

9 February 2009

ARMENIA: Two years' imprisonment for organising sharing of faith?

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

If two draft Laws which began passage through Armenia's Parliament on 5 February are adopted, spreading one's faith would be banned, Forum 18 News Service has learnt. Those who organise campaigns to spread their faith would face up to two years' imprisonment, while those who engage in spreading their faith would face up to one year's imprisonment or a fine of more than eight years' minimum wages. Gaining legal status would require 1,000 adult members, while Christian communities which do not accept the doctrine of the Trinity would be barred from registering. "These proposed Laws contain violations of all human rights." Russian Orthodox priest Fr David Abrahamyan told Forum 18. Religious affairs official Vardan Astsatryan told Forum 18 the government backs the draft Laws "in general". He declined to explain why the government has not involved the OSCE in preparation of the draft Laws.

Religious minorities have expressed alarm to Forum 18 News Service at proposed amendments to Armenia's Religion Law and Criminal Code which suddenly began passage through the country's parliament on 5 February. In particular, they are worried about proposed punishments of up to two years' imprisonment for those outside the dominant Armenian Apostolic Church who organise campaigns to spread their faith in public and a proposed five-fold increase in the number of members required to register a religious organisation. "If we don't react this Law will be adopted," Renik Leonian, head of the Evangelical Church of Armenia, told Forum 18 from the capital Yerevan on 9 February. "If it is adopted, it would create an intolerant atmosphere in the religious field."

Members of several religious communities told Forum 18 they had had no warning of the beginning of the parliamentary process. "The first we knew was when we heard this on television last week," Lyova Markaryan of the Jehovah's Witnesses told Forum 18 on 9 February in comments echoed by others. "It's strange that no-one's informed us about this," Fr David Abrahamyan, a Russian Orthodox priest at the Mother of God Church in Yerevan's Kanaker District, told Forum 18 the same day. "These proposed Laws contain violations of all human rights."

Heavy new penalties would be imposed for spreading one's faith under a new Article 162 of the Criminal Code. Those who organise or lead religious communities that conduct such activity would face prison sentences of up to two years, while those who participate in such activity could be sentenced to up to one year's imprisonment or a fine of 500 times the minimum monthly wage.

The proposed changes to the Religion Law would see spreading one's faith ("proselytism") more tightly defined in a revised Article 8. This bans sharing of faith using financial inducements; "physical, moral or psychological pressure"; inciting "doubt or hatred" towards other religions, their doctrines or activity; insulting other people or religions; and "pursuing people" at their home, place of work or relaxation, or by telephone. Article 15 bans religions that "control" the thoughts or personal life of their members.

Gaining legal status would become far more difficult, requiring 1,000 adult members, rather than 200 as at present. In addition, Christian denominations could only apply for legal status if they believe in "Jesus Christ as God and Saviour and accept the Holy Trinity". (Under the current Law, only religious communities – except those from recognised ethnic minorities - which have "historically-recognised Holy Scriptures" can apply for legal status, a requirement which would continue.)

Although the proposed changes to the Religion Law do not specify re-registration for existing communities with legal status, they would require such communities to come into compliance with the new Law or cease their activity.

Parliament's website has posted the text of the two draft Laws, indicating that they were both approved for consideration on 2 February and that they will have two readings. Parliament's Protocol Department told Forum 18 on 9 February that the draft Laws' first reading began on 5 February, though no vote was taken that day. It said discussion will resume at the next session in two weeks' time.

The draft Laws were prepared by Parliamentary deputy Armen Ashotyan of the Republican Party, which is the largest parliamentary bloc with nearly half the deputies. Forum 18 was unable to reach Ashotyan on 9 February, as staff at his office in Parliament would not put Forum 18 through to him.

The draft Laws have the backing "in general" of the government, though not its full support, Vardan Astsatryan, head of its Department on National Minority and Religious Issues, told Forum 18 from Yerevan on 9 January. He admitted though that as the Republican Party is the dominant party "they may well pass". He said the government had sent its written view of the draft Laws to Parliament in late 2008, but refused to supply Forum 18 with a copy of its views until he had sought permission from superiors.

