

ARMENIA 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion and stipulates the separation of religious organizations and the state, but also recognizes the Armenian Apostolic Church (AAC) as the national church and preserver of national identity. Major amendments to the constitution were approved by referendum on December 6; those relevant to religious freedom came into effect on December 22. The amendments incorporate into the constitution an existing alternative service option for conscientious objectors to military service and expand the circumstances in which the state may apply restrictions on the expression of freedom of religion to include the protection of state security. Minority religious groups faced obstacles in obtaining building permits for places of worship; discrimination in education, the military, law enforcement, and public sector employment; government preferences for the AAC; and negative commentary from government officials. Representatives of minority religious groups associated with ethnic minorities, unlike those associated with ethnic Armenians, reported better relations with the government. The government sponsored an increased presence for the AAC in public life and required courses on the history of the AAC and on Christianity in public schools.

Jehovah's Witnesses reported some incidents of physical and verbal harassment while proselytizing, although they said police generally responded promptly to stop such incidents. A report from the European Commission covering events in 2014 stated that, despite some progress, societal acceptance of religious minorities was low and discrimination against minority religious groups in the workplace and the media continued. During the year, media continued to report negatively on minority religious groups, often referring to them in a derogatory manner as "sects" or "enemies of the state." According to several minority religious groups and civil society organizations, media were less critical of minority religious groups than in previous years.

The U.S. Ambassador and embassy representatives advocated, publicly and during meetings with government officials, greater religious tolerance, emphasizing all individuals should be allowed to practice their faith without hindrance, and the state should not consider members of religious minorities as threats. Embassy officials engaged with religious and civil society leaders throughout the year to promote religious tolerance and interfaith dialogue. The Ambassador and embassy staff also met with AAC leadership to discuss specific concerns.

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Section I. Religious Demography

The U.S. government estimates the total population at 3.1 million (July 2015 estimate). According to the 2011 census, approximately 92 percent of the population identifies with the AAC. Other religious groups include Roman Catholics, Armenian Uniate (Mekhitarist) Catholics, Orthodox Christians, evangelical Christians, Pentecostals, Seventh-day Adventists, Baptists, charismatic Christians, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), the Holy Apostolic Catholic Assyrian Church Of The East, Pagans, Molokan Christians, Yezidis, Jews, Shia Muslims and Sunni Muslims.

Yezidis are concentrated primarily in agricultural areas northwest of Yerevan around Mount Aragats, and Armenian Uniate Catholics live primarily in the north. Most Jews, Mormons, and Orthodox Christians reside in Yerevan, along with a small community of Muslims, most of whom are Shia, including Iranians and temporary residents from the Middle East.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees the right to freedom of thought, conscience, and religion. This right includes the freedom to change one's religion or beliefs and the freedom to manifest religion or belief in rituals of worship, such as preaching or church ceremonies, either alone or in community with others, in public or in private. The constitution establishes separation of "religious organizations" and state. At the same time, it recognizes "the exclusive mission of the Armenian Apostolic Church as a national church in the spiritual life, development of the national culture, and preservation of the national identity of the people of Armenia." The constitution prohibits the exercise of fundamental rights and freedoms for the purpose of inciting religious hatred. It allows conscientious objectors to military service to perform alternative civilian service.

A December 6 referendum approved major amendments to the constitution which became effective on December 22. The changes included allowing restrictions on the expression and practice of freedom of religion in order to protect state security. Previously, it allowed such restrictions only to protect the public order, health, morality, or the fundamental rights and freedoms of others. The amendments also

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replaced “church” with the term “religious organizations” in the language stipulating the separation of religion from the state. In addition, the amended constitution incorporated a preexisting legal provision allowing alternative civilian service for conscientious objectors in lieu of military service.

The criminal code prohibits “obstruction of the right to exercise freedom of religion” and prescribes a punishment ranging from fines of up to 200,000 drams (\$426) or detention of up to two months.

The law enumerates the rights of religious organizations: to minister to the religious and spiritual needs of their faithful; to perform religious liturgies, rites, and ceremonies; to establish groups for religious instruction; to engage in theological, religious, and historical and cultural studies; to train members for clergy or for scientific and pedagogical purposes; to obtain and utilize objects and materials of religious significance; to use communications media; to establish ties with religious organizations in other countries; and to engage in charity. According to the law, these rights commence at the moment a religious organization is registered.

Registration for religious groups is not mandatory but religious groups must do so to be entitled to the rights set out in the law. Laws do not stipulate the rights accorded to unregistered groups. In order to register as a legal entity, a religious community or organization has to present to the Office of the State Registrar an expert opinion from the Department of Religious Affairs and National Minorities that the community or organization complies with requirements of the law that it be based on “historically recognized holy scripture;” be “free from materialism and is of a spiritual nature;” have at least 200 adult members; and its doctrine be espoused by a member of the “international modern system” of religious communities. The law does not define “free from materialism” or state which religious communities are considered to be part of the “international modern system.” These requirements do not apply to the religious groups associated with national ethnic minorities, such as Molokans, Assyrians, Jews, and Yezidis, if they choose to register.

Laws prohibit members of the police, the national security service, the service for mandatory enforcement of court rulings, the penitentiary service, the rescue service, and the military service from being members of religious organizations. These laws do not further define the meaning of “membership” in a religious organization. Laws prohibit the members of the police, the military, and the

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national security service, as well as prosecutors and other state and civil servants from using their official position for the benefit of “religious associations” and preaching in support of them. Laws also prohibit the police, prosecutors, and other state and civil servants from carrying out other religious activities while performing official duties. The law also prohibits military servicemen from organizing “religious associations.” While the law defines a “religious organization” as the association of citizens established for professing a common faith as well as for fulfilling other religious needs, there is no definition for “religious associations.”

The law allows the AAC free access to, or the right to station representatives in, hospitals, orphanages, boarding schools, military units, and places of detention, while other religious groups may have representatives in these locations only upon request.

The law prohibits, but does not define, “soul hunting,” a term describing both proselytism and forced conversion.

The law mandates that public education be secular, but courses in the history of the AAC are a mandatory part of the national curriculum in public and private schools in grades five – 11, and history of the AAC/Christianity is taught in grades two – four in 50 state schools as a pilot program of the Ministry of Education. The AAC has the right to participate in the development of the syllabus and textbooks for these courses and to define the qualifications of their teachers. The Church may also nominate candidates to teach the courses, though the teachers are state employees. All students are required to enroll in these classes; there is no opt-out provision. The law grants the AAC the right to organize voluntary extracurricular religious classes in state educational institutions. Other religious groups may provide religious instruction to members in their own facilities.

The law provides for two types of service for conscientious objectors as an alternative to regular, two-year military service: alternative (noncombat) military service for a duration of 30 months or alternative labor service for a duration of 36 months. Evasion of alternative service remains a criminal offense. Penalties range from two months’ detention to eight years’ imprisonment depending on the circumstances of the case.

The labor code prohibits employers from collecting and analyzing data on religious views of employees.

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The law does not recognize as political parties groups organized on the basis of religion.

The criminal code prohibits incitement of religious hatred through violence, public statements, or the mass media and prescribes punishments ranging from fines of 200,000 to 500,000 drams (\$426 to \$1,064) or prison terms between two and six years.

Government Practices

There were reports military conscripts faced pressures favoring the AAC. Religious and civil society groups urged the government to clarify laws pertaining to religion. Minority religious groups faced obstacles in obtaining building permits for places of worship, discrimination in education, the military, law enforcement, and public sector employment, preferential government support for the AAC and its continued presence in public life, and negative commentary from government officials.

