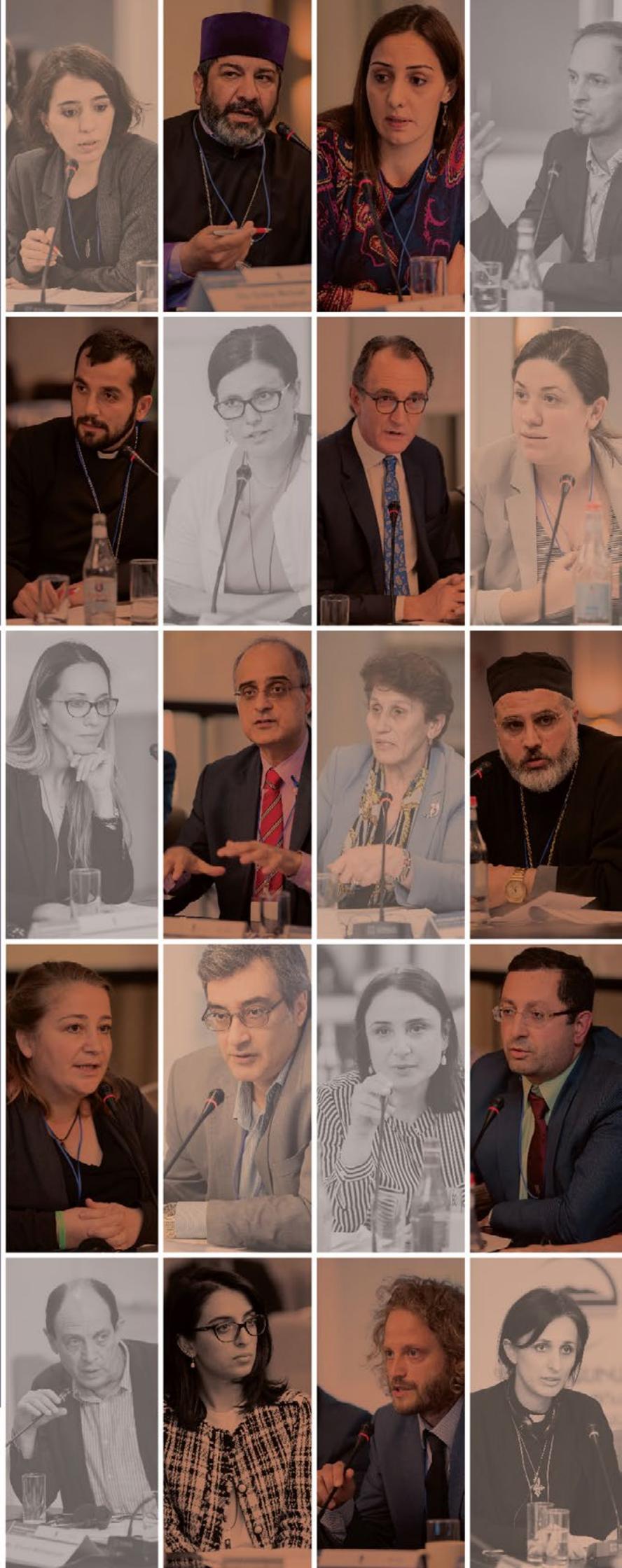


CONTEMPORARY ISSUES OF FREEDOM OF RELIGION OR BELIEF IN ARMENIA, GEORGIA AND beyond

Regional
Conference

Conference Report 2017



Kingdom of the Netherlands



EURASIA
PARTNERSHIP
FOUNDATION

Contemporary Issues of Freedom of Religion or Belief in Armenia, Georgia and Beyond - Conference Report, 2017

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Kingdom of the Netherlands

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I welcome the idea of this publication presenting the results of the Regional Conference on Contemporary issues of freedom of religion or belief in Armenia, Georgia and beyond, and I would like to thank Eurasia Partnership Foundation and the Embassy of the Kingdom of the Netherlands to Georgia and Armenia for their consistent promotion of the freedom of thought, conscience and religion. The issues that were discussed during the course of the Conference and which, in particular, relate to the state and the church, the activities of religious organizations, are always relevant and require specific solutions to be found.

In the case of Armenia, this statement is doubly correct, taking into consideration the need for legislative reform in this area. As we know, the law that regulates this sector was adopted by the Supreme Council of the Republic of Armenia back in 1991, based on the USSR law “On freedom of conscience and religious organizations.” Therefore, the Law requires a certain amount of work, the review of some legislative regulations and their update, considering also the 2015 Constitutional reforms and the fact that the Republic of Armenia has joined several international conventions and taken on corresponding obligations. Currently, the RA Ministry of Justice is currently working to make amendments to the RA Law on “freedom of conscience and religious organizations” as well as

welcoming remarks



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The Catholics know how to deal with that – they accept this resistance. But Evangelicals (and by definition Jehova’s witnesses) don’t, and that’s why issues, irritations emerge.

But the most bewildering thing is that people from different nationalities in the modern world can choose to appear on the internet or television, beheading a person “in the name of religion” and demonstrating this to the world. It is also astounding that people can invoke religion to blow up ancient cultural heritage, and then secretly sell relics of the destroyed monument on the global black market.

We live in a very strange world, and I hope that the reader will notice



Mr. Vigen KOCHARYAN
Deputy Minister of Justice of the Republic of Armenia

I welcome the idea of this publication presenting the results of the “Regional Conference on Contemporary Issues of Freedom of Religion or Belief in Armenia, Georgia and Beyond”, and I would like to thank Eurasia Partnership Foundation and the Embassy of the Kingdom of the Netherlands to Georgia and Armenia for their consistent promotion of the freedom of thought, conscience and religion. The issues that were discussed during the course of the Conference and which, in particular, relate to the state and the church, the activities of religious organizations, are always relevant and require specific solutions to be found.

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I would like to wish that the reader enjoy this publication and hope that the area of freedom of thought, conscience and religion continues to see constructive, open and productive discussions both in Armenia and Georgia, as well as around the world.



H.E. Mr. Jos DOUMA

Ambassador of the Kingdom of the Netherlands to Georgia and Armenia

It is my pleasure to present this report of the Regional Conference on Contemporary Issues of Freedom of Religion and Belief (FoRB) in Armenia, Georgia and Beyond, which was held in Yerevan on May 8, 2017 and it was my great pleasure to welcome participants to the Armenian capital.

When opening the conference, I addressed paradigms I thought relevant for the way we look at things, more specific for our attitude to other religions and beliefs and in fact to beliefs at all.

Such an approach might sound too serious and too difficult, but it is not. Let me explain: I enjoy listening to classical music and am an admirer of Johann Sebastian Bach. Recently I listened to his cantata “Jauchzet Gott in allen Landen”. For me, the music and words of this cantata are heavenly. And for many others still it is heavenly indeed, the word of God expressed in the most beautiful way. For many other people, however, I fear for most of the Dutch these days, it is simply the music and the interaction with the poetry they admire, but not the message. And then, on the other hand, many young believers do like the meaning of those words, but not the words themselves. It’s too serious for them. Or they don’t like the music, or they don’t like either and they prefer modern varieties of music. You notice: one composer, one (unknown) poet, but differing appreciation of and responses by the audience, since we are all different, also due to our convictions, to our taste, where we come from, our upbringing.

I am a Protestant and Protestants often call themselves ‘confessing’. If I were a Catholic, I would call myself ‘practicing’ and those words already indicate differences, but I would still be a Western European. This is how we look at the world, at the wider world, as Western Europeans have defined it: through our past, through Christianity, Greek Hellenic, Roman culture through reformation, enlightenment, and so on. Orthodoxy and Western Christianity separated centuries ago. The impact is still felt nowadays, not only as between two organizations, but between paradigms, views on creation, the world, the church, their interaction and the position of the individual.