Asked where the government disagreed with the drafts, Astsatryan said that the proposed raising of the minimum number of members to apply for state registration from 200 to 1000 should be withdrawn. "We believe this should remain at 200." He added that the term "proselytism" should be removed and should not be used in such a Law. "If any religious organisation is in a situation where the rights of others are violated, this should be restricted only then, and with strict limitations," he told Forum 18.

Atsatryan told Forum 18 that the government initiated a meeting with members of selected religious communities in Parliament on 12 February to discuss the draft Laws. Asked who had decided which communities to invite, he said the decision had been handed over to Ashotyan, the initiator of the draft Law. Asked whether the Yerevan Office of the Organisation for Security and Co-operation in Europe (OSCE) has been involved and would take part in the meeting, he responded: "We have not been in contact with the OSCE." He declined to explain why not.

Protestant leaders told Forum 18 that they held a meeting today (9 February) to discuss their response to the draft Laws.

Leonian of the Evangelical Church in Armenia, which has 40 congregations across the country, said it is wrong to punish people for sharing their faith. "The approach to proselytism in these draft Laws is not the best way," he told Forum 18. He added that he hopes the minimum number of adherents needed to gain legal status will not be increased. "If the new Law is adopted, communities will have to meet the new requirements and many of them would not be able to do so."

Many religious minorities have told Forum 18 that the existing threshold of 200 adult citizen members to register a religious community is already too high. Fr Abrahamyan of the Russian Orthodox Church told Forum 18 that two of the six Orthodox parishes cannot gain registration under the existing Law because of the high threshold. "It is already difficult trying to reach two hundred," he told Forum 18 from Yerevan on 9 February.

Fr Abrahamyan also objected to the existing restrictions for non-Armenian Apostolic communities on sharing faith. "We don't have the right to preach outside our church building," he complained to Forum 18. "We can't go into hospitals, prisons or army barracks. We've also no right to build new churches." He added that under the current Religion Law, they also cannot receive funding from their leadership – in this case the Yekaterinodar and Kuban Diocese based in Krasnodar in southern Russia – as it is located outside the country.

Fr Abrahamyan said the Russian Orthodox are not opposed to the Armenian Apostolic Church having a place of primacy. "But all religious communities should have equal rights."

Armenia's Constitution grants the Armenian Apostolic Church an "exclusive mission" in the country's life, while the April 2007 Law on Relations of the Republic of Armenia and the Armenian Church gave it extensive privileges over other faiths.

Markaryan of the Jehovah's Witnesses – who himself was eventually cleared in 2001 of enticing young people into religious activity despite strenuous efforts by prosecutors and the National Security Ministry to convict him – says he is surprised that Parliament could now be considering such amendments to the Religion Law and Criminal Code. "Maybe they won't be adopted, but we are concerned," he told Forum 18.

Artur Simonyan, chief pastor of the Pentecostal Word of Life Church, describes the proposed Laws as "very bad for religious freedom in Armenia". "The State Church wants to take control over every religious activity in the country," he told Forum 18. "And therefore all the Churches in Armenia came together to fight against this."

Atsatryan of the government's Department on National Minority and Religious Issues insists a new Religion Law is necessary. However, he struggled to explain to Forum 18 why he believes this is so. "The current Law dates back to 1991, with amendments in 1997 and 2001," he told Forum 18. "But the 2001 amendments were only very minor. Life has changed." He insisted that religious organisations need to be "better regulated in their juridical aspects".

Armenia's male Jehovah's Witnesses also face problems as no genuinely civilian alternative to military service exists. They told Forum 18 that as of 1 February, a total of 80 young men had been sentenced and were serving prison terms for refusing military service and two were in prison awaiting trial, while a further Jehovah's Witness is serving a suspended sentence on the same charges. Officials have repeatedly – but wrongly – denied to Forum 18 that they have violated their commitment to the Council of Europe to have introduced a genuinely civilian alternative to military service by January 2004 (see F18News 11 December 2008 http://www.forum18.org/Archive.php?article_id=1228). (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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY