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Policy brief

End policies fueling intolerance towards religious minorities

Drawing a line around what counts as a religion or what an acceptable and legitimate form of expression entails is not as easy as periodically recommitting politically to religious freedoms. In 2010, the Armenian government reiterated its symbolic commitment to religious tolerance and took a cautious stance regarding the proposed amendments to the Law on Freedom of Conscience and Religious Organizations. Whether this “smart strategy” is an evidence of greater promotion of religious freedom, or successful immunization of authorities against criticism, is not a matter of debate. Either way, a commitment to tolerance in socially engineered categories such as race, nationality, ethnicity, and religion is largely taken for granted and is enshrined in modern political identity in much of the world. Although the right to religious freedom is essentially among those rights fundamental to a free democratic society, which Armenia aspires to become, there are obvious dangers of intolerance in the current political context. Against this background, Partnership for Open Society, the Organization of Security and Cooperation in Europe (OSCE), Council of Europe, and United Nations Department of Public Information (UNDPI) hosted a panel discussion with the Armenian Minister of Justice Hrayr Tovmasyan, Ambassador Sergey P. Kapinos, the head of the OSCE office in Yerevan, Silvia Zehe, the head of the CoE office in Armenia, and Armineh Haladjian, UNDP representative. Other participants included such leading experts as Stepan Danielyan, Collaboration for Democracy Center NGO; Finola Flanagan, Venice Commission member; Avetik Ishkhanyan, chairman of Armenian Helsinki Committee NGO; John Kinahan, member of OSCE Panel of Experts on Freedom of Religion or Belief; S. Navoyan, secretary of the Collaboration of All-Evangelic Churches of Armenia; L. Bardagjian, pastor of Yerevan Evangelical Church. Among the subjects discussed during the meeting were the proposed amendments to the Law on Freedom of Conscience and Religious Organizations, the attitude of the secular state towards religion, the relationship between various denominations and the state, and the role of media in fueling religious intolerance.

A controversial draft law on Freedom of Conscience and Religious Organizations has been making its way through parliament in 2010, and local human rights groups and minority religious communities are alarmed by its provisions on registration and proselytism. In fact, the 2009 draft law received very critical reviews from the Venice Commission and the local religion experts, however the authorities failed to take into account their recommendations and suggestions. The recent draft amendments aim to legally conceptualize Christian belief as “the belief in Jesus Christ as God and Savior and an acceptance of the Holy Trinity” as a requirement for registering Christian religious organizations. One obvious

reason why this definition appears problematic is that it contradicts the provisions of the Constitution of the RA on secularism. The experts consistently maintained that this is a disproportionate intervention into the freedom of conscience and belief, as well as religious autonomy. In addition, the draft law seeks to reinforce and criminalize the definition of “soul hunting,” a non-legal term negatively used as a synonym for all forms of proselytism. This wording might potentially open the way for termination of any religious organization’s activities. The draft religion law has been widely criticized, both inside Armenia by local experts and religious freedom activists, and internationally by the Venice Commission. Among the range of critical challenges that this draft law poses, is the fact that the original Armenian text is still not available for public scrutiny. Importantly, however, the Minister of Justice publicly acknowledged the legitimate need to make the amendment process more transparent and available to the public for a reasonable amount of time before it is voted on.

The attention of the panelists has been also drawn to an emerging trend of intolerance toward the religious minorities. The Armenian society’s tolerance record has continued deteriorating further in the past year. Of urgent concern is the authority’s dangerous indifference towards the acts of intolerance and unwillingness to hold accountable those responsible for enhancing the climate of intolerance and discrimination. In June 2009, Gyumri’s National Security Service (NSS) Department repeatedly disturbed members of the NGO charity called “Christian Cultural Ministries International,” however, the law enforcement bodies refused to investigate this case. Other alarming incidents targeting adherents to nontraditional faiths were discussed by the panelists. In 2010, a group called the “One Nation Party” continued to post leaflets in Yerevan denouncing Jehovah's Witnesses and “raising awareness” against “sects. Similarly, in Mass Media, religious minorities are labeled as “sects” in programs that consistently downgrade religions other than the Armenian Apostolic Church. There is also a considerable dispute over the issue of religious freedom in the realm of public schools. Since 2003, a new subject called “Armenian Church History” has been taught in schools and children of minority religious groups were targeted and singled out. The experts discussed registered cases that teachers harassed their students threatening to punish for attending any activities organized by “sects.”

Given the fact that Armenia is a predominantly homogeneous country both ethnically and religiously, a particular care must be taken to ensure that the religious minorities are not marginalized. Examining a range of challenges that the adherents of non-apostolic religious faiths are currently facing, the panelists spotlighted a series of pragmatic policy, and legislative steps.

Recommendations

- Make the original Armenian text of the Law on Freedom of Conscience and Religious Organizations available for the civil society to provide its reviews and suggestions
- Amend provisions of the proposed religion law to ensure that Armenia meets its international legal human rights obligations to protect and promote freedom of conscience, and allow for full incorporation of concerns expressed by civil society and Armenia's international partners, including the Council of Europe and the ODHR OSCE
- Rethink entirely how to approach the conceptualization of “Christian belief” and “soul hunting”
- Adequately respond to cases of religious discrimination and violence
- Allow citizens to practice their religion in a climate of tolerance