The Cantata’s title refers to singing God’s glory in all countries. Being a western confessing Christian that means that you feel the need to express, you call yourself, in a way, a missionary. Jehovah’s Witnesses are even tasked (it’s not just a

calling) with spreading the word of God in order to fill the numbers, the famous 144,000 souls to be saved – mentioned in the biblical book Revelation. And such not only amongst non-Christians, but also to show other Christians the better, the correct interpretation of Christ’s teachings. In my first conversation with the Catholicos in Armenia, we came to discuss ‘proselytism’. That is how missionary activities amongst other Christians are defined. Being active as a missionary means for many western Christians something positive, also when you focus on other Christians. You want to help them see the light as was meant to shine. But here in Armenia proselytism has a negative meaning and I learned your society is very much anti-proselytism.

The Catholics know how to deal with that – they accept this resistance. But Evangelicals (and by definition “Jehovah’s witnesses”) don’t, and that’s why issues, irritations emerge.

In the meantime we should realize that, in a way, all religions in general and Christianity in particular are a bit totalitarian. They define your entire life. They also define the way you look at people and the way you look at issues. We, from the West, try to deny this totalitarianism and we have good grounds to do that, since we try to be open for discussion and have an open debate on our values. But our values and—in fact—truth is derived not from such debate, but from a higher authority, not open for discussion – God.

So, from that perspective it is understandable if people understand religions, Christianity or Islam, or whichever, as totalitarian, and we should take that into account when we look at issues.

In my first year in the region, I was confronted with some interesting discussions. One I had with a Yezidi, and it turned out from his way of looking at the Yezidi that you’re only a Yezidi if you believe it and if you practice it. If you are not doing this, then you are merely “a Kurd”. So, religion is overriding for the identity, what’s left after losing your religion is merely your ethnicity.

Oftentimes, an Armenian Christian gives the impression that religion and nationality are inseparable. Two sides of one coin. In one case, I was confronted with a bishop on a former posting, who told me: “You should know Armenia is older than Christ.” I looked at him and then he later on realized what he had said (for a Christian Christ is eternal), but it was his way of looking at reality and we should never forget that when we are discussing issues, the issues of today.

Now I like to create another layer in this discussion. In Western Europe individualism is gaining ground since renaissance and reformation. First, the believer was individually responsible to God, but after secularization, only to himself and to fellow citizens. That Western-European paradigm might be inconceivable for those who religiously are more collectively inclined - the religions in the East mainly. But it is an important aspect in our discussion. Can you imagine what this means for tolerance in respect for individual choices and for characteristics that cannot count on respect from the majority?

A final aspect. Europe so to speak believes in a secular state. For Western Europeans, division between state and church—or religion—is obvious, and while every American President refers to God at least once in official speeches, that

is uncommon in most of Europe. Officially, the United States is also a secular state, so even in Western civilization we practice what we preach differently.

Also Armenia and Georgia are officially secular states, but both with a preferential position for the Church. How to reconcile that quasi-constitutional position with both being secular and the recognition of religious minorities? If tensions arise, we all know we should tolerate each other, but can we really? Do we understand the drivers or motives of the other and do we try to understand and respect them? What is the effect of losing your religion for the respect from those who still believe - and the other way around? This question is entailed in the discussion on freedom of religion and/or belief.

Dear reader, those were just some questions that, at least, keep me busy, not only for the May 8 Conference, but over the years and on postings that I have had in particular. I trust that the Conference presentations on FoRB this report has aggregated will keep you busy as well and, hopefully, will open your minds in understanding and formulating opinions that bring us forward in this minefield of loyalties, strong convictions and images.

I wish you an interesting and thought-provoking read.



Mr. Gevorg TER-GABRIELYAN
Chief Executive Officer of Eurasia Partnership Foundation (EPF)

Dear reader,

It is with great pleasure that I present you this report, summarizing the speeches and discussions from the regional conference entitled Regional Conference on contemporary issues of Freedom of Religion or Belief (FoRB) in Armenia, Georgia and Beyond that took place on May 8, 2017.

The Conference is part of Eurasia Partnership Foundation's project on Promoting Religious Tolerance and Non-Discrimination in Armenia, supported by the Embassy of the Kingdom of the Netherlands to Georgia and Armenia.

Similar conferences had been organized in Georgia in 2013 and 2014, but on this occasion, it was held in Armenia for the first time.

The Conference aimed to set up a platform for key stakeholders, through which civil society in Georgia and Armenia, including the representatives of international organizations and embassies, state officials, representatives of the Ombudsman's office, religious groups and organizations, as well as international experts would discuss the current situation and developments in the area of freedom of religion or belief in Armenia, Georgia and generally in the world, and also express ideas that would lead to improvements.

As a result, this report was developed, collecting participants' speeches, opinions and ideas, and I hope that it provides new perspectives to the reader on the perception of freedom of thought, conscience and religion.

The report is divided into 4 parts:

- A. International standards in the area of freedom of religion or belief, and the situation in Armenia and Georgia,
- B. Freedom of religion or belief and education,
- C. Freedom of religion or belief and secularity,
- D. Freedom of religion or belief and equality between men and women.

Allow me now to share a few of my personal observations and impressions on this fundamental right, which I also expressed during the Conference.

Freedom of religion or belief, as a fundamental human right, continues to be violated worldwide, and in our region in particular. It even looks at times like

the experts in the area, human rights advocates, and decision makers are all moving in one direction, while the world is going somewhere else.

As someone born in a country that considered itself atheistic, I am astounded by the events and incidents that are taking place today in our region and the whole world. For example, it is bewildering that a 22-year old young man has been found guilty by a Russian court for hunting for Pokémon in a church, because when I enter any church in Europe, like the Saint-Eustache in Paris, for example, there are all kinds of “games” going on there, including modern concerts, exhibitions and other events. Another astounding example related to a church is the huge conflict linked to Saint Isaac’s Cathedral and Museum in Saint Petersburg following the decision by the authorities to make it a property of the Russian Orthodox Church, which was opposed by the people, society, experts, historians and others.

But the most bewildering thing is that people from different nationalities in the modern world can choose to appear on the internet or television, beheading a person “in the name of religion” and demonstrating this to the world. It is also astounding that people can invoke religion to blow up ancient cultural heritage, and then secretly sell relics of the destroyed monument on the global black market.

We live in a very strange world, and I hope that the reader will notice that the speeches in this report do not avoid mentioning these circumstances.

Coming back to our region, our current reality is such that there are young people standing across our borders who are itching for an excuse to fire at each other. My experience of communicating with those young people and their parents has demonstrated that many of them are convinced at a level of superficial stereotype that the cause of this whole conflict, and of our hostility, is religion. One side is Christian, the other is Muslim, and unfortunately, despite the large amount of explanatory work being done, even several experts—including those who have gained international recognition—consider religion to be the cause of the hostilities.

Let me end this foreword with a plea for us to not forget our sense of responsibility in this controversial situation. EPF and its partners, meanwhile, will also strive in their future work to facilitate real and big change in the area of freedom of thought, conscience and religion.

Enjoy the report!

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PART 1.

INTERNATIONAL STANDARDS OF FREEDOM OF RELIGION OR BELIEF AND THE SITUATION IN ARMENIA AND GEORGIA

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Ministry of Justice is currently working to make amendments to the RA Law on “fr... supplements

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Dr. Kishan MANOCHA

OSCE/ODIHR Senior Adviser on Freedom of Religion or Belief

Freedom of religion or belief is a challenging human right and a human right facing particular challenges in the OSCE region.

We have reached a historical moment in which respect for FoRB in the OSCE region has reached a critical phase. There are currently some potent challenges (established and emerging) to FoRB and these are having a significant impact on safeguarding this universal human right for all in the OSCE region.

We need to understand these if we are to develop appropriate strategies by way of response. The need to think carefully about why FoRB, while never absent in any generation, has become particularly acute today.

WHY FREEDOM OF RELIGION OR BELIEF IS CHALLENGING

Why is FoRB a challenging human right?

