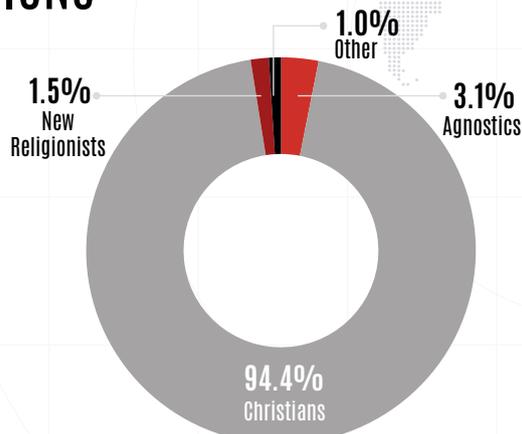




# ARMENIA

## RELIGIONS



## LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Article 41 (1) of Armenia's constitution<sup>1</sup> stipulates that: "Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include the freedom to change one's religion or beliefs and the freedom, either alone or in community with others in public or in private to manifest religion or beliefs in preaching, church ceremonies, other rituals of worship or in other forms."

Pursuant to this, section 3 of Article 41 states that "every citizen for whom military service contradicts his religion or beliefs shall have the right to replace it with alternative service in the manner stipulated by law." In 2018, the Armenian government amended its legislation to provide an alternative civilian service of non-punitive duration to conscientious objectors.<sup>2</sup> This followed years of litigation involving Jehovah's Witnesses, specifically two legal cases that went against Armenia in the Grand Chamber of the European Court: *Bayatyan v. Armenia* in 2011,<sup>3</sup> and *Adyan and Others v. Armenia*, in 2017.<sup>4</sup>

Article 17 (1-2) of the constitution states that "the freedom of activity of religious organizations shall be guaranteed in the Republic of Armenia" and that "religious organizations

shall be separate from the state."

Although registration is not mandatory for religious groups, without it they lack the legal means to own or rent property as well as conduct regular religious and other activities.<sup>5</sup>

Article 18 (1-2) of the constitution recognises the Armenian Apostolic Holy Church (AAHC) as the national Church, highlighting the "exceptional mission" it has "in the spiritual life, development of the national culture, and preservation of the national identity of the people of Armenia." The same article stipulates that "the relationship between the Republic of Armenia and the Armenian Apostolic Holy Church may be regulated by a law."

The AAHC is entitled to appoint representatives in various institutions such as boarding schools, hospitals, orphanages, military units and prisons; other religious groups must ask for permission for access to such bodies. The AAHC is also free to promote its message without state interference, and contributes to school textbooks, teacher training, and development concerning courses on the History of the Armenian Church. It can also provide extracurricular religious instruction in public schools.<sup>6</sup>

The 1991 Law of the Republic of Armenia on the Freedom of Conscience and on Religious Organisations (LRAF-

CRO) serves as an additional source of legislation concerning religious freedom in the country.<sup>7</sup> Article 3 (7) of this law provides that a registered religious group may exercise the following rights: “to rally their faithful around them”; “to satisfy the religious-spiritual needs of their faithful”; “to perform religious services, rites, and ceremonies”; “to establish groups for religious instruction aimed at training members”; “to engage in theological, religious, and historical and cultural studies”; “to train members of clergy or for scientific and pedagogical purposes”; “to obtain and utilize objects of religious significance”; “to make use of news media in accordance with the law”; “to establish ties with religious organizations in other countries”; and “to get involved in charity”. The law bans proselytising if it goes beyond the activities specified above. LRAFCRO also provides preferential treatment to the AAHC, which has created resentment among other religious communities.<sup>8</sup>

In March 2018, the Council of Europe raised these concerns in line with its efforts to bring Armenia’s legislation, institutions and practices further into line with European Union (EU) standards regarding human rights. The Council’s assessment noted that the non-mandatory character of state registration for religious organisations was not explicitly stated. It recommended “ensuring that privileges enjoyed by the Armenian Apostolic Church are objectively justified and are not thus discriminatory.”<sup>9</sup>

Concerning the History of the Armenian Church courses taught in public schools, some civil society and minority religious groups have argued that their content discriminated against religious minorities. While the law mandates a secular public education, courses in the History of the Armenian Church are part of the public-school curriculum. Under the current legislation, the AAHC has the right to participate in the development of the syllabi. What is more, the course is mandatory, students are not allowed to opt out, and there are no alternatives available to those of other religions or no religion.<sup>10</sup>

## INCIDENTS AND DEVELOPMENTS

In June 2018, the New Armenia, New Patriarch initiative group, which includes secular activists and two former members of the AAHC clergy, called for the resignation of Karekin II, Supreme Patriarch and Catholicos of all Armenians. As part of their protest, they blocked the Catholicos’s vehicle at the Gndevank monastery complex in the region of Vayots Dzor, insulting him and threatening to

lock him in the monastery.