According to nongovernmental organizations (NGOs) and religious groups, conscripts beginning their service in the army were required to fill out a questionnaire at the military commissariats, where they had to indicate their religious affiliation. Reportedly the formulation of this question was whether a person was a member of the AAC or a “sect.” According to a Helsinki Committee report published during the year and covering events in 2014, there were instances when military clergy subjected members of minority religious organizations to “explanatory and moral instructions.” The report cited one instance when a religious minority member performing mandatory military service was forced to say prayers under the guidance of an AAC priest and pressured by his commanding officer to abandon his church. According to the report, the recruit took part in AAC religious ceremonies against his will for eight months.

There continued to be media reports of AAC group baptisms occurring regularly during service in the army with the support of the army command. The media reports cited groups of four or more conscripts or other soldiers undergoing baptism at the same time. Unlike previous years, however, minority religious groups did not report any specific instances of members being pressured into undergoing baptisms. A January report in the privately owned *Aravot* daily cited a report by the father of a young evangelical man, who felt he had been pressured

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into being baptized in the army by the AAC in 2014. The same report quoted an AAC clergy member who denied that anyone was pressured into baptism or that there was discrimination in the military against minority religious groups. According to the clergy member, the mission of the AAC in the army was to make everyone acquainted with the Church and with the country's history and to give soldiers spiritual knowledge; within this program, if there were soldiers affiliated with "sects," "we do not discriminate, but considering them our lost soldiers we keep them in more warmth and try to keep them away from the wrong road." In November the Ministry of Defense (MOD) announced the establishment of the Center for Human Rights and Integrity, with a mandate to promote and protect human rights – including minority rights and religious tolerance – in the military.

Religious groups and civil society representatives continued to urge the government to remove the legal gaps, unclear provisions, and contradictions in the existing legislation on religion; to clarify if religious organizations were entitled to legal personality and had access to it; and to make more precise and clear the scope of application of the law, as repeatedly recommended by the Venice Commission of the Council of Europe. Religious minority and civil society groups also expressed concern with the amended constitution, particularly its provision permitting restrictions on religious practice for reasons of "state security," rather than just public safety.

Representatives of several Christian minority groups reported that, due to past difficulties in renting spaces, religious organizations relied on their own facilities – new and existing – for holding gatherings. According to a number of religious groups, representatives from local governments obstructed attempts to obtain approvals of the required architectural planning studies and building and occupancy permits for houses of worship on land religious groups owned. Representatives of several minority faiths reported building permits for places of worship were only granted with the approval of the leadership of the AAC, and the AAC exercised a de facto veto on the construction by minority faiths of any new places of worship.

On July 29, the Cassation Court (except for constitutional matters, the highest judicial authority, responsible for ensuring uniform application of the law) rejected the Jehovah's Witnesses' final appeal against the refusal of the Yerevan mayor's office to issue permits for building three places of worship because of "complaints from neighbors." According to the Jehovah's Witnesses and other religious groups, they were more successful in obtaining building permits if this was done

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under the name of private individuals, or if the stated purpose in applying for the permit was to use the building for a different purpose than as a place of worship.

On April 1, media reported that in 2014 the government had transferred the management of a public high school in Yerevan to the AAC based on the request of the latter. According to the government's decision, four out of the seven members of the board of trustees of the school were appointed from the AAC. The school continued to operate nominally as a public institution. According to the country's Helsinki Committee, the nonsecular management of the school was in violation of the law on education and the constitution.

Yezidi community representatives continued to report their dissatisfaction with the mandatory nature of the AAC history course, which they stated they considered to be religious indoctrination. NGOs, religious organizations, atheists, and nonpracticing members of the AAC continued to voice similar concerns. Religious minority groups did not report any complaints from their members about discriminatory treatment by teachers of their students during this class during the year. There were reports of some AAC clergy teaching this class.

There were media reports of visits by AAC clergy to state-funded kindergartens, including during celebration of Church holidays, as well as visits of kindergarteners to churches. A December 2014 story by Asparez online news reported that a representative of the AAC at a meeting held in the Gyumri municipality had distributed, without the Ministry of Education's approval, a book containing religious songs to the directors of state kindergartens in the city. According to Asparez, such interventions by the AAC made it difficult for kindergarten administrators to keep the secular and religious elements of holiday celebrations distinct.

