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Conscientious objectors

Jehovah's Witnesses (26.08.2009) / HRWF Int. (27.08.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Currently, there are **74** Jehovah's Witnesses who are in prison for their conscientious refusal of military service on religious grounds. All of these have been tried and convicted, and no one is being held in pretrial detention. The names, dates of imprisonment, grounds (under criminal code¹), the duration of punishment and present locations are as follows:

Seventy four Jehovah's Witnesses have been tried and convicted:

Name	Date of Imprisonment Location	Grounds/Sentence
Vahe Mejlumyan Institution	September 6, 2006 § 327 I, 36 months	Erebuni Penal
Nikolay Gasparyan Institution	September 25, 06 § 327 I, 36 months	Erebuni Penal
Yerem Hovhannisyan	January 10, 2007 § 327 I, 36 months	Artik Penal Institution
Sayad Tovmasyan	January 10, 2007 § 327 I, 36 months	Artik Penal Institution
Karapet Barseghyan Institution	February 7, 2007 § 327 I, 30 months	Erebuni Penal
Aram Yelchyan	February 13, 2007 § 327 I, 30 months	Artik Penal Institution
Senik Harutyunyan Institution	February 15, 2007 § 327 I, 30 months	Erebuni Penal
Armen Zurabyan Institution	February 27, 2007 § 327 I, 36 months	Erebuni Penal
Gevorg Hovsepyan Institution	March 3, 2007 § 327 I, 30 months	Erebuni Penal
Karen Safaryan Institution	March 15, 2007 § 327 I, 30 months	Erebuni Penal
Vahan Babayan Institution	March 16, 2007 § 327 I, 30 months	Erebuni Penal

Kajik Harutyunyan Institution	March 18, 2007	§ 327 I, 30 months	Erebuni Penal
Gevorg Karapetyan	April 5, 2007	§ 327 I, 30 months	Artik Penal Institution
Armen Kirakosyan	April 18, 2007	§ 327 I, 30 months	Artik Penal Institution
Nshan Gevorgyan Institution	July 17, 2007	§ 327 I, 36 months	Erebuni Penal
David Aroyan Institution	August 3, 2007	§ 327 I, 30 months	Erebuni Penal
Edgar Hakobyan Institution	August 7, 2007	§ 327 I, 24 months	Erebuni Penal
Andranik Aghekyan Institution	August 8, 2007	§ 327 I, 30 months	Erebuni Penal
Ashot Qaryan Institution	August 9, 2007	§ 327 I, 26 months	Erebuni Penal
Hayk Madatyan Institution	August 11, 2007	§ 327 I, 36 months	Erebuni Penal
Zora Melkonyan	August 13, 2007	§ 327 I, 30 months	Artik Penal Institution
Arman Ayvazyan Institution	August 14, 2007	§ 327 I, 24 months	Erebuni Penal
Henrik Ghazaryan Institution	August 23, 2007	§ 327 I, 24 months	Erebuni Penal
Levon Azizyan Institution	August 23, 2007	§ 327 I, 24 months	Erebuni Penal
Argam Vardanyan Institution	August 29, 2007	§ 327 I, 24 months	Erebuni Penal
Gor Kirakosyan Institution	September 21, 07	§ 327 I, 30 months	Erebuni Penal
Mkrtich Smbatyan Institution	September 26, 07	§ 327 I, 30 months	Erebuni Penal
Stepan Hovakimyan Institution	September 26, 07	§ 327 I, 30 months	Erebuni Penal
Babken Shahinyan Institution	December 5, 2007	§ 327 I, 30 months	Erebuni Penal
Roman Hovhannisyan	December 17, 2007	§ 327 I, 30 months	Artik Penal Institution
Garik Gevorgyan Institution	December 25, 2007	§ 327 I, 30 months	Erebuni Penal
Samson Indzigulyan Institution	December 25, 2007	§ 327 I, 30 months	Erebuni Penal
Harutyun Vardazaryan Institution	January 9, 2008	§ 327 I, 30 months	Erebuni Penal
Hrayr Mkrtchyan Institution	January 14, 2008	§ 327 I, 30 months	Erebuni Penal
Hovhannes Arakelyan Institution	January 18, 2008	§ 327 I, 24 months	Erebuni Penal
Hovhannes Gogdjyan Institution	January 30, 2008	§ 327 I, 24 months	Erebuni Penal
Araz Arshakyan Institution	February 5, 2008	§ 327 I, 30 months	Erebuni Penal
Armen Mardoyan	February 5, 2008	§ 327 I, 30 months	Artik Penal Institution
Hamayak Eminyan	February 6, 2008	§ 327 I, 27 months	Artik Penal Institution

Davit Petrosyan Institution	February 7, 2008	§ 327 I, 30 months	Erebuni Penal
Martun Hovsepyan Institution	February 7, 2008	§ 327 I, 30 months	Erebuni Penal
Zhirayr Karyan Institution	March 6, 2008	§ 327 I, 30 months	Erebuni Penal
Arman Kareyan Institution	March 7, 2008	§ 327 I, 30 months	Erebuni Penal
Ashot Simonyan	March 12, 2008	§ 327 I, 36 months	Artik Penal Institution
Hovhannes Stepanyan Institution	March 31, 2008	§ 327 I, 24 months	Erebuni Penal
Karo Aleksanyan Institution	April 4, 2008	§ 327 I, 24 months	Erebuni Penal
Vahe Ananyan Institution	April 8, 2008	§ 327 I, 24 months	Erebuni Penal
Karen Voskanyan Institution	April 11, 2008	§ 327 I, 30 months	Erebuni Penal
Vahram Baghramyan Institution	June 3, 2008	§ 327 I, 30 months	Erebuni Penal
Alik Balayan Institution	July 14, 2008	§ 327 I, 24 months	Erebuni Penal
Mkhitar Sargsyan Institution	July 17, 2008	§ 327 I, 36 months	Erebuni Penal
Tigran Melikyan Institution	July 30, 2008	§ 327 I, 24 months	Erebuni Penal
Shahen Asatryan	July 31, 2008	§ 327 I, 36 months	Artik Penal Institution
Gevorg Danughyan Institution	August 8, 2008	§ 327 I, 24 months	Erebuni Penal
Gor Petrosyan Institution	August 15, 2008	§ 327 I, 24 months	Erebuni Penal
Mher Barseghyan Institution	August 25, 2008	§ 327 I, 30 months	Erebuni Penal
Vardan Kasemyan	September 2, 2008	§ 327 I, 36 months	Artik Penal Institution
Garegin Gogjyan Institution	September 13, 08	§ 327 I, 26 months	Erebuni Penal
Armen Martirosyan Institution	October 2, 2008	§ 327 I, 24 months	Erebuni Penal
Gagik Shakaryan Institution	October 6, 2008	§ 327 I, 24 months	Erebuni Penal
Grisha Ohanjanyan Institution	October 13, 2008	§ 327 I, 24 months	Erebuni Penal
David Parsadanyan Institution	January 22, 2009	§ 327 I, 24 months	Nubarashen Penal
Samvel Shkoyan	January 22, 2009	§ 327 I, 24 months	Artik Penal Institution
David Mnatsakanyan Institution	February 2, 2009	§ 327 I, 30 months	Erebuni Penal
Vigen Sargsyan Institution	February 15, 2009	§ 327 I, 24 months	Erebuni Penal
Levon Bashberukyan Institution	March 18, 2009	§ 327 I, 26 months	Erebuni Penal
Nver Nazaryan Institution	March 24, 2009	§ 327 I, 24 months	Erebuni Penal