Prime Minister Pashinyan deemed the issue an internal Church matter and urged the parties to find a solution on their own, but he did ask the police to examine the incident. The police did not press charges because there was no threat to the life of the Catholicos. In another incident, however, the same group of activists broke into the Catholicos’s private residence. In this case, law enforcement removed the protestors after three days. Subsequently the protest moved to downtown Yerevan.<sup>11</sup>

Edward Manasyan, a prominent member of the Baha’i community, was detained in December 2017. He was held until July 2018 when he was released on bail.<sup>12</sup>

Around 35,000 Yazidis currently live in Armenia,<sup>13</sup> many of them refugees from Iraq. Since January 2016, the Armenian government has contributed US\$100,000 to the UNHCR to support their resettlement from Sinjar in northern Iraq to Armenia.<sup>14</sup>

In September 2019, a second Yazidi house of worship was formally opened in Armenia, the Malek Taus and the Seven Angels temple in Aknalich. Many Yazidis remain on the margins of Armenian society.<sup>15</sup> Regardless of parental objection, all Yazidi children who attend mixed schools must take the Christian religion course.<sup>16</sup>

As an ethnically diverse country, Armenia has had a deep historical connection to Judaism. Armenia is home to about 500 Jews, almost entirely concentrated in Yerevan, where the country’s only synagogue operates. Children can attend religion classes and have a vocal ensemble called Keshet. The Jews of Armenia are able to practise Judaism freely and live in relative security despite some complaints of anti-Semitism.<sup>17</sup> However, in January 2020, the head of the Jewish community in Armenia, Rima Varzhapetyan-Feller, said she was “confident that in Armenia there has never been and cannot be manifestations of anti-Semitism.”<sup>18</sup>

The COVID-19 pandemic reached Armenia in March 2020, and was still raging by the end of the year.<sup>19</sup> At its start, Catholicos Karekin II issued a statement with seven instructions to prevent the spread of the virus during religious services. He ordered that all religious celebrations be conducted behind closed doors without the participation of the faithful and, if possible, broadcast online. Marriages were suspended, and he recommended limiting the number of mourners at funerals.

At the time of writing, there was no end in sight to the

conflict between Azerbaijan and Armenia over the disputed territory of Nagorno-Karabakh. Despite past ceasefire agreements, tensions flared up again in early October 2020 with renewed fighting and thousands of dead.<sup>20</sup>

In this same month, the 19th century Holy Saviour (Ghazanchetsots) Cathedral in Shusha, an iconic site for the Armenian Apostolic Holy Church, came under rocket fire and was partially damaged.<sup>21</sup>

## PROSPECTS FOR FREEDOM OF RELIGION

The official prominence of the Armenian Apostolic Holy Church in the country has raised concerns about religious freedom. Following the 2018 Armenian revolution led by current Prime Minister Nikol Pashinyan, a general willingness has developed to be more inclusive and welcoming to persecuted religious minorities.

The Council of Europe Action Plan for Armenia 2019-2022 is expected to serve as a strategic instrument to align Armenia's legislation, institutions and practices with Euro-

pean Union standards of human rights, rule of law and democracy, which includes religious freedom.

Various Armenian political parties across the ideological spectrum are committed to furthering democratic consolidation in the interest of the Armenian people, which the Action Plan is expected to support.

Further grounds for optimism were laid out in October 2019, when Armenia won a seat on the UN Human Rights Council for the period of 2020-2022, approved by 144 countries. Looking ahead, this could serve as an opportunity to boost efforts to ensure respect for freedom of religion or belief in Armenia. In the words of Prime Minister Nikol Pashinyan, the election is "a sign of confidence of the international community, especially in the field of human rights."<sup>22</sup>

At the time of writing this report, however, concerns remain regarding the conflict with Azerbaijan and the consequences this could have for the stability of the region, and consequently human rights.

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