In a report the Jehovah's Witnesses issued during the year, despite a legal provision that any donations to religious groups are tax free, the government required the Witnesses to pay "tens of thousands of euros" (tens of thousands of dollars) in value added tax (VAT) on imports of religious literature they had received as a donation and distributed free of charge within the country. According to the report, the Jehovah's Witnesses filed eight applications between 2010 and June 2015 with the European Court of Human Rights (ECHR), seeking a VAT exemption, after they had exhausted legal remedies within the country. The report added that the government had lowered the VAT rate in July but that the Jehovah's Witnesses were still obliged to pay the tax at the new rate. Private

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businesses and secular NGOs have reported similar difficulties, but they did not have the legal avenues available to religious groups. Other religious minority groups have also reported being required to pay VAT on donations that were imported from abroad; however, they have opted not to pursue legal action.

The clergy of the AAC was the only religious organization that had access to the army through the army chaplaincy program. On October 15, the government placed these chaplains on the Ministry of Defense (MOD) payroll.

According to a report by the NGO Collaboration for Democracy, the government could use the provisions of the law prohibiting membership of law-enforcement employees and other public service employees in religious organizations, to limit the rights of those employees. Collaboration for Democracy also reported that, given the privileged role of the AAC in various state bodies, those provisions prohibiting membership in religious organizations were in practice interpreted to mean that affiliation with any religious group other than the AAC was prohibited. Collaboration for Democracy and a number of religious groups stated that the government used systematic discrimination in the military and law-enforcement bodies to remove employees who held religious views other than those of the AAC. Representatives of religious minorities reported members employed by the government who were asked to choose between their job and their faith.

As of October a total of 183 members of the Jehovah's Witnesses were in the alternative labor service for conscientious objectors. A report by the national Helsinki Committee discovered no major problems with the conduct of the alternative service. According to the Jehovah's Witnesses, the state committee responsible for coordinating and reviewing the applications for alternative service had been cooperative, and the program was working well.

According to various religious groups and NGOs which advocated for religious tolerance and respect, discrimination towards religious organizations, other than the AAC, were mainly fueled by government rhetoric equating national identity with affiliation to the AAC.

NGOs and representatives of religious minorities stated government officials often referred disparagingly to religious groups other than the AAC as "sects," though the officials did not define the word.

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According to a news report in the *Aravot* daily, on September 12, an AAC church in the city of Ararat organized a march against “sects” during the celebration of a Church holiday, with the participation of the leadership of the Ararat municipality and Ararat village administration, a local military unit, a local hospital, a number of schools, and others. According to the news report, approximately 1,000 people participated in the three-mile march.

On June 10, the Armenian Youth Foundation, a government-funded foundation with activities coordinated by a member of parliament from the ruling Republican Party (RPA) and chaired by Prime Minister Hovik Abrahamyan, announced a series of lectures for youth it organized with the Yerevan municipality youth council and NGOs on the subject of The Destructive Activities of Nontraditional Religious Organizations. According to the announcement, the lecturers, which included priests from the AAC, aimed to teach youth about “the faith of the AAC and those of other religious organizations, the peculiarities of their influence on people, and the goals they pursued.” According to one of the organizers, they wanted youth to be able to understand what “sects” were and to work with others who were at risk of joining “sects.” Organizers also announced plans to print brochures on “religious safety” and distribute them in Yerevan and the regions, as well as use social media to raise awareness about “destructive sects.” Government officials and others referring to “sects” did not cite any organizations by name, but NGOs and others said the term was understood to mean minority Christian groups. An article in the Medialab online news portal referring to the program stated “hatred and intolerance towards religious organizations were being spread at the government level.”

