31 March to discuss the proposed Laws, the Speaker promised a discussion once the Council of Europe/OSCE review was received. "The best time to hold this discussion is before any further readings are even considered. I hope the authorities will have the wisdom to call the various parties – including NGOs and religious communities – for a discussion."

Jehovah's Witness lawyer Margaryan told Forum 18 he had met government religious affairs official Astsatryan in mid-June, who had told him the proposed amendments are now "on hold". When Margaryan asked if they had been removed entirely Astsatryan said No. (END)

More coverage of freedom of thought, conscience and belief in Armenia and the unrecognised entity of Nagorno-Karabakh is at <http://www.forum18.org/Archive.php?query=&religion=all&country=21>

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Armenia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=armeni>.

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