Tatul Arsenyan Institution	April 20, 2009	§ 327 I, 24 months	Erebuni Penal
Vladimir Sargsyan Institution	April 21, 2009	§ 327 I, 30 months	Nubarashen Penal
Hovsep Mutafyan Institution	May 12, 2009	§ 327 I, 24 months	Nubarashen Penal
Mher Hayrapetyan Institution	May 18, 2009	§ 327 I, 24 months	Vanadzor Penal
Harutyun Gagyan Institution	May 28, 2009	§ 327 I, 30 months	Nubarashen Penal
Hayk Avagyan Institution	July 18, 2009	§ 327 I, 24 months	Nubarashen Penal
Gor Aslanyan Institution	July 27, 2009	§ 327 I, 30 months	Nubarashen Penal

¹ **Article 327 I states:** Evasion from recurring draft military or alternative service call-up, training exercise or mobilization, without any order defined by Legislation of the RA as grounds for exemption, is punished with arrest for a maximum term of two months, or imprisonment for a maximum term of three years (modified 16.12.2005).

The situation of the freedom of religion in Armenia

Statement of the NGO 'Collaboration for Democracy' at the OSCE/ ODIHR Supplementary Human Dimension Implementation Meeting on Freedom of Religion or Belief

By Stepan Danielyan

Collaboration for Democracy Center (09.07.2009) / HRWF Int. (15.07.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - We are greatly concerned about the situation of freedom of conscience in Armenia which has deteriorated recently. This fact is blatantly illustrated by publications in press and other mass media, especially the ones controlled by the authorities. All these media sources label religious organizations other than Armenian Apostolic church as sects, and the members of these organizations as sectarians. TV channels have also adopted this derisive definition, inculcating it into the people's minds. No measures are taken by the authorities in order to improve this situation; on the contrary, they propagandize this discriminating attitude towards the religious organizations other than Armenian Apostolic church. Sometimes this propaganda may include direct calls to violence. For example the organization "Mek Azg" /One Nation/ has leafleted the whole country. These leaflets pose a serious threat to freedom of conscience, as all religious organizations in Armenia other than the Apostolic church are declared as „spies" whose activity may lead to the wreck of the country.

Moreover the leaflets contained direct calls to violence but nobody was officially charged with this case. The leader of this organization freely expresses his stance in press in different interviews.

Law enforcement agencies apply hidden pressures to prevent religious organizations from conducting meetings and holding religious ceremonies. The directors of the hotels and conference halls refuse to give venues to religious organizations even if it is arranged by preliminary agreements and the payment is made in advance. They allude to "unexpected change of circumstances".

Numerous are cases in public school when at classes of the "History of Armenian Apostolic Church" teachers made a laughingstock of children holding to other religious convictions. In a sense nearly all teachers of public schools are engaged in the struggle against religious organizations.

The atmosphere of intolerance resulted in changes made in the law "On the freedom of conscience and on religious organizations" adopted on March 19 in the first reading. This draft law tends to serve as a legislative ground for the restrictions of religious freedoms in Armenia, as it is assumed that special provisions may be added to The Criminal Code intended to have punishment procedures for proselytism. These provisions do not refer to the clear cut definition "improper proselytism". And thus this restriction can be applied to any religious activity. The draft law also suggests that the procedure of registration of religious organizations should be more stringent. As a result of this a ban on all operation and activity without registration is quite plausible. The law also defines the essence of Christianity in accordance with Nikeya declaration in order to force some organizations into refusal of being registered as "non-Christians". The new registration order may prevent some religious organizations from registering and bring an end to their activity. On the whole the draft law includes many articles intended to restrict religious freedoms.

On March 2 the Speaker of Armenian Parliament submitted a request to the Council of Europe to provide an opinion on the compatibility of draft law with international standards. The Venice Commission, The Directorate /General of Human Rights and Legal Affairs of the Council of Europe, OSCE/ODHIR sent their opinion to the Parliament /the joint opinion is already posted in CoE /VC website/. We were unable to get any explanations from the officials and our organization has serious concerns about the recent developments. For example certain events that recently took place in several regions of Armenia come to prove that the above mentioned draft amendment is put into force long before it is adopted by the Parliament.

In June 2009 in Gyumri the national security officials threatened the members of the organization "The World Service of Christian Culture" of the Armenian Evangelical church and forced them to come to the meeting where they were accused of proselytism /not defined by law/. The members were subjected to scorn and mockery at the national security office. Later after a number of publications in press the officials stopped the persecution.

In May 2009 the bishop of the diocese of the Armenian Apostolic church in Lori region had a meeting with the headmasters of schools and kindergartens and in the presence of the mayor of the region instructed the incumbents "to fight the sectarianism and its followers" the mayor also joined the religious leader in his efforts to combat sectarianism. On the next day the teachers made a list if children whose parents were members of other religious organisations and threatened them with various punishments in case they attended any religious ceremonies other than held by Armenian Apostolic Church. There were several publications in press on this issue but no official response from state authorities.

Nevertheless, the situation in Armenia is much more favourable as compared with other countries of the region. No pressure is exercised on ethnic minorities (also on religious grounds). Armenia is not involved in extremist religious movements; the population is traditionally very tolerant towards people professing other religions, so the situation in Armenia in a sense is far better than in some European countries. The above mentioned cases though /the list can be continued/ are intended to artificially create religious tension. Our major concern is that such discriminating approach tends to become a state policy. We can mention two reasons for a shift in national policy:

1 After the last elections in Armenia state authorities lack legitimacy and try to raise their profile and legitimacy rating in public by prioritizing "national ideology and national religion".

2 Armenian Apostolic church has no social support and social standing, so it tries to get the support of the state in order to expand its influence in various spheres being unable to awake the flagging interest of its congregation towards religion.

This is proved by an amendment in the new draft law made to the provision "prohibits the participation of the Church in governing the State and shall not impose any governmental function on the Church "which reads" except for the cases prescribed by law".

This can lead to confusion in the delegation of authorities of the State and the Church which contradicts the Constitution of the RA.

If adopted this draft law also may endanger the situation in many Post-soviet states with serious problems in religious mosaic, as it can work as an objectionable precedent.

Will critical review halt restrictive Religion Law?

By Felix Corley

Forum 18 (02.07.2009) / HRWF Int. (06.07.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - The Council of Europe and OSCE have given a highly critical review of proposed amendments which have already been approved by Parliament in their first reading. The amended Religion Law would ban the sharing of faith, require 500 adult citizen members before a religious community could gain legal status, ban non-Trinitarian Christian communities from gaining legal status, give broad reasons for banning religious communities, and recognise the "exclusive mission" of the Armenian Apostolic Church. The new Criminal Code Article 162 would punish the sharing of beliefs. "The authorities have to take the points of this review into account, though I don't know if they will," Russian Orthodox priest Fr David Abrahamyan told Forum 18 News Service. "If they adhered to European standards they wouldn't have adopted these amendments in the first reading." The government's senior religious affairs official, Vardan Astsatryan, told Forum 18 he had "no knowledge" of the results of the review. But the Jehovah's Witnesses told Forum 18 Astsatryan had told them in mid-June that the proposed amendments have been suspended but not abandoned.

One week after a critical international review of the restrictive proposed amendments to Armenia's Religion Law and Criminal Code was made public, the Armenian government's senior religious affairs official, Vardan Astsatryan, told Forum 18 News Service from the capital Yerevan on 1 July that he had "no knowledge" of the results of the review. "Parliament has probably not handed the review on to the government." Astsatryan, who heads the government's Department on National Minority and Religious Issues, stressed that the proposed amendments were the initiative of Parliament. "They'll discuss them and only then will the government give its views."

Although the government's then deputy spokesperson Petros Demirchyan had told Forum 18 back in March that the government was "satisfied" with the proposed amendments, Forum 18 has been unable to find out what its current attitude is, given the critical review. No spokespersons would discuss the issue by phone on 1 and 2 July. On 1 July Forum 18 submitted written questions on whether the government still supports the amendments, but had received no reply by the end of the working day on 2 July.

The highly critical review – conducted jointly by the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe (OSCE) Advisory Council on Freedom of Religion or Belief – was made public on 23 June on the Venice Commission website.

The controversial proposed new Religion Law would ban the sharing of faith ("proselytism"), require 500 adult citizen members before a religious community could gain legal status, ban non-Trinitarian Christian communities from gaining legal status, give broad reasons for banning religious communities, and recognise the "exclusive mission" of the Armenian Apostolic Church. The proposed new Article 162 in the Criminal Code would punish the sharing of beliefs. Both were approved by Parliament in their first readings on 19 March, despite strong criticism from human rights defenders and many religious communities.

Deputies from only one political party, the centrist Heritage Party led by former Foreign Minister Raffi Hovannisian, voted against the proposed Laws in the first reading.

The amendments were initiated by Armen Ashotyan, then a parliamentary deputy of the Republican Party in the government coalition who has since become Education Minister. The parliamentary committee he headed – on Science, Education, Culture, Youth and Sport – is now led by Artak Davtyan. His staff told Forum 18 on 1 July that he is away at an interparliamentary meeting in Lithuania and unable to be reached. Forum 18 was unable to reach any other deputies on the Committee he heads.

However, an official of the Committee confirmed to Forum 18 that it had received the Council of Europe/OSCE review. The official added that as Parliament is on its summer recess, no action will be taken before September.

Ashotyan insisted to Forum 18 on 1 July that he no longer has any involvement in the process of adopting the amendments since his departure from Parliament and appointment as a minister. He said he had drawn up the original draft Laws working with "several persons" in the Armenian Apostolic Church, but declined to name any of these Church figures.

Some are sceptical over Ashotyan's claims that he is no longer involved. Stepan Danielyan, Chair of the Yerevan-based Collaboration for Democracy Centre who is a fierce critic of the amendments, told Forum 18 that "officially Ashotyan will not be involved, but unofficially he will".

Review identifies ten "major problems"

The Legal Opinion prepared by the Council of Europe's Venice Commission and the OSCE Advisory Council on Freedom of Religion or Belief is highly critical not only of both draft laws, but of the existing Religion Law as well.

Ten "major problems" in the drafts approved in the first reading are identified in the Opinion. Among the recommendations are that:

- all religious communities, including those not registered as a religious organisation, should be able to gain legal status if they want it;
- the proposed registration requirements "require extensive redrafting," including deleting the definition of Christianity – described as "entirely objectionable" – and not increasing the minimum numbers necessary to register. As the Opinion notes, even the current threshold of 200 is probably "discriminatory and disproportionate";

- the list of rights granted to registered groups by the current Religion Law "must be also guaranteed and accessible for smaller religious groups, and most of them must also be accessible even for individuals, because they are normal manifestations of freedom of religion or belief." The Opinion also stresses that this list should be seen as an illustration of legal rights, and not as a limitation on carrying out other kinds of religious activity;

- "proselytism" as an offence should be clearly defined as "improper proselytism." This definition itself should be "drawn with greater care" and the penalties "should be reconsidered as they could appear to be unduly harsh." The Opinion discusses the difficulties of defining "improper proselytism" and notes that "the right of proselytism must extend to individual members and to religious groups." The proposed Religion Law devotes much attention to restricting the right to share beliefs.

- and the proposed Article 162 of the Criminal Code "should not permit the imposition of sanctions on a religious organisation such as the Jehovah's Witnesses" for stating that its members should refuse to undertake military service. As of 1 June, Armenia held 76 Jehovah's Witness prisoners of conscience in jail for conscientious objection to military service. The country promised the Council of Europe that it would introduce a genuinely civilian alternative to military service by January 2004, but has not done so (see F18News 11 December 2008 http://www.forum18.org/Archive.php?article_id=1228).

The review noted that the Venice Commission, the Council of Europe Directorate General of Human Rights and Legal Affairs and the ODIHR Advisory Council on Freedom of Religion and Belief "stand ready to continue to assist the Armenian authorities".

International review welcomed

Welcoming the Council of Europe/OSCE review were a number of religious communities Forum 18 spoke to. "They have done high quality work," Asatur Nahapetyan, General Secretary of the Baptist Union, told Forum 18 from Yerevan on 2 July. "It is very clear – if parliament accepts the recommendations from the Council of Europe and the OSCE it will be very nice for us. I don't know if they will though."

Although not as hostile to the proposed amendments as other religious communities, Nahapetyan said the Baptist Union is concerned over the requirement to have 500 members to gain legal status and the ease with which individuals who talk about their faith could be brought to court.

More critical of the proposed amendments is Fr David Abrahamyan of the Russian Orthodox Church in Yerevan. He complains of the "monopoly" the proposed Law would give the Armenian Apostolic Church. "This is against equality and is unjust," he told Forum 18 on 2 July. "Getting money from abroad – whether from the Moscow Patriarchate or our diocese in Krasnodar in Russia – would become impossible, while going into prisons, building churches and preaching would be restricted. Why are all these limitations being proposed?"

Fr Abrahamyan said the current proposed Laws do not accord with European standards. "Armenia should take account of international standards – we aspire to being a European state. The authorities have to take the points of this review into account, though I don't know if they will. If they adhered to European standards they wouldn't have adopted these amendments in the first reading."

The priest said the Russian Orthodox Church had written to Prime Minister Tigran Sargsyan to voice its concerns, but he had responded that it should write instead to the Speaker of Parliament, Hovik Abrahamyan (no relation of the priest). "We got no reply from the Speaker and were never invited to Parliament to give our views – it is very strange that when the Russian Orthodox Church has concerns it is not listened to."

Jehovah's Witness lawyer Lyova Margaryan believes the international criticism was inevitable, given the restrictive provisions of the draft Laws. "It would have been impossible for the Council of Europe and OSCE to have approved these Laws," he told Forum 18 on 1 July.

Other religious communities Forum 18 sought views from – including the Armenian Apostolic Church, other Protestant communities and non-Christian faiths – did not respond.

Will Laws be pushed through or abandoned?

Danielyan of the Collaboration for Democracy Centre says the authorities have "no other choice" than to continue to push the Laws through, given that they have already been approved in the first reading. "They can't abandon them – this would be a sign that they and the Armenian Apostolic Church had lost," he told Forum 18. "They could continue with them, amend them or postpone them."

He would like to see a "serious public discussion" of how religion should be treated in law. "The Council of Europe/OSCE review provides a good opportunity." He believes the existing Religion Law itself needs to be discussed and argues that "strange formulations" in it need to be removed.

Rene Leonian, head of the Evangelical Church of Armenia who also opposes the proposed amendments, said that now the review has been delivered, "I have more conviction that the Armenian authorities must suspend consideration of these Laws". He echoes the call for a public debate, which he says must involve government bodies, civil society and religious communities. "We believe there shouldn't just be a few changes but a global look at the whole issue involving these three parties," he told Forum 18 from Yerevan on 2 July.

Leonian said that when he met Speaker Abrahamyan on 31 March to discuss the proposed Laws, the Speaker promised a discussion once the Council of Europe/OSCE review was received. "The best time to hold this discussion is before any further readings are even considered. I hope the authorities will have the wisdom to call the various parties – including NGOs and religious communities – for a discussion."

Jehovah's Witness lawyer Margaryan told Forum 18 he had met government religious affairs official Astsatryan in mid-June, who had told him the proposed amendments are now "on hold". When Margaryan asked if they had been removed entirely Astsatryan said No.

A "serious setback to the development of a modern, progressive and liberal Armenia"

By Felix Corley

Forum 18 (19.03.2009) / HRWF Int. (23.03.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Armenian human rights defenders and religious communities remain deeply concerned by many parts of the draft Religion Law, Forum 18 News Service has found. Serious concern has also been expressed about the proposed new Article 162 in the Criminal Code, which would punish the sharing of beliefs. Both drafts were approved by Parliament in their first readings. A joint review of the new laws are expected to be conducted by the Council of Europe's Venice Commission and the OSCE. Armen Ashotyan, a parliamentary deputy of the Republican Party in the government

coalition, who is leading the adoption of the laws, told Forum 18 that deputies will wait for the review before proceeding further. However, he declined to pledge that all the review's recommendations will be accepted. Alarm has been caused by, among other provisions, a high legal status threshold of 500 people, bans on sharing beliefs, and unclear wording of provisions allowing religious organisations to be banned. They have been condemned as a "serious setback to the development of a modern, progressive and liberal Armenia".

Armenia's controversial proposed new Religion Law and the proposed new Article 162 in the Criminal Code to punish the sharing of beliefs were approved by Parliament in their first readings on 19 March, the parliamentary website reported. A wide range of religious communities and human rights activists within Armenia have expressed deep concern to Forum 18 News Service about these proposed new laws. Armenia's Parliament requested a review of the draft laws from the Venice Commission of the Council of Europe. The review is expected to be conducted jointly with the Organisation for Security and Co-operation in Europe (OSCE) and to be presented in June, the Venice Commission told Forum 18 News Service from Strasbourg.