- it challenges religious hegemony
- it challenges established and official religions
- it opens up societies to pluralism
- it challenges the role of the State as the custodian of truth, purity and identity claims
- FoRB challenges control claims and authoritarian mindsets
- FoRB provokes religious communities – apostasy, blasphemy, defamation, conversion
- FoRB challenges liberal societies and milieus to embrace deep diversity beyond superficial engagement
- FoRB complicates the non-discrimination and equality agendas

MAIN CHALLENGES TO FREEDOM OF RELIGION OF BELIEF IN THE OSCE REGION

FoRB is under challenge in a number of ways and for a number of reasons in the OSCE region. Time does not permit an exhaustive treatment of this important subject so permit me to highlight two:

- **control**– some governments find FoRB problematic so they put it under control by placing conditions
- **identity and coexistence**– collective identity protection/protection of national or societal homogeneity

While separate, they are nevertheless interlinked, interrelated and move in tandem. What they have in common is an emphasis on stability which leads to subordinating FoRB to broadly defined security, public order and morality concerns.

Populism, authoritarianism and nativism is a heady marriage of convenience. But before considering these further, I would like to set out some relevant background.



The current context

The human rights framework under attack

A number of States now perceive values of democracy and human rights as the ideological underpinnings of an international order designed by the West to ensure continued western dominance. Indeed, the human dimension has been the target of major controversies in the OSCE in recent years. Despite the deep commitment to common OSCE values by the participating States, today's political situation is characterized by growing normative divergence between States and within States. None of the participating States have officially revoked the current common value base, but it has become evident that this value base is not strong enough at present. The global pushback on human rights has generally deepened the worldwide crisis on the right to FoRB. There is an increasingly substantial variation in the way that FoRB norms are interpreted and applied from participating State to participating State in recent years, reinforcing the perception that there is no real consensus on what realizing the goal of FoRB for all might actually imply and how it can be achieved. The challenge is that the aforementioned normative divergence is not going to go away.

We have in the work of the OSCE sometimes seen a tendency on the part of certain participating States to endorse and support the notions of tolerance, non-discrimination, mutual respect and understanding, interfaith dialogue and cooperation, while failing to protect FoRB for all, particularly those of numerically smaller and more recently established religious and belief communities. Indeed, words about tolerance, non-discrimination, interreligious dialogue and cooperation have sometimes been used to camouflage state violations of FoRB, and certain States have been more than happy to transfer the focus from the duties of the State to the responsibility of religious or belief communities to promote tolerance, mutual respect and understanding, dialogue and cooperation. While interreligious dialogue and cooperation are of great importance and their contribution to the well-being of society needs to be more systematically and fully explored, they can never substitute for a clear focus on the State's duty to respect, protect and promote FoRB for all.

The pluralisation of religion and belief in the OSCE region

Plurality of belief systems (including both religion and non-belief) is growing everywhere in the OSCE region, and particularly in Europe, due in large part to migration and globalization. Countries that were previously homogeneous from a religious point of view today host a population made up of people of different faiths, in particular Islam, which by now constitutes the second largest religion in many European countries. Although religious diversity is not a new phenomenon, there is a greater complexity in the way in which contemporary European societies have to adapt to a variety of religious beliefs and practices.

This pluralization of religion and belief has a number of important consequences:

One, religion has become more visible and tangible. Religious faith is increasingly manifested through symbols, attire and behaviors that are unusual for and sometimes unintelligible to the majority of citizens of a given country, as in the case with some religious dress codes in Europe. Due to recent waves of immigration, societies in Europe are now confronted with new and “more visible” forms of religious expressions that do not fit into the established patterns. This has caused tangible nervousness in parts of the society, in particular when it comes to Islam.

Two, while in the past social cohesion was mainly dependent on the cultural and religious homogeneity of the population living in a given country, today it has to be grounded in cultural and religious diversity.

Three, the very understanding of the nature and scope of religion or belief itself. There is the Western, particularly the Lutheran/Protestant conception which, very generally speaking, understands religion primarily in terms of conscience, belief and individual choice – faith as chiefly affecting the person’s inner disposition which at the same time functions as a source of ethical community values. This understanding has long dominated the social and political landscape in Europe and is still very much present in today’s society. But in other parts of the world, religion is not only perceived as belief, it is culture and identity, it is about community and the collective, which is something that precedes individual choice and exceeds the borders of the forum internum or conscience. That understanding is now becoming more prominent in western societies.

These developments arising as a result of the pluralization of religion and belief reveal a significant impact on FoRB in the OSCE region:

- on the one hand, issues connected to religion or belief and FoRB are likely to emerge in increasingly different areas of social life (workplace, education, security, citizenship, etc);
- on the other, they tend to take on new contents that were unknown in the past (for example, the collective dimension, wearing of religious attire and symbols, ritual slaughter and male circumcision).

As a result of a broader understanding of what religion can entail and, accordingly what FoRB as a human right should cover, the scope of FoRB issues in the OSCE region is much larger today, its form much more diversified, than a few decades ago. Additionally, different conceptions of FoRB now coexist in the same country or society due to migration flows and globalization. This has increased the challenge of advancing FoRB for all in the OSCE region as judges and policymakers have to formulate legal and policy responses to a wide range of religious practices often with very little knowledge or experience.

The control agenda and freedom of religion or belief

We are witnessing a visible erosion of democracy and a rise in authoritarian views in parts of the OSCE region. We are also seeing this phenomenon in the context of established democracies. Authoritarian regimes are obsessed with control. They exist to control. They are nervous of the freedom component of FoRB than with religion or belief. A flourishing independent religious community poses, in their view, a threat to the control of the State over society. These States want to see themselves as strong, they pride themselves on the stability and security they provide for their citizens. But this is a form of stability and security which seeks narrow political ends and has little if nothing to do with respecting human dignity and is not concerned about trust-building, human rights, the rule of law, openness and transparency. And the fight against violent extremism and

terror provides many such States with the perfect opportunity to ramp up their control agenda and impose far reaching measures that encroach on FoRB and other human rights.

Being a gateway to a number of other freedoms, including freedom of expression and freedom of peaceful assembly and association, control-fixated governments are nervous of what FoRB can lead to. This is exactly what worries authoritarian governments and often causes them to curb FoRB. They take the driver's license approach. The exercise of core elements of FoRB depend on specific government permission, for example mandatory registration before individuals and communities can exercise FoRB, an understanding that goes against the conception of FoRB as an inalienable right belonging to everyone without distinction.

Collective identity and freedom of religion or belief

The tribal fetishes of national identity and national sovereignty are back with a vengeance in many parts of the OSCE region.

Legitimate worries about violent extremism and terrorism have supplied fertile ground for such insidious, illiberal identity politics. It is becoming about “us” versus “them”. The view that some religions or beliefs are not part of the historical, cultural and traditional religious make-up of a country and therefore pose a danger to the identity of a people and nation is on the rise and can be found in the programs of many nationalist political parties and right wing, populist anti-immigrant movements that are growing in popularity in many parts of the OSCE region. There are OSCE participating States in which identity is being defined by one religious heritage or a mosaic of religious traditions. Indeed, in such cases, religion is being made a marker of territory and fences are literally being built to define and protect this. Such ultra-nationalist politics, empowered by large majorities, poses a significant threat to religious pluralism. This has particular implications for Europe at a time of uncertainty and insecurity when increasing numbers of people can be tempted by populist messaging which seeks to wed concepts on nationhood, identity and loyalty to the State with affiliation to a long-established, traditional religion.

In this scenario, the prevalent issue is identity. Conservative-leaning people would like to preserve the religious and cultural identity of a country, to ensure societal homogeneity. This would involve limiting the right to FoRB on the part of members of certain religious communities, particularly immigrant religious communities and new religious movements, in order to preserve traditional ways of life, including the urban landscape, that are seen as part of the national identity. But it is not just about a question of fitting in. There is another related aspect to this. A notable and particularly worrying feature of recent debates around religious diversity in various parts of the OSCE region has been the tendency to conflate risks to peaceful coexistence and cultural and religious differences, the assumption that religious and belief pluralism can in and of itself endanger social peace and cohesion. When identity and social cohesion are linked in this way, the scope of the limitations on FoRB become very wide, potentially extending to all manifestations of a religious faith that may be perceived as offensive of the national identity and therefore hostile to social cohesion. The risk, then, of discrimination against minorities becomes very real and substantial because they are stigmatized as allegedly endangering national cohesion.

Compounding this is the well-known concern that religions or a certain religion can endanger peaceful coexistence directly through its association with violent extremism and terrorism and therefore raise security problems. This threat is naturally shifting policymakers back toward viewing religion primarily through a security lens. To prevent and counter this threat, more State controls are demanded, particularly, on the practice of Islam and particularly on the internal organization of Islam-

ic communities. The 2015 Austrian law on Islam is a good manifestation of this securitarian trend. Austria is one of the European countries where the Islamic communities have been successfully integrated and this law gives them many rights that are denied in European states. Nevertheless, the law contains a few controversial limitations that are specific to the Islamic community, banning Islamic cultural organizations and imams from receiving funding from abroad, requiring recognized Muslim communities to demonstrate “a positive approach towards society and the state” (Article 4.1) and requesting imams to speak the national language (Article 18.3.2). While some have welcomed it as a step towards the creation of a moderate Islam, the law raises significant problems concerning the collective and institutional dimension of the right to FoRB and departs from the principle of equal treatment for religious communities.

The approach to managing religion and religious pluralism in the name of ensuring security, countering violent extremism and terrorism, preserving national identity and traditional values accounts for a particularly disturbing trend in various parts of the OSCE region, namely a serious impact on FoRB through the undue narrowing of the permissible scope of pluralism. A predominant form this trend takes is to favor “traditional” religions over less established or new religious movements and without any reference to whether the new movements are genuinely dangerous to society. Behind this trend there is often an implicit or explicit policy of state paternalism with respect to religion. State officials will advance a position that amounts to saying: “Our citizens may not be able to adequately evaluate these religions for themselves.” “The conversations that these groups are having about their beliefs are undermining social stability, peaceful coexistence and social harmony.” While the state will inevitably have some need to define criminal activity and restrict FoRB at its outer boundaries, such paternalism in the area of religion or belief is fundamentally at odds with international standards and OSCE commitments on FoRB when it restricts the rights of legitimate religious or belief communities.



The upshot of all of this is that in this age of rising populism, authoritarianism and nativism FoRB is being compromised to ensure security, peaceful coexistence and social cohesion. Indeed, many are beginning to doubt that the political and legal notion of FoRB that was effective when the OSCE region was a more homogenous continent may not be able survive as a result.

SOME REFLECTIONS IN RESPONSE TO THESE CHALLENGES

So how do we respond in light of the challenges described? I would like to offer some very brief reflections in this regard. Some of these are framed as questions which address certain conceptual issues about the role of FoRB, indeed of religion, in human and social flourishing, because without

understanding this we can never hope to get the majorities on board, and their support is key. These are some personal thoughts and, again, are not exhaustive.

One, we need to return to the vision of sustainable peace and security, grounded in respect for human dignity and for human rights for all. FoRB itself should be seen as conducive to peace. In this regard, it is salutary to recall the Preamble to the Universal Declaration of Human Rights which states: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ...”, and the Helsinki Final Act of 1975 which declares that “participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.”

Human rights are not a utopian dream. They were created for the real world where people must find a way to live together well despite their differences. Respect for human dignity and FoRB is central and indispensable to living well in the real world. The specific concept of peace underlying international human rights clearly differs from the authoritarian control agendas that are sometimes put forward in the name of “peaceful coexistence” or “social harmony” or “social stability”. In this regard, we need to ask ourselves why would peace and security grounded in respect for FoRB and other human rights and fundamental freedoms stand a better chance of sustainability than a societal order organized around other principles and approaches, such as control or suppression of religious or belief diversity.

Two, in making the case for FoRB for all—beyond the fact that human rights are intrinsically noble and worthy ends in themselves—we need to marshal the evidence, the growing body of quantitative research that demonstrates FoRB’s connection to a number of positive indicators of societal well-being. This is helpful when engaging governments and societal actors that are suspicious or openly hostile to human rights discourse. On such occasions it may be advantageous to avoid human rights language altogether as it may be counterproductive. Arguments framed around economic and political self-interest may be much more effective as long as they are premised upon an exploration of what FoRB means. It is particularly apt in the context of the OSCE given that commitments adopted by participating states to advance FoRB for all are an integral aspect of its concept of comprehensive, co-operative, equal and indivisible security. How does FoRB serve as an essential factor for democracy, economic development and social cohesion? In this regard, I would like to share the following thoughts.

FoRB affirms our inherent capacity and desire to discover truth for ourselves and to live a life of meaning built around what we have found. In so doing, it also opens the possibility of constructing, creating and building together with others a better world.

FoRB provides the public sphere with much needed social imaginaries, the less well considered potential of religion, as mediated through FoRB, to contribute to the imaginative renewal of the public sphere. Who knows how socially transformative or certainly useful in public policy terms religious narratives might be in addressing the problems we face today? For example, what might Islamic banking be able to tell us about why our financial system crashed so spectacularly in 2008? Or what might Buddhist philosophy be able to tell us about the high levels of mental illness in Western society?

FoRB also provides opportunities for the social capital of religion to be expressed in the myriad forms of community service that faith groups undertake and this social capital can be harnessed across community divides to further the common good for those of all faiths and none. So, from this perspective, FoRB is a means by which the social capital of religion to be expressed for the benefit of

society. By permitting a wide range of religious activities and communities to flourish, FoRB helps to cultivate socially productive virtues, to increase the number of peacemakers and mediators, and to encourage provision of vitally needed social services. Further, the combined strength of a multi-faith presence achieves more on larger-scale issues than the voice of one faith alone.

It can be argued that the true wealth of a nation can be found in the human resources of a country and their capacity to freely build, invent, excel and express themselves. Countries that fully nurture and unleash this potential, that invest in the health, prosperity, security and diversity of their societies, will thrive regardless of their material wealth. In this regard, FoRB is a core component of unlocking and maximizing the potential for people to express themselves freely and to contribute to the advancement of their societies. People who investigate the truth for themselves are usually citizens who contribute and build.

Nowhere is this lack of attention to, and understanding, of the socially transformative potential of FoRB more apparent than in discussions about FoRB and security, particularly in the context of countering violent extremism and terrorism, where the discourse remains dominated by discussions of the tactical trade-offs between FoRB and security. Rarely is the matter approached from the starting point of the role of FoRB in ensuring security in its widest sense, on how greater respect for FoRB can actually help to prevent violent extremism and terrorism.

Three, we need to get the majorities on board. FoRB is also important for majorities. Why? What do majorities lose as a result of FoRB violations? They can lose credibility and moral standing. They become corrupt. The spiritual, ethical and moral integrity with their religious tradition will suffer. There is a very real concern that these restrictions on FoRB, which potentially negatively affect the rights of members of a whole range of religious or belief communities, if left unchecked, risk marginalizing them and contribute to creating the conditions in which violent extremism ideologies take root. So in situations which discriminate against minorities, all of society suffers as repression leads to instability.

But we also need to make the positive, compelling case for inclusivity, for the benefits that accrue to all of society—whether social, economic, intellectual, artistic, cultural, political—that arise from diversity. This will help us to dispel the false dichotomies at the heart of the narrative that maintains there are zero-sum trade-offs between societal harmony and diversity, between pluralism and solidarity.

Four, in thinking how best to manage religious and belief pluralism in contemporary society, FoRB's contribution to conceiving identity as a living and dynamic process needs to be explored in greater depth. Human rights do not protect given identities. There is no right to identity in international law. We are free to articulate elements of our identity. How does FoRB facilitate this?

Five, in seeking to counter the phenomenon of violent extremism and terrorism, we need to re-think the category of religion as we identify ways to reconcile the pursuit for greater security against violent extremism and terrorism with protecting human rights. We need to be able to distinguish religion from violent extremism. We need to develop the capacity to distinguish religion from political objectives and ideology, especially destructive and violent ones. In this regard, we need to better understand that FoRB captures the fascinating duality about religion. It recognizes the power of religion but also deals with religion when it goes wrong. FoRB serves as an important societal filter, protecting legitimate exercise of religion while excluding violent and harmful practices. How?

FoRB requires, indeed demands, that the rights of all actors in society be respected. Therefore, some limits to the manifestation of FoRB are permissible when they are aimed at granting the peaceful and productive coexistence of individuals and communities. International human rights law protects the

right to manifest your religion or belief only insofar as it does not impinge disproportionately on the rights, freedom or dignity of others. The point here is that FoRB has limits. FoRB does not mean that one can do as one's religion, however interpreted, instructs. There are limits because FoRB also means equality before the law and that is itself a limit.

But these grounds for limiting the right to FoRB are narrowly defined and must be strictly adhered to. For example, it should be noted that the modern understanding of FoRB does not give free rein to legislators to impose limitations whenever "public order" interests may be at stake. For limitations to be justifiable, a much more refined set of criteria must be met to ensure that limitations always remain exceptions to the rule that human beings should exercise their rights to freedom, including in the area of religion or belief. The logic of human rights demands that the least intrusive and far-reaching measures and interventions are chosen. The International Covenant on Civil and Political Rights got it essentially right. The limitation clauses are sophisticated and we need to understand how they work in practice. We need to reach a degree of precision, of empirical diligence, when it comes to their operation. So much depends on how limitation clauses are understood and operationalized. Nevertheless, the balance between manifestation and legitimate limitations cannot be fixed once and for all; it has to be found case by case, taking into account the changing conditions of time and space. Context is all important.

The justification logic is about a relationship between the rule and the exception. Limitations, whenever deemed necessary, must be justified in light of the specific normative rank of human rights. If we fail to understand this then we are at serious risk of selling out the whole logic of human rights altogether.

But one overriding question remains. What is religion? Therein lies a particular challenge to FoRB. If religion's role is conceived as an increasingly positive for harmony, trust-building, solidarity and justice in society, then social institutions will need to reshape their relationship with religion and let go of the many harmful assumptions that leave little to no room for religion to play a part in the public sphere.

My **sixth** and final point picks up on what I have already alluded to as the centrally important theme of the role of the FoRB in empowering all individuals and communities to participate in the process of advancing the common good. This, in turn, implies a reconsideration of our understanding of the relationship between human development and the advancement of society.

How can FoRB be exercised in a spirit of brotherhood as obligated in Article 1 of the Universal Declaration of Human Rights? (The actual words are: "All human beings are born free and equal in dignity and rights. They are endowed with reason and **should** act towards one another in a spirit of brotherhood.") How we can find the courage and dignity to give it to others? How can we use it as a resource for building the structures of mutual respect, trust and understanding that can sustain social peace and harmony?

I think we are also challenged to deliberate on the concept of justice and how it is understood and applied to FoRB. Why justice? Because justice binds us to our power of reason, a faculty indispensable to the exercise of FoRB, and compels us to work for the benefit of humanity. It also guides governments to provide an open constitutional framework in which FoRB can be guaranteed for all on the basis of equality and non-discrimination. It further demands universal participation in the construction of open, pluralistic, prosperous and just societies. At the individual level, justice has profound implications for modes of thinking and expression and our relationships with and treatment of others. At the collective level, a concern for justice is an essential compass in decision-making because it is arguably the only means by which diverse voices and perspectives can be equitably and duly considered.

CONCLUDING REMARKS

In thinking through the way forward we should remember that the emergence of new issues and challenges is a normal phenomenon in ever-changing societies. It should serve as a stimulus to clear thinking and analysis on our part with a view to adopting contextually relevant and practical strategies designed to further strengthen respect for FoRB for all. Spaces such as this conference are valuable because they help remind ourselves of FoRB and develop our understanding of it further.

While acknowledging the changing meaning of FoRB over time, we must not lose sight of its essential nature as a universal human right, one that is grounded in dignity and freedom, one that allows all people, regardless of belief, to flourish and to contribute on equal footing to the betterment of society. Our different social and political orders in the OSCE region must facilitate this.



Ms. Lusine SARGSYAN

Head of the Human Rights Research and Education Center of the Ombudsman's Staff of Armenia

Thank you for the invitation and for organizing an event of this kind. As already mentioned in the opening speeches, I think that this is an exceptional platform to discuss the issues that very often end up without discussion in our society, and it is also a very important platform to consider freedom of thought, conscience and religion in the context of all other human rights.

First of all, I would like to present the work of the Human Rights Defender in Armenia. The Human Rights Defender received a new status—constitutional recognition, essentially—after the constitutional reforms, as a result of which the mandate of the Human Rights Defender as an institution for the protection of human rights has extended and also encompasses the protection of the rights to freedom of thought, conscience and religion. The Human Rights Defender is an independent official who examines complaints issued against state bodies and officials as well as against private companies, in specific cases as outlined by the law. I would like to note here that, regarding private companies, we have an innovation in Armenia in that the Human Rights Defender can examine complaints against organizations that provide public services as well as those that have been contracted by the state.

Why am I emphasizing this particular part of the Human Rights Defender's work? Because, in essence, these are the complaints that help the Human Rights Defender to reveal the systemic problems that can then lead to solutions for even larger issues, not just on an individual basis, but in the overall legal context and legal field. I should also note that the Human Rights Defender also acquaints himself with systemic problems by collaborating with non-government organizations, and I would like to mention a few examples that have been revealed by the Human Rights Defender in the area of the freedom of thought, conscience and religion. These issues have found their solutions to a certain extent through the Constitutional Court in some cases and by working with state bodies in other cases, or are currently in the process of consideration.

First, I would like to mention one of the complaints submitted to the Human Rights Defender in 2014, which focused on the issue of restricting individual religious rights related to identity cards. In 2014, Armenia introduced identity cards and biometric passports, which contained a chip and certain information about the individual. A group of people refused to get identity cards because it went against their religious beliefs. As a result, several years later, a situation arose when those people were unable to receive their pensions and salaries, or avail of any of their other rights because they could not produce any identification. Getting identity cards was not mandatory by law, but if you didn't have an identity card, you were essentially unable to avail of those other rights. Thus, when the validity of the passports of these individuals ran out, they were deprived of their other rights. In this case, the Human Rights Defender decided to apply to the Constitutional Court, because the issue needed legislative regulation, that is, it was not possible to find a solution by collaborating with state bodies.

And the Constitutional Court issued a very important decision that once again presented the important guarantees related to the restriction of religious freedom that must be taken into consideration by the legislators when developing new legal regulations. The decision was issued during 2015 and it was based on a 2006 decision by the Constitutional Court, which related to a similar case when some individuals did not want to get social security cards at the time when they were mandatory, and which were necessary to receive pensions or get salaries when employed.

Why did I present this example? Because it demonstrates how, in Armenia, one often forgets during the process of developing new legislation that the positions of all religious groups need to be taken into consideration, and when a person's rights are infringed upon, the principle of proportionality should be employed. The basis of our application and the Constitutional Court's decision consisted of the proportionate restriction of the individual's rights and the lawfulness of this. Each one of us knows that the Constitution, the European Convention on Human Rights as well as the European Court of Human Rights consider the principle of proportionality for achieving the legitimate aim as a priority when it comes to restricting an individual's rights.



What happened during the implementation of our identity card program? The provision of identity cards pursued a single purpose – identifying the individual. But the provision of identity cards to absolutely everyone, without an alternative available to those individuals who do not wish to receive one based on their religious beliefs, goes against the principle of proportionality. Because the identification of the individual cannot be considered a proportionate principle for de-

priving the individual of all other rights. In the end, the Court decided that the individuals would have an identification document that was in line with their beliefs and it proposed that the National Assembly and the executive branch of government develop an alternative before coming up with the final solution, so that these individuals are not deprived of their rights. In 2016, as a result of collaborative work with the Police, the law was amended and the individuals who did not wish to receive the cards were allowed to opt out and receive the old type of passports until 2019. This is a temporary step while the state develops a final solution and provides an identification document in Armenia that is in line with the freedom of thought, conscience and religion for each person, and does not constitute an obstacle for the realization of the given individual's remaining rights. The Constitutional Court stated a very important position in its decision and I think that it should end up as the foundation for legislative development in Armenia. It stated that the individual should never have to face a dilemma between availing of his or her freedom of thought, conscience and religion on one hand and any other right on the other. That is, there should not be a situation when an individual is forced to choose between freedom of thought, conscience and religion or any other rights, like the right to employment or social security.

Coming to the next issue, I would like to invite your attention to a case considered by the Human Rights Defender in 2016, which revealed that several services—such as the Compulsory Enforcement Service and the Rescue Service—have a pre-condition that has to be fulfilled before one can become an employee, which is to confirm that the given individual is not a member of any religious organization. The Human Rights Defender began and continues to investigate the case in the con-



text of international standards and the Constitution. The problem is that the legitimate aim behind this is unclear, i.e. why a person should not be allowed to be employed at the Rescue Service if he or she is a member of a religious organization. If the aim is to prevent any sort of preaching by these individuals, then the law should be worded differently, because this is a separate issue. But to prohibit these individuals from being employed by these services because of their membership in a religious organization suggests that the principle of proportionality has not been taken into consideration, and an absolute restriction has been put in place. This is controversial both from the point of view of international standards and our Constitution, because the principle of proportionality is outlined in our Constitution as the principle for restricting an individual's basic human rights. As I said, the case is now being investigated, and I hope that the next time we meet, I will be able to speak about the positive results and all these controversial laws will already be amended. There is another issue consisting of the definition of being a member of a religious organization. It isn't clear how the legislative side sees this, and how they define being a member of a religious organization, and this could lead to ambiguous interpretation in practice – one case might be considered as membership in a religious organization while another situation might not be considered to constitute membership in a religious organization. As a result of this, issue might arise because of discrimination, when it might be acceptable to be employed in a particular service in one case, but not in another.

I would also like to talk about another issue, which is being raised for several years now both by non-government organizations and the Human Rights Defender. This relates to certain ceremonial activities, like prayer, conducted during classes in school on the History of the Armenian Church. We have received applications related to this issue and non-government organizations emphasize that people with certain religious beliefs do not wish for their children to participate in this prayer or any ceremonial activities. This is an issue that has also been voiced by international organizations, for example the UN Child Rights Committee has also mentioned the problem and I think that this should once again be in the focus of our attention, so that we can resolve the issue taking into consideration all beliefs and everyone's rights.

In general, all these issues are also related to a certain amount of discrimination that exists in Armenia when it comes to the realization of the individuals' right to freedom of thought, conscience and religion. I will probably be repeating what has been said in many conferences, but perhaps the issue is that we do not have unified legislation prohibiting discrimination and, although one is now being developed, the void still exists. As a result, it is very difficult to call those cases which are obvious ones of discrimination by their real name, because we don't have clear legislative regulation and the means to hold people responsible or to protect them, that they can invoke in court in order to get the necessary solution through the authorized legal bodies. I hope that, as a result of the development

of the legislative field prohibiting discrimination, the other related legal acts will also be amended and all discriminatory provisions, which could cause problems in practice, will be amended.

This is the overall picture of the kinds of systemic issues that have been revealed by the Human Rights Defender on the right to freedom of thought, conscience and religion. I would like to mention that the separate applications we receive are very different and there may be cases that are resolved on an individual basis, because they may be issues of how the law is applied, not the legislation itself. I am not presenting these cases on purpose, because I believe that only by solving the systemic issues can we prevent these individual cases from occurring. For this purpose, I specifically mentioned the decisions of the Constitutional Court because the Constitutional Court is the place where the Human Rights Defender can go and have a decision that will mandatorily be executed. Taking into consideration that the Human Rights Defender's decisions are not mandatory in nature, the decisions of the Constitutional Court and the legal position stated by the Court can be used for both a specific case as well for future legislative drafting or law enforcement. For this reason, I consider it important that we have these two decisions in Armenia by the Constitutional Court in 2006 and 2015, which must be placed at the heart of similar legislative drafting or law enforcement in order to prevent such cases in the future.



Ms. Mariam GAVTADZE

Legal expert at the Tolerance Center under the Ombudsman's Office of Georgia

Thank you very much for having me here and for organizing such a meeting, bringing together experts and religious representatives from Armenia and Georgia. I will speak about the experience of the Public Defender's (Ombudsman's) Office in terms of Freedom of religion or belief and what the Tolerance Center operating under the Public Defender's Office does in this regard. I also want to speak about the Council of Religions, which functions under the auspices of the Public Defender (its work is coordinated by the Tolerance Center) and will give a brief overview of the FoRB situation in the country.

The Tolerance Center coordinates the work of the Council of Religions. Nowadays, the Council unites 32 religious organizations and this number is growing each year. The Council was established in 2005 and has been successfully functioning since then. What is so important in this Council is the fact that it is based on democratic principles: every religious organization member is equal in the Council, everybody has equal rights and the decisions are made through a majority of votes. The Council has contributed to the legislative and policy changes in the country. For example, before 2011, the religious minority communities (non-Georgian Orthodox religious communities) were deprived of the right to register as legal entities under public law. The only opportunity was to register as a legal entity under private law. This kind of registration was very important for some religious organizations for the purpose of achieving equality and having appropriate legal status. The Council of Religions advocated for this issue very actively and, despite some problems and resistance from the majority, the Parliament of Georgia passed the legislative amendment to the Civil Code of Georgia in 2011. The Council of Religions prepares and offers recommendations to the State regarding discriminatory practices, legislation and FoRB-related issues.

The Constitution of Georgia guarantees freedom of religion or belief for everyone and stipulates the separation of church and state. However, in practice, proper implementation of legislation and preferential treatment towards the majority religious organization (the Georgian Orthodox Church) remains challenging.

One of the biggest challenges for the country in terms of FoRB is the state's response to the violations of minority rights and hate crimes, including cases of physical abuse, persecution and the creation of obstacles for certain religious groups to pray and express their religion freely. The state response is not adequate: sometimes an investigation is not launched at all, or if it is, it is delayed, or the criminal cases are not given the adequate qualification of the Criminal Code. The Public Defender underlines these problems in each human rights report annually presented to the Parliament of Georgia, but unfortunately the state still remains reluctant towards freedom of religion and equality issues.

In Georgia, in the majority of cases, Jehovah's Witnesses are the victims of persecution and abuse. The number of violations against Jehovah's Witnesses has increased during the last years and in 2014 and 2015, for example, it reached up to 50 cases each year, which is very high. In 2016, there were 25 cases and despite the fact that the number is lower, it is still alarming.

During the last years, a new problem has also emerged: discrimination and violation of Muslims' rights. In 2012, Muslims in the village of Nigvziani faced obstacles when it came to praying freely at their house of worship. The case was not handled adequately by the state. Soon after, in one month, we witnessed another case in another village, and then a third and a fourth and so on. None of these cases have been completely investigated, the investigations are still underway. We do not have a single Muslim person that has officially been granted victim status in any of these cases. Moreover, in certain cases, unfortunately the state itself participated in violations of Muslims' rights, with police using excessive force. In the village of Chela, for example, the minaret was removed from the mosque by the State.



The Public Defender speaks about these cases and statistics, and gives relevant recommendations to the state. However, if you compare the Public Defender's recommendations on freedom of religion of the recent years, you will see that most of them are repeated, since the problems have not been addressed or resolved by the state.

