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Religion, politics and legislative initiatives

We are all the witnesses on how the religion returns to active politics again. There is an impression that a new historic era of convergence of state with the church starts again. Particularly, in the states which do not have clearly formed national ideology and democratic traditions, the regimes rely mainly on the churches of the majority. The expected outcome appears to be the following: the recovery of broken ties with the society with the help of dominant churches. Churches can provide something very important to such regimes: they can recover the lack of legitimacy of the government after failed elections. There exists another aspect of this situation. Some churches are tempted by the idea of establishing good relations with the state and they also aspire to growing into religious monopolies which results in loss of social times, social ideas and a certain social role acceptable and at the same time understandable to the society. As a result, the churches become the target of wide criticism by the society.

The above said is reflected in the legislative initiatives. I will speak about the Armenian legislation, which has common characteristics with other countries and as such the law in one country turns into a precedent in other OSCE and the Council of Europe countries.

I will note the main issues that put in danger the religious freedom.

The first is the definition of the proselytism. The Venice Commission recommended to change the definition of the “proselytism” in the law in order to avoid negative stereotyping of all forms of missionary activity. The Commission therefore recommended to define that the law prohibits only the “improper proselytism” and not the “proselytism” in general. Under the current trend in Armenia, which is openly supported by the government, all religious unions or organizations other than the dominating Holy Apostolic Armenian Church” (HAAC) are openly named as sects and their followers are strongly criticized by the wide public as betraying the national belief of Armenians.

The next main issue is the introduction of the concept of compulsory registration. If the number of the members exceeds 25, then religious communities are required to register and to write reports under supervision. It has been proposed to introduce a system of various fines, suspension and prohibition of activities. It is clear what issues raise such proposals.

There are also many other shortcomings, the discussion of which will take considerable time. Those who are interested can find the opinions of the Venice Commission and the OSCE/ODIHR on the legislative initiatives of Armenia.

One of the key aspects of religious freedom in Armenia is that both the government and the Armenian Church tend to unify the ethnic and religious identity of Armenians. This is the reason why the HAAC is widely considered as a national church and the belief system of HAAC as a national belief. Such approach leaves almost no alternatives to the Armenians who are the followers of other faiths or beliefs. They are openly called and, moreover, are agitated by public authorities and officials to be called as the victims of the sects funded by western countries.

One of the main problems is in the public education system where the system of belief of the Holy Apostolic Armenian Church is indoctrinated and there are no alternative teaching mechanisms for pupils of other beliefs. This situation entails to a slowly growing trend of practicing some religious rites and some elements of religious rites during classes despite the fact that Armenia is a secular state and that preaching at schools is prohibited by the Constitution. Another problem is the textbook of the “Armenian Church History” which presents not the history of the religion but the belief system of the Holy Armenian Apostolic Church. It is a wide practice in schools to ask pupils by questionnaires about whether they belong to a certain sect. Thus, at public schools the democratic principles of objectivity and pluralism in religious teaching are not followed.

The current legal framework and the evolving domestic practice seriously jeopardize the freedom of thought, conscience and religion, as well as the right to freedom of expression and opinion and freedom of association, and the right to nondiscrimination, which are safeguarded by both the international treaties to which the Republic of Armenia is a party and the constitutional and national laws of the Republic of Armenia

The other problematic issue is the dismissal of employees from their work for their religious faith. It happens at schools, in some medical institutions and in some ministries. But we have one problem here; people do not want to go to court and defend their rights. There are both objective and subjective reasons to this.

Another major problem that I want to tell about has a long history. It is the religious hate speech by some TVs and media companies.