

Religious situation in Armenia

In the contemporary world, in the context of development of human rights institutions, the elements of conscience and religion become even more important. These issues gradually become more urgent and pressing especially for newly independent post-Soviet countries, where democratic state and public institutions are in comparatively young stage of development. One should consider the fact that on the global level – especially in the last decade, political, economic, and other secular institutions and systems, have been in a constant crisis. In these circumstances, by assessment of specialists and experts all over the world, a mass flow of various layers of society to religious institutions and religious ideology have been observed. Contrary to the 1990s trends of being secular, today we can already see a reverse process – all sectors of society have shown an increased interest in religious institutions. In particular, these trends are clearly visible in post-Soviet states. One reason behind this phenomenon can be explained by the negative attitudes and politics towards religion that existed during the Soviet era. Such an environment persistent for many decades, has generated new challenges in post-Soviet societies, where the integration process of religious organizations and groups acquired a specificity, significantly different from Western European, as well as the American environment of religious associations' peculiarities.

Department of National Minorities and Religious Affairs of the Government Staff of the Republic of Armenia, which, in accordance with the law, provides expertise conclusion for the registration of the interested religious communities, has never prevented the religious groups from filing the documents for a state registration. Moreover, the process of state registration

for the religious organizations is quite transparent, without unnecessary bureaucratic delays, and is performed in reasonable periods. At present, around 70 religious organizations are registered in the State Registry of the Republic of Armenia where diverse religious movements and directions are involved included religious organizations of national minorities (including Russian, Assyrian, Jewish, Yezidi religious communities).

By request of the religious organization, the state body also assists the organizations to reach the agreement with the state entities on the separate issues; as well it participates as an intermediary in the process of solution of the problems and arguments between the Armenian religious organizations.

Democratic institutions and public developments dictate that certain amendments should be introduced to the laws, which have already taken place twice. However, during the recent times, the issue of reform has continued to remain urgent in the legal framework of the conscience and religious freedoms. The reason is, on one hand, an obvious public demand and necessity to regulate the newly forming relations, and on the other hand, a necessity to improve certain technical inconsistencies in the legislation.

In 2010-2011, the Ministry of Justice elaborated and put into circulation the new law pertaining to the sphere of religion, as well as a number of projects envisaging amendments to other laws. These were forwarded to the Venice Commission for opinion. We have to emphasize, that in all these amendment cases, there was a consultation process organized on open, public and transparent principles, involving all interested parties. At the moment, public discussions are ongoing, and the Ministry of Justice of Armenia coordinates not only all proposals and viewpoints that were presented by Armenian organizations and citizens, but also observations and recommendations from authoritative international institutions.

Now I would like to highlight some the standards of international law which are very important for the reform of the national religious right especially for Armenia

It is envisaged within the ECHR framework that the freedom to profess religion or views is only subject to such restrictions which are stipulated by the Law and are necessary for democratic society for the protection of public security, public order, health or morale or the rights and freedoms of other people. This provision is also envisaged within the framework of domestic legislation of various countries. On the other hand, this statement sometimes gives rise to misreadings and differentiated interpretations and approaches. In particular, for example, it is unclear how the statement “public morality” can be interpreted. To avoid random and different interpretations of similar terms, I find that it would be reasonable, within the international law framework, to develop such criteria which would be acceptable and applicable for the countries and their societies which ratified these principles.

In order to acquire the legal status the issue of the threshold of the number of religious community followers is one of the most important and at the same time the most complicated. The international documents, in particular the documents related to the religious freedoms developed by the Venice Commission for various reasons, mention that, when acquiring the legal status, the high threshold of the number of members or followers should not be set for the religious communities. Moreover, the Venice Commission stipulated, that the restriction of the number of believers should be “reasonable”. On the other hand, it is evident, that the wording “reasonable” can become a cause for random interpretations. This is the reason why it is necessary to develop and stipulate the criteria for minimal threshold of the number of the followers of the religious communities and material justifications of these criteria.

It should be noted also that there is a situation in especially the post-Soviet countries when the groups of religious nature or religious-philosophical direction, for some reason, tend to appear with legal status of public organization, which not only generate unjust rules of the game, but also is a law violation in numerous countries and Armenia in particular. Thus, within the conference framework, such principles should be developed that will hinder the apparent religious groups (implementing religious functions) or unions to acquire the status of

public organization and implement the functions assumed by the religious organizations with the quality of the public organization.

However, apart from the registered organizations, numerous religious groups operate without state registration and are not incorporated in the Armenian official structures. This fact is conditioned by regulatory legislation in Armenia on freedom of religion and belief, liberal enough that it does not create additional barriers for the free operation of religious groups and does not set mandatory registration requirement for the de facto activities of religious groups. Despite the diversity of religious organizations and groups, some, especially unregistered religious groups, often meet some barriers. Thus, followers of some religious structures simply lack clear standards of religious self-identification. For example, a representative of the community has an active religious practice, and attends religious gatherings, meetings and rituals, but does not always know what religious or church direction he belongs to or adjoins within his own community. I particularly stress this circumstance in order to make it clear to all conference participants, how much effort is required from the state or organizations operating in public, to raise the consciousness of the citizens who do not fully perceive the distinctive features of their religion.

In addition, the media play a key role in the smooth integration of religious groups into society - the promotion of religious tolerance, as well as providing coverage of the positive and negative aspects of religious organizations. Media can perform an important function in deepening the knowledge of large segments of society by presenting information about the history of Armenia's religious organizations, beliefs, the structure of organizations and the peculiarities of their activity, national and international legislation and legal framework in the field of religion. Unfortunately, the media do not have in-depth analytical and investigative materials, which could have potentially contributed to raising the level of awareness of religious congregations within society.

Another important question which is connected with the implementation of religious right is the issue of Alternative service which has been transformed during last 3 years. The Law of the Republic of Armenia “On alternative service” is granting the nationals subject to drafting for compulsory military service a right to switch to an alternative labour service where a citizen’s religious beliefs or convictions are in conflict with undergoing compulsory military service in military units, as well as with bearing, keeping, maintaining and using weapons. Bills on making amendments and supplements in the above-mentioned law and in the Law “On bringing into effect of the Criminal Code of the Republic of Armenia” were adopted in 2013 as a result whereof the term of the alternative military service was reduced to 30 months, and the term of the alternative labour service- to 36 months which is proportionate from the perspective of human rights and is in line with the international standards, which state that the term of the alternative service may not exceed the term of the military service for more than one and a half times. There were many applicants—who are followers of the religious community Jehovah's Witnesses— have undergone service in accordance with this law.

Summing up I would like to say that the institute of religious freedoms is one of the most significant elements of the public cohesion. In this context, the constitutionally specified issue of protecting everyone’s right to freedom of thought, conscience and religion has always been urgent in the Republic of Armenia. The search of ways of cooperation by joint efforts between the State and the Armenian religious communities for the society development continues to be on the agenda of the Armenian authorities. Even more, Armenia has all preconditions to establish a culture of dialogue between the state institutes and religious organizations and to overcome various public obstacles during this dialogue.

Thank you for your attention