High-ranking members of parliament made negative statements during speeches at the national assembly about what they called “sects, the dangers they presented for the country and the preservation of national identity, and the need to take actions against them. For example, on October 7, the deputy speaker of the national assembly urged public television and radio to increase programs where representatives of the AAC could talk about the Church’s history within the context of the fight against “sects.” The head of the RPA parliamentary faction made similar remarks, saying that a significant amount of money entered the country to hinder “our national values, our traditions, the strength of our families, our Church...these foreign sums have a serious impact on our belief...today serious money is put on sects in order to split our Church.”

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Religious groups affiliated with national minorities, such as Jewish and Apostolic Assyrians, reported better relations with government institutions than did minority faiths practiced by ethnic Armenians.

Section III. Status of Societal Respect for Religious Freedom

According to Jehovah's Witnesses, there were some incidents of physical and verbal abuse towards their members while they were engaged in proselytizing. Individuals overturned Witnesses' literature carts, which sustained minor damage. The group reported that police typically responded promptly to complaints and had fined several perpetrators for their repeated misconduct. In some cases, the offenders had offered an official apology and had not interfered with the Witnesses' activity again. The Jehovah's Witnesses did not provide an estimate of the number of incidents directed against their members during the year.

According to a European Commission report issued in March on the progress made in 2014 in implementing the EU-Armenia Neighborhood Policy Action Plan, despite some progress, society's acceptance of religious minorities remained low, and discrimination against minority religious groups in the workplace and the media continued. The report did not cite specific instances of religious discrimination.

The Helsinki Committee report for 2014 cited a number of instances of negative reporting of minority religious groups by online media. For example, mamul.am published an article titled "Sectarians, or the Seed of Satan," in which the author likened non-AAC religious groups to "prostitutes."

According to several Christian religious minority groups and NGOs, while media outlets continued to label minority religious groups as "sects" and broadcast discussions and news stories with unverified and biased information about religious minorities, media were less critical of minority religious groups than in previous years and more willing to include the perspective of those groups in their stories. Representatives of religious groups said some journalists used their reporting to advocate religious tolerance, but the representatives expressed disappointment in the lack of media coverage their activities received.

The Helsinki Committee, at times together with other local NGOs, such as the Goris Press Club, Shirak Regional Center of Sakharov Armenian Human Rights Protection Center, and others, continued to conduct training for civil society,

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lawyers, and journalists to sensitize them to religious minorities and promote religious tolerance through better understanding and, in case of journalists, better reporting on religious issues. According to different evangelical groups the training had led to more accurate reporting on religious issues.

Section IV. U.S. Government Policy

The U.S. Ambassador and embassy representatives promoted religious freedom and interfaith dialogue publicly and during meetings with government officials, including at the MOD, where they advocated for the rights of all citizens to practice their faith without hindrance and emphasized members of religious minorities should not be considered a threat.

The Ambassador met frequently with the catholicos (global leader) of the AAC and other Church leaders to urge religious freedom and tolerance and to underscore the necessity of allowing religious minorities to practice their faith without restrictions. During one such meeting, after the Ambassador raised U.S. concerns about proselytizing taking place during the AAC history course in public schools, the catholicos asked that the Church leadership be made aware of any specific cases of course instructors “overstepping their bounds.” The Ambassador also held two separate social events, one with the leaders of the Yezidi community, the other with religious leaders, to discuss issues pertaining to religious freedom.

Embassy officials met with a broad range of representatives of religious and ethnic/religious minorities, including Catholics, evangelicals and other Protestants, Jehovah’s Witnesses, Mormons, Yezidis, Apostolic Assyrians, and Jews, as well as representatives of the AAC, to discuss developments related to the exercise of religious freedom and freedom of conscience in the country. Representatives of several minority faiths reported the embassy’s indirect and direct advocacy for religious freedom and tolerance was “bearing fruit.” Embassy officials also met with civil society groups to discuss the state of religious freedom and problems with religious tolerance in the country.