Another problem is proselytism and indoctrination in public schools. Despite the fact that the law on general education prohibits proselytism, indoctrination and the distribution of religious symbols in public schools, in practice it is not implemented properly. My colleague, Ms. Eka Chitanava from the Tolerance and Diversity Institute (TDI), will speak about this in detail during the next session on FoRB and education.



I would also like to overview the legislative framework and discriminatory provisions therein. For example, the Tax Code of Georgia provides certain benefits solely for the Georgian Orthodox Church (this regards VAT, income tax and property tax), while other religious organizations cannot benefit from it. These provisions are presently being discussed by the Constitutional Court of Georgia and we hope that the Court will detect discrimination in the Tax Code. The second one concerns the Law on State Property. Only the Georgian Orthodox Church has the right to buy or receive state land (state property) free of charge. Other religious

organizations are deprived of this opportunity. Since we are having this conference in Armenia, I will elaborate the issue using the example of the Armenian Apostolic Church (AAC) in Georgia. The AAC has churches, but officially none of them are its property. Instead, the AAC is only granted

the right to use them and, in case they want to gain ownership of these churches, they will be unable to purchase the property, which is an obvious case of discrimination. This provision of the law has also been questioned in the Constitutional Court by TDI and other organizations, and we hope this legislative discrimination will be eradicated in the near future.

And finally, the adoption of the anti-discrimination law in 2014 was a step forward. The Public Defender of Georgia is in charge of its implementation and monitoring. The law, however, was not adopted in the way it was intended in the beginning, resulting in some gaps for its full implementation. Therefore, there is a need for further amendments in order for the law to become more effective.

Thank you.



Ms. Eka CHITANAVA

Director of the Tolerance and Diversity Institute (TDI), Georgia

Thank you very much for giving this opportunity to exchange our viewpoints and experiences. Having overviewed the general situation regarding freedom of religion and belief in Georgia, I will now go through several topics.

First, I would like to discuss the state policy pertaining to freedom of religion in Georgia. I will start with the State Agency for Religious Issues. It is a state structure, which was established in 2014. Officially, this agency is a consultative body of the government under the Prime Minister in the area of religion, but in fact the mandate of the agency is not transparent. Its recommendations, which are not legally binding, do not solve the problems that religious minorities are facing in Georgia. On the contrary, the Agency has created additional challenges and I want to underline five basic concerns: the mandate and authority of the Agency; hierarchy of religious organizations and favoritism; granting privileges to the dominant religious institution versus the standard of equality and pluralism; lack of procedures for allocating funds and property to religious organizations; and intrusion into the autonomy of religious organizations and their control.

First of all, the Agency was established without having proper consultations with a broad spectrum of religious minorities. As Ms. Mariam Gvartadze from the Public Defender's Office mentioned, there is a Council of Religions under the auspices of the Public Defender. The majority of the Council members did not approve the establishment of the Agency, because it somehow evoked the historical memory of the Council of Religious Affairs, functioning in the Soviet times. Thus, this step of the government hinted at a policy shift towards the control of religious organizations and I will explain what I mean by saying 'control'.

Within one year after the establishment of the Agency, they presented the document on the Religious Policy of the State, which focused on security rather than rights, on control of religious communities rather than freedom of religion and envisaged to develop a special Law on Religion. The main aim of drafting such a unified law was to impose additional regulations on religious minorities. It should be noted that a plethora of problems pertaining to religious minorities stem not from the lack of such a unified legal framework, but rather from the improper implementation of the laws already in place (for instance, in respect to responding to hate crimes, construction of houses of worship, protecting religious neutrality at public schools etc.) and the absence of effective mechanisms for adequately responding to infringing the freedom of religion or belief.

Hence, the aim of adopting such a law would be to impose additional regulations and restrictions. The document also envisaged to define special statuses for religious organizations in order to create a hierarchy between so-called traditional and non-traditional religious unions, such as newly established religious groups. This document was highly criticized by local and international organizations including the European Commission against Racism and Intolerance (ECRI).

As we have witnessed during the last years, the document I discussed was not only declared as the policy of the Agency, but certain problems occurred in practice, for example, religious minorities face obstacles regarding the construction of houses of worship in different regions of Georgia. The State Agency actively interferes with these issues: while legally local governmental bodies are entitled to grant construction permits, in reality, they cannot do it without the consent of the Agency. That is why the mandate and the authority of the Agency is not transparent. According to its statute it has an advisory function, but in practice, we see that its recommendations, while being legally non-binding, have some kind of obligatory status.



The lack of clearly defined and legally supported procedures of allocating funds and property to religious organizations also constitutes a problem. The existing system of funding religious organizations can be assessed as a violation of the principle of constitutional separation. A major part of state funding goes to the Georgian Apostolic Autocephalic Orthodox Church and the legal entities established by it. Besides central budgetary transfer, various types of material goods are transferred to the Patriarchate of Georgia. Despite the fact that the State refers to financial and property resources transferred to Patriarchate as compensation for damages caused by the Soviet regime, the existing practice represents direct funding of the Church and not compensation. The damage has not been calculated, the time-frame during which the compensation should be completed has not been defined, and the annual transfer of material goods began in 2002 without the adoption of any normative acts establishing a legal basis.

The State has started to additionally fund four other religious organizations since 2014. Based on the Resolution of the Government of Georgia, funds are allocated annually for Islamic, Jewish, Roman-Catholic and Armenian Apostolic Christian communities for the compensation for damages. The mentioned changes were assessed by the Government as a step forward for the protection of equality of religious organizations; however, the mentioned model of funding was based in fact on discriminatory selection criteria of confessions and could not eliminate the existing inequality.



The State Agency for Religious Issues formed contracts regarding the partial compensation of damage inflicted on religious organizations during the Soviet totalitarian regime. According to these contracts, religious organizations assumed the responsibility to spend the amounts received as compensation for purposes pre-approved by the Agency. Within a month of signing the contract, religious organizations are required to report to the Agency regarding the purposes of spending, submitting interim and final expenditure reports. The Agency can also conduct an audit of these reports. The 2014 contracts specified that more than half of the amounts allocated to the Muslim community had to be spent on salaries, while in the new contracts, this precondition is no longer included.

The research report prepared by the Oslo Coalition of the Norwegian Center for Human Rights notes that the Agency replaced the system existing during the Soviet Union with unjust

and arbitrary procedures: “If [the Agency] wishes to operate on the rule of law, and in accordance with the Georgian Constitution and international human rights standards, it should amend its practices immediately.”

The transfer of property confiscated during the Soviet times to religious organizations is also a concern. After the demolition of the Soviet Union, the Orthodox Church received back all the buildings and ruins that had been taken away during the Soviet repressions, but other religious communities have been struggling to regain their houses of worship for more than twenty years. Since the declaration of independence up until today, not a single legislative or political step has been taken for ensuring that religious minorities get their places of worship back.

Restitution of property is particularly problematic for the Armenian Apostolic, Catholic, Evangelical-Lutheran churches and Muslim and Judaic communities. Nowadays, the Agency transfers some mosques to the Muslim community only with the right of usage and not with the right of ownership. Some of the confiscated property is called ‘disputed property’ as the Orthodox Church also claims its ownership on them. Over the years, several government and inter-religious committees were formally organized in order to establish the true origins and ownership of the contested places of worship, however, these committees have performed no real function.

The ‘dispute’ between religious organizations, the state, and the Patriarchate about restitution of the minority historical heritage has been ongoing for years and is a clear example of the State’s systematic discriminatory treatment on religious-ethnic grounds.

To conclude, when it comes to the freedom of religion or belief, the Georgian government sees its principle mission not in promoting this right for all Georgians, but rather in promoting the legal, financial and material interests of the Georgian Orthodox Church.



Mr. Christoph BIERWIRTH UNHCR Representative in Armenia

I thank the organizers of the Conference for giving UNHCR the opportunity to familiarize the participants with the potential displacement dimension of violations of the freedom of religion and international refugee law governing the protection of victims of persecution for reasons of religion.