Armen Ashotyan, a parliamentary deputy of the Republican Party in the government coalition, who is leading the adoption of the laws, told Forum 18 from the capital Yerevan on 23 March that deputies will wait for the review before proceeding further. However, he declined to pledge that all the review's recommendations will be accepted.

The draft Religion Law and amendment to the Criminal Code began their passage through Parliament on 5 February, taking many religious communities by surprise. Protestants, Russian Orthodox and Jehovah's Witnesses are among those expressing concern about many provisions of these proposed laws.

High legal status threshold

Concerns about the initial text of the laws particularly focused on the 1,000 adult citizen members required before a religious community would be able to apply for legal status. Deputy Ashotyan told Forum 18 that in late February, deputies preparing the Law reduced this to 500, adding that this was the version adopted on 19 March. He insisted this would satisfy concerns from religious minorities.

Ashotyan defended the requirement to have 500 adult citizens to register a religious community. "We compared approaches from European countries and took Austria as a model," he told Forum 18. Asked why Austria was chosen, he responded: "We looked for the most proper model for Armenia. Austria is a country with a similar model to Armenia."

Asked how that meets the OSCE / Venice Commission recommendations in section II.F.1 of their guidance on drafting laws affecting religion or belief that: "High minimum membership requirements should not be allowed with respect to obtaining legal personality" (see http://www.osce.org/odihr/item_11_13600.html), Ashotyan responded: "500 is not a high number. It is a very small number." He insisted that religious communities without registration would still be able to function. He refused to explain how they could run bank accounts, own property, employ people or conduct other business that requires legal status.

The OSCE / Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief also place serious questions against many other aspects of the new laws.

As satisfied as Ashotyan with the version adopted in the first reading is Vardan Astsatryan, head of the government's Department on National Minority and Religious Issues. "Armen Ashotyan met some religious organisations," he told Forum 18 from

Yerevan on 23 March, "and as a result there was some softening." He welcomed the reduction from 1,000 to 500 adult members required for registration, and denied that even this number is too high.

However, Stepan Danielyan, Chair of the Collaboration for Democracy Centre, which has worked on religious tolerance in Armenia, is among human rights defenders who question why the number of adult members required to found a religious community in a revised Article 5 is raised from 200 in the current Religion Law (already a high number) to 500.

Bans on sharing beliefs

Religious communities were also highly concerned by the broad definition of "proselytism", which attracted heavy penalties in the initial version of the laws. Deputy Ashotyan claims that redrafting has specified that such "proselytism" would have to be "aggressive" and "repeated" before resulting in penalties. He likewise insisted this meets valid concerns.

Danielyan of the Collaboration for Democracy Centre, and many religious minorities, remain worried by the definition of "proselytism" and the punishments imposed for it in the revised Criminal Code Article 162. This states:

"Forming associations encroaching the rights of the persons or against a person, leading or supporting them, proselytizing

1. Establishment, management of such religious or non-governmental association, or supporting them, whose activities inflict damage to the health of individuals or with encroachments on other rights of individuals, as well as inciting the individuals to refuse their civil duties: is punished with detention maximum for the term of two years.
2. Proselytism is punished with a fine in the amount of five hundredfold of the minimum salary or detention maximum for the term of one year."

The revised Article 8 of the Religion Law also bans "proselytism", defining it as sharing faith using material incentives, using "physical or psychological pressure", spreading hatred or mistrust of other faiths, using "offensive expressions" about other individuals or faiths or addressing a person without their prior consent at least twice in their home, place of work or place of rest, either in person or by telephone.

Those found leading organisations whose activities "are accompanied with inflicting harm upon persons' health or encroachments upon other rights of persons, or inciting persons to refuse to perform their civic duties" would face up to two years' imprisonment. Those who conduct such "proselytism" would face up to one year's imprisonment or a fine of 500 times the minimum monthly wage.

"Such extensive descriptions are unacceptable, especially as they apply to a delicate issue such as religion," Danielyan of the Collaboration for Democracy Centre told Forum 18 from Yerevan on 24 March. He complains that the proposal to amend the Criminal Code is "highly repressive" which, if adopted, "could effectively apply to any religious activity".

However, parliamentary deputy Ashotyan defended the controversial provision. He insisted that the definition of "proselytism" is in line with a European Court of Human Rights (ECHR) case from 1993 that upheld the rights of a Jehovah's Witness, Minos Kokkinakis, who had been punished for spreading his faith in his native Greece (see MS Word text of the judgement, *Kokkinakis v. Greece*, 25 May 1993, Application No. 14307/88, at

<http://cmiskp.echr.coe.int/tpk197/viewhbk.asp?action=open&table=F69A27FD8FB86142BF01C1166DEA398649&key=408&sessionId=21119661&skin=hudoc-en&attachment=true>).

"This judgement distinguished between 'proper' and 'improper' proselytism and what we have produced is in line with international standards," Ashotyan claimed. However, he declined to say in exactly what way international human rights standards were upheld by the draft laws, or precisely how they are compatible with the ECHR's Kokkinakis judgement.

Ashotyan brushed aside concerns that punishment could be imposed merely for spreading one's faith from door to door. "Look, people will only be punished if they do this to a person more than once." He refused to explain how someone who knocks on a door to promote a religious view is different from someone who knocks on a door to promote a political, or any other view.

Removal of explicit commitment to international human rights law

The new Religion Law removes the current Religion Law's explicit reference to international human rights standards, including religious freedom commitments in Article 18 of the International Covenant on Civil and Political Rights. However, the draft Law claims that all people enjoy religious freedom. The same article of the draft Law would recognise "the exclusive mission of the Armenian Apostolic Holy Church as the National Church in the spiritual life of the Armenian people, the development of its national culture, and the preservation of the national identity", a commitment that human rights defenders and religious minorities point out is in contradiction with the equality of all faiths and a secular state.

Article 2 pledging that all citizens are equal before the law regardless of their faith would be revised to remove a commitment that they are equal "in all spheres of civil, political, public, economic, and cultural life".

Theological test for legal status

Danielyan of the Collaboration for Democracy Centre also questions why Christian communities can only apply for legal status if they believe in "Jesus Christ as God and Saviour and accept the Holy Trinity". Non-Christian communities do not face such limitations. "The State has no right to interfere with arguments over faith or, what is more, to introduce limitations by law," he told Forum 18. "Such a practice exists only in religious states, and would contradict the secular nature of the State, as safeguarded by the Constitution. Stipulating faith definitions by law would mean that the State is acting as an official party in the arguments between churches."

Unclear wording of provisions banning organizations

A revised Article 19 would ban "religious organisations that, during their activities, exercise or try to exercise control over members' personal life, awareness, health, and ownership." Danielyan of the Collaboration for Democracy Centre complains that this is too broadly framed and could include any religious community. "The proposal is unacceptable and contradicts international standards".

Article 18 of the amendments specify that the activity of religious communities that fail to gain re-registration "shall terminate". Danielyan points out that international standards do not allow religious organisations to be banned, as long as they do not violate the rights of their members or other people under very narrow criteria.

A "transition from a secular to a religious state"?

Danielyan is among those expressing concern that these proposed legal changes, coming on top of a greater role for the Apostolic Church enshrined in amendments to the Constitution in 2005, amount to "a transition from a secular to a religious state". He believes these amendments are the result of lobbying from the Apostolic Church.

The 2005 Constitutional amendments recognised "the exclusive historical mission of the Armenian Apostolic Holy 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".

Forum 18 put written questions on 24 March to Bishop Arshak Khachatryan, the Chancellor of the Catholicosate of the Armenian Apostolic Church, asking the Church's view of the proposed new laws and whether it had made its views known to the drafters of the laws or the government. No response had been received by the end of the day on 24 March.

State claims no complaints and no contradictions with international law

Bishop Khachatryan had attended a roundtable to discuss the new laws at the Yerevan Office of the OSCE on 18 March, other participants told Forum 18. Deputy Ashotyan, the main initiator of the laws was also present, as was Vardan Astsatryan, head of the state's Department on National Minority and Religious Issues, and representatives of religious communities. "Unfortunately Ashotyan, Astsatryan and the bishop left very quickly, even though many of us had many questions for them," a religious minority participant told Forum 18. "All of us were against these laws except for them."

Astsatryan of the Department on National Minority and Religious Issues claimed to Forum 18 that there are now "no contradictions" between the laws and Armenia's international human rights commitments. He also claimed that no religious communities have complained to him about the new laws. "The government is now broadly in favour of the laws."

Petros Demirchyan, the government's deputy spokesperson, concurred. "The government said it was ready to cooperate with the authors to improve the text," he told Forum 18. "We worked with them ahead of the first reading and the government is now satisfied."

The impact on freedom of religion or belief

Danielyan of the Collaboration for Democracy Centre thinks the proposed laws will result in new moves against religious communities. "We already see moves against religious minorities, including on the ground and in the press," he told Forum 18. "If these laws go through, these will turn into serious attacks and all religious minorities will suffer."

Danielyan says he believes Armenia's Catholic minority, mainly in the north west, and Yezidis, followers of an ancient faith held by the country's remaining Kurdish minority, are less likely to suffer than communities like Protestants, Jehovah's Witnesses and the small Baha'i community. "The main aim of these laws is the Jehovah's Witnesses, but all these do things the Armenian Apostolic Church doesn't like." He believes the resident population of Iranian citizens, mostly Muslims, will also not be affected. "They are targeting ethnic Armenians who are members of others faiths."

Richard Giragosian, a diaspora Armenian who heads the Yerevan-based Armenian Centre for National and International Studies (ACNIS), a think tank affiliated with former foreign minister and opposition parliamentary deputy Raffi Hovanissian, fears the new laws will mark a "serious setback to the development of a modern, progressive and liberal Armenia". "With an overly homogenous population, Armenia needs to move toward

greater openness, moderation and tolerance, none of which would be helped by such legislation," he told Forum 18 from Yerevan on 24 March.

Asked by Forum 18 to explain why Armenia needs to revise its Religion Law and introduce a new "crime" into the Criminal Code, parliamentary deputy Ashotyan responded: "I don't think members of parliament have to explain why they need to propose new laws." He then claimed that the Religion Law needs to be updated to take account of the 2005 changes to the Constitution.

National security?

Asked why the justification for the new laws presented to parliament in February spoke of "national security" as a reason for the amendments, Ashotyan refused to explain. "Just read Armenia's National Security Strategy."

Apart from a commitment to "support the spiritual, moral, social and cultural activities of the Armenian Apostolic Church" and to "protect the historic, spiritual, cultural heritage and the ethnic identity of the national minorities living in Armenia", Forum 18 can find nothing relating to religious life in the 2007 National Security Strategy.

Paragraph 8 of the former UN Human Rights Committee's General Comment 22, on the International Covenant on Civil and Political Rights, specifically states that "national security" is not a permissible reason to limit freedom of religion or belief.

Armenia continues to hold 80 Jehovah's Witness prisoners of conscience, jailed for conscientious objection to military service. The country promised the Council of Europe that it would introduce a genuinely civilian alternative to military service by January 2004.

New law on religions requires 500 adult members for registration of a religious organization

Portal-credo.ru (19.03.2009) / HRWF Int. (23.03.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - The parliament of Armenia, by a majority of votes on first reading, voted for introducing amendments and supplements to the law "On freedom of conscience and religious organizations." Eighty-nine deputies voted for the new law, two abstained, and all deputies of the fraction of the only opposition party in the Armenian National Assembly (Heritage) refused to participate in the voting. The party is represented in parliament by only seven deputies and Heritage's protest could not affect the results of voting, Blagovest-info reports.

Nevertheless, the authors of the introduction of amendments in the law, which had not been reviewed for 8 years and had become inconsistent with the constitution of Armenia and international legislation, took into account suggestions and objections presented both by the Heritage party itself and by a number of churches and religious organizations. However, Heritage maintains that they were informed only a few minutes before the voting and, since they had not been able to acquaint themselves with the final version of the document, they refrained from participating in the voting. One of the authors of the draft law, a deputy from the ruling Republican Party of Armenia, Armen Ashotian, declared from the rostrum of the meeting hall that a change had been made in the number of members of a religious organization required for registration. It had earlier been suggested that the number of members required for gaining the status of a religious organization be increased from 200 to 1,000. Now the deputies established that 500 persons had to be in the organization, not counting minors. According to the law, "fishers of souls" who forcibly convert persons to a new faith and who, in addition, could

acquire the property of the new convert, could face a one-year prison term. On the whole, Ashotian affirms, all observations and suggestions that had been submitted in the course of the time that the draft was in parliament, that is, since 6 January of this year, were taken into consideration.

The amendments especially emphasize the role of the Armenian Apostolic church as the state religion of Armenia, (tr. by PDS, posted 20 March 2009).

Armenian religious minorities complain of discrimination

By Gita Elibekian and Seda Muradian in Yerevan

Institute for War & Peace Reporting (13.02.2009) / HRWF Int. (16.02.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Jehovah's Witnesses, who are a tiny minority in Armenia, say they are facing increasing prejudice as a result of their beliefs.

The group, which emerged from a 19th century American Bible study group and now claims seven million members worldwide, is controversial for its members' refusal to serve in armies or to undergo blood transfusions.

"In Armenia, the negative approach towards the Jehovah's Witnesses is becoming ever more intolerable, especially since 2004, when the organisation granted us permission to operate here," said Tigran Harutiunian, spokesperson for the faith.

But things may about to become harder for his co-religionists in Armenia, where most people belong to the Armenian Apostolic Church – an ancient form of Christianity that dates back to 301 AD.

Amendments to the country's laws on religious freedom currently before parliament would restrict faiths' rights to evangelise – or to "hunt for souls" as the officials behind the proposals put it.

Armen Ashotian, chairman of the parliamentary commission on science, education, culture, youth and sport, who presented the draft changes to parliament on February 5, explained the terminology used.

"We tried to create a definition of the hunt for souls and came up with the following – in means preaching among a religious population or among people who do not belong to any religious confession, when this is conducted with material incentives, or with the use of physical, moral, psychological or material compulsion, and creating distrust or hate of other religious organisations and their followers," he said.

The co-authors of the amendments have also suggested changing the minimum number of members that a faith can have before it gains registration from 200 to 1,000 members, which could cause problems for small groups.

If the proposals are passed into law, faiths would have three months to re-register.

Proselytising Christian groups of western origin began operating openly in Armenia and other states in the more liberal atmosphere created after the collapse of the Soviet Union in 1991.

(...) The Jehovah's Witnesses say they do not force people to join their organisation or pester them with demands,

Religious minorities report that discrimination comes from official sources in the country and is a constant blight on their lives.

Hasmik Mkhitarian, who is trained as an English teacher, said she cannot get a job in her home town of Vanadzor because she is a member of the Church of Jesus Christ and the Latter-Day Saints, also known as the Mormons.

"I studied our faith for a year and a half in London, and noted that in my CV. The problem is that when people read that, they don't even invite me to an interview," she said.

"When I ask what's wrong, they directly tell me that I belong to a sect, and that people like me should not be teaching in schools."

She blamed the Armenian Apostolic Church for discouraging any alternative forms of worship.

Shmavon Ghevondian, a cleric from the Armenian church, told IWPR that any religious group that did not follow its canons counted as a "sect".

"Religion is dividing the nation, and if ethnic differences are added to this, then we have a far from attractive future for our three-million strong nation," he said.

(...) He added that he thought religious freedom in the country was unnecessary and had been introduced solely to obey the rules of European institutions.

Armenia has had to adopt certain laws to satisfy the Council of Europe, a continent-wide body that insists that its member states respect human rights.

This legislation included a measure under which conscientious objectors are allowed to avoid military service and undergo alternative forms of service instead.

The council's criteria state that genuine alternative civilian service which is not under the control, auspices, or supervision of the military must be provided to conscientious objectors.

But Jehovah's Witnesses in Armenia say that even with new legislation in place, they still have to serve in a militarised atmosphere, obey military orders and work under the military police.

Hayk Khachatrian, in his mid twenties, refused to serve in such a climate and, as a result, received a two-year jail sentence in 2005.

Eight-seven other Jehovah's Witnesses are in Armenian prisons for their refusal to do alternative service.

"How can I follow our precepts if my brothers in faith and I – Jehovah's Witnesses in Azerbaijan – start to shoot at each other?" asked Hayk.

Human rights activists say Armenia has not tried hard enough to accommodate the wishes of the Jehovah's Witnesses, despite pressure from the Council of Europe.

"They all refuse to do alternative service because of its great similarity to military service," said Avetiq Ishkhanian, chairman of the Helsinki Committee of Armenia.

"In its resolution 1532 adopted on January 23, 2007, the Council of Europe called on the Armenian authorities to re-examine the law on alternative service, but this has not happened."

Yet even if legal changes are made to accommodate the beliefs of Jehovah's Witnesses, they are still likely to face widespread prejudice. (...)

Gita Elibekian is a correspondent for Armenia's RadioLur social radio. Seda Muradian is IWPR's Armenia director.

Two years' imprisonment for organising sharing of faith?

By Felix Corley

Forum 18 (09.02.2009) / HRWF Int. (12.02.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - 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," Rene 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.

Astsatryan 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."

Astsatryan 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.

Repressive new religion law signed

by Felix Corley

Forum 18 (05.01.2009) / HRWF Int. (06.01.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Nagorno-Karabakh - The repressive new Religion Law in the internationally unrecognised Republic of Nagorno-Karabakh was signed by the entity's President Bako Sahakyan, on 24 December 2008, Forum 18 News Service has learnt. The new Law – which will shortly come into force - imposes a range of restrictions on freedom of thought, conscience and belief. "All this reflects the intention of the authorities to introduce harsh control on the activities of religious minorities," civil society activist Albert Voskanyan told Forum 18 from the South Caucasus entity's capital Stepanakert on 3 January 2009, "and to strengthen the exclusive role of the Armenian Apostolic Church already proclaimed in Nagorno-Karabakh's Constitution."

The main restrictions in Karabakh's new Law are: an apparent ban on unregistered religious activity; state censorship of religious literature; the requirement for 100 adult citizens to register a religious community; an undefined "monopoly" given to the Armenian Apostolic Church over preaching and spreading its faith while restricting other faiths to similarly undefined "rallying their own faithful"; and the vague formulation of restrictions, making the intended implementation of many articles uncertain.

The new Law – which replaces Karabakh's 1996 Religion Law – was approved by Parliament on 26 November and was then sent to President Sahakyan for signature. It comes into force ten days after its official publication, which is expected after the 2008/9 Christmas holidays. Much, but not all, of the new Law is copied word-for-word from Armenia's Religion Law as adopted in 1991 and amended in 1997 and 2001.

No officials were available to discuss the new Religion Law with Forum 18 because of public holidays for Christmas (which the Armenian Apostolic Church celebrates on 6 January 2009).

Voskanyan, who heads the Stepanakert-based Centre for Civilian Initiatives, welcomes the fact that "after many years" the new Law allows religious communities to gain legal status for the first time. "This in effect gives them the right to life," he told Forum 18 from the capital Stepanakert on 3 January 2009.

However, Voskanyan believes provisions of the Law create artificial difficulties to the registration of many religious communities, particularly Protestants and Jehovah's Witnesses. "Some won't be able to get registration at all because their documents won't be in line with the Law," he maintained. He pointed out that many will not be able to find the necessary 100 adult citizen members required to seek legal status.

"Those without registration will then be told they are functioning illegally." Voskanyan told Forum 18 he believes the police and secret police will start to punish those who conduct unregistered religious activity.

"It is my view that some Protestant organisations won't want to present full lists of their believers (first names, surnames, home address and other information), fearing persecution of their flocks from the state authorities," Voskanyan added. "People would have a real fear for their jobs." He said officials are likely to check through the lists of names on applications, approaching individuals in a way they might find intimidating.

Voskanyan pointed out that one religious community, the Jehovah's Witnesses, has been unable to find anywhere to meet for religious worship. "Wherever they turn, once the owners find out about their religious affiliation they become afraid and refuse," he explained. "And the authorities won't provide them with a plot to build a prayer house. This too could prevent them gaining registration as they won't have an address to use."

The Jehovah's Witnesses report that when they met Ashot Sargsyan, the head of the government's Department for Ethnic Minority and Religious Affairs, in November 2008,

he told them that as long as he is working for the government they will not get registration. "He said openly he's a member of the Armenian Church," they told Forum 18.

Asatur Nahapetyan, head of Armenia's Baptist Union, which includes six member congregations in Karabakh, is more optimistic. "We need to wait and see how the Law will be implemented, but we see no reason why these congregations won't get registration," he told Forum 18 from the Armenian capital Yerevan on 5 January.

Article 5 of the new Law requires 100 adult citizens for a community to apply for legal status. As in Armenia, religions must be based on "a historic holy book", must be "part of the worldwide system of the contemporary religious community" and "directed to spiritual values". The government's Department for Ethnic Minority and Religious Affairs has to give its expert conclusion on a community before registration can be approved. The Department can also go to court to have an organisation liquidated, if it violates the Law.

Although the Law does not specifically ban unregistered religious activity, Article 25 requires all religious organisations to register or re-register within six months of the new Law coming into force.

In a potentially significant change from the parallel article in Armenia's Law, the Karabakh Law removes the specific recognition that registered religious organisations can hold services "in homes and residences of citizens" from the list of suitable places as given in Armenia's Law.

Article 17 – like the corresponding article in the Armenian Law – specifically gives the Armenian Apostolic Church a "monopoly" of preaching its faith, building new churches, contributing to the "spiritual edification of the people" including by teaching in state-run educational institutions, conducting charitable activity and maintaining permanent religious representatives in institutions such as hospitals, old people's homes, military units and prisons.

One controversial provision in Article 8 – copied from Armenia's Law – bans "soul-hunting", a derogatory term in Armenian for seeking converts.

While the extensive rights of the Armenian Church are set out in Article 17, the rights of religious organisations set out in Article 7 are all inward-looking, with the first right specified as "rallying their own faithful around them". The article also allows them to train their leaders, conduct services in their own premises and in state institutions at the request of residents who belong to the religious community.

In clear contradiction to Article 17's granting of a "monopoly" to the Armenian Church, Article 7 allows all of them to conduct charitable activity.

Karabakh's new Law gives a place of primacy to the Armenian Church in Article 6, and only this Church is mentioned in relation to the restitution of religious property. This is despite the fact that several mosques still stand – even if badly damaged during fighting in the early 1990s over Karabakh and in subsequent reprisal attacks – in areas controlled by the Karabakh authorities. The mosques have been abandoned since the Azeri and Kurdish populations were driven out during the war.

Another controversial provision comes in Article 22, which is not present in Armenia's Religion Law. This Article hands the state "control" over the production, distribution and import of religious literature and objects. The Article does not clarify the exact nature of such "control".

A member of the Brotherhood, an evangelical grouping within the Armenian Apostolic Church which has about a dozen groups in Karabakh, told Forum 18 in December that he expects the government to try to ban any Jehovah's Witness, Baha'i, Hare Krishna or Muslim literature. Jehovah's Witnesses pointed out to Forum 18 that they have already had problems over religious literature controls, with literature confiscated from their members in July 2008 as they returned from Armenia.

The new Religion Law does not resolve the issue of an alternative to Karabakh's compulsory military service for all young men. One Jehovah's Witness, Areg Hovhanesyan, is nearing the end of a four-year sentence imposed by a court in Stepanakert in February 2005 for refusing military service on grounds of religious conscience.

Members of religious communities have expressed strong concerns to Forum 18 about the Law. One member of the Armenian Apostolic Church rhetorically asked Forum 18: "Where's the freedom?" Another described the Law as "like rubber," noting that "you can't see exactly how it's going to be put into practice".