The history of the concept of asylum is closely linked to religion referring *inter alia* to the traditions of the temple/church asylum, and to historic examples of offering protection to victims of pogroms, such as to the Huguenots who after the Bartholomew's night pogroms found protection in Holland, some Swiss cantons and in Prussia.

The modern-day refugee law is primarily codified in the 1951 Convention related to the Status of Refugees. In its definition it explicitly reflects the international protection needs of persons persecuted for reasons of religion. The definition in Article 1 A (2) of the 1951 Convention establishes cumulative requirements, thus there is a need to assess (i) a fear of persecution, (ii) such fear must be well-founded and (iii) linked to one of the 5 reasons, namely “race, religion, nationality, membership of a particular social group or political opinion.”

Persecution (while not explicitly defined) is understood (by way of systematic interpretation and in conjunction with Article 33 of the 1951 Convention) as a threat to life or freedom or any other serious human rights violation (whether directly from a state or a non-state actor against which a state cannot offer effective protection). Thus, situations in which members of a particular religious group are subject to targeted killings, arbitrary arrest, systematic rape, enslavement due to belonging to such a group would amount to persecution for reasons of religion. While not every instance or form of discrimination will amount to persecution (no *e contrario* conclusion is permitted), a cautious approach is necessary for looking at the cumulative effects of discrimination faced and assessing whether the “*measures of discrimination lead to consequences of a substantially prejudicial nature for the person concerned, e.g. serious restriction on his right to earn his livelihood, his right to practice his religion, or his access to normally available educational facilities.*” (UNHCR Handbook para. 55).

History teaches the need to offer protection in time, to offer protection when risks are imminent and not to wait until victims occur. Persecution for reasons of religion include persecution for reasons of conversion or of not having any religion; thus atheists or followers of Gnostic or other philosophies are covered as well. Not uncommon is a combination of grounds for persecution; persecution for religious and/or ethnic (race/ nationality) may come together.

Now I will briefly address some practical and legal challenges and complicated issues with regard to asylum-claims related to persecution for reasons of religion, referring *inter alia* (i) to the verification of alleged conversions, (ii) to the differentiation between prosecution and persecution (e.g. in context of penal norms protecting religious dignitaries or places of worship), or (iii) to conscientious objections to military service related to religious beliefs.



In my concluding observations, I would like to note the potential role faith-based organizations can have in offering humanitarian response in case of displacement crises and in the facilitation of integration of refugees and other displaced populations. Referring to personal experience gained during the August 2008 conflict in Georgia and in context of the April 2016 escalation of the Nagorno-Karabakh conflict, I would like to acknowledge the spiritual support needs of displaced populations and the important role priests and faith-based organizations had in this regard. Every member of the society can find his or her way to help refugees, to mitigate their plight, and I encourage everyone to do so.

I welcome the idea of this publication presenting the results of the Regional Conference on Contemporary issues of freedom of religion or belief in Armenia, Georgia and beyond, and I would like to thank Eurasia Partnership Foundation and the Embassy of the Kingdom of the Netherlands to Georgia and Armenia for their consistent promotion of the freedom of thought, conscience and religion. The issues that were discussed during the course of the Conference and which, in particular, relate to the state and the church, the activities of religious organizations, are always relevant and require specific solutions to be found.

In the case of Armenia, this statement is doubly correct, taking into consideration the need for legislative reform in this area. As we know, the law that regulates this sector was adopted by the Supreme Council of the Republic of Armenia back in 1991, based on the USSR law “On freedom of conscience and religious organizations.”⁷¹ The Law requires a certain amount of work, therefore, there is a need for some legislative regulations and their update, considering also the 2015 Constitutional reforms and the fact that the Republic of Armenia has joined several international conventions and taken on corresponding obligations. It is also worth noting here that the RA Ministry of Justice is currently working to make amendments to the RA Law on “freedom of conscience and religious organizations” as well as supplements to it, so any open and multifaceted discussion on the freedom of thought, conscience and religion is always welcome. In this sense, this regional and international platform for the discussion of this issue is significant, because it is important during the legislative reform process to take existing international standards into consideration and, why not, the experience of our neighbor Georgia as well. Armenia and Georgia stand close to each other not just geographically, but also from the point of view of certain issues that can also end up with solutions that are close to each other or similar.

The Cantata’s title, refers to singing God’s glory in all countries. Being a western confessing Christian that means that you feel the need to express, you call yourself, in a way, a missionary. Jehovah’s Witnesses are even tasked (it’s not just a calling) with spreading the word of God in order to fill the numbers, the famous 144,000 souls to be saved – mentioned in the biblical book Revelation. And such not only amongst non-Christians, but also to show other Christians the better, the correct interpretation of Christ’s teachings. In my first conversation with the Catholicos in Armenia, we came to discuss ‘proselytism’. That is how missionary activities amongst other Christians are defined. Being active as a missionary means for many western Christians something positive, also when you focus on other Christians. You want to help them see the light as was meant to shine. But here in Armenia proselytism has a negative meaning and I learned your society is very much anti-proselytism.

The Catholics know how to deal with that – they accept this resistance. But Evangelicals (and by definition Jehova’s witnesses) don’t, and that’s why issues, irritations emerge.

But the most bewildering thing is that people from different nationalities in the modern world can choose to appear on the internet or television, beheading a person “in the name of religion” and demonstrating this to the world. It is also astounding that people can invoke religion to blow up ancient cultural heritage, and then secretly sell relics of the destroyed monument on the global black market.

We live in a very strange world, and I hope that the reader will notice

PART 2. FREEDOM OF RELIGION OR BELIEF AND EDUCATION



Ms. Eka CHITANAVA

Director of the Tolerance and Diversity Institute (TDI), Georgia

During the previous session, we mentioned the importance of education, including in reference to freedom of religion. I will now provide an overview of how religion is presented and taught at public educational institutions. Georgia is a multi-confessional and multiethnic country; however, this cultural diversity is hardly presented and reflected in the public discourse.

First, I will briefly overview the legal framework – how it protects freedom of religion and belief and, at the same time, guarantees religious neutrality in public educational institutions. The Georgian law on general education, which was amended in 2005, stipulates that the principle of religious neutrality should be upheld and indoctrination, proselytism and display of religious symbols for non-academic purposes are forbidden in public schools. It also determines that any discrimination in school is prohibited. According to the law, the schools shall protect and support students, parents and teachers to establish mutual respect and tolerance despite their social, ethnic, religious, linguistic and political belonging. However, in practice, the law is systematically violated and the Public Defender, local non-governmental and international organizations frequently refer to this problem. Georgian public schools resemble shrines, where icons, candles and crosses are put out for religious (non-academic) purposes; the Orthodox clergy preaches during academic hours; some non-orthodox students are forbidden to wear religious attire or symbols etc.

The Ministry of Education and Science, which is entitled to observe the implementation of the law, does not address this problem. I will give a few prominent examples which were pointed out by the Public Defender and non-government organizations regarding cases of violation of the rights of representatives of non-dominant religious groups. In 2012, for instance, in one of the regions of Georgia, the teacher baptized a 13-year-old public school student, indoctrinating her for a long time without the consent of her parents. It was known that her parents were Jehovah's Witnesses, so they would be against Orthodox baptism and this in fact led to psychological stress for the student. However, the teacher was sanctioned only for the violation of the internal rules concerning taking the student out of class. There was another case in 2014 when, at a Tbilisi public school, a student, who proclaimed himself an atheist refusing to recognize religious miracles, was beaten by his fellow students. The Ministry of Education and Science has qualified this case of religious bullying as a single case and not a systematic issue. In 2016, an 18-year-old student who was enrolled in one of the public schools in a region mostly populated by Muslims, was instructed by the principal of the school that she could not wear a headscarf or a *hijab* if she wanted to attend classes. The student refused to comply with the teacher's demand and later her fellow students also supported her. The Ministry considered this case, but again didn't identify discriminatory treatment and a violation of the law. On the contrary, the Ministry said that there was no discrimination when it comes to prohibiting the *hijab*, because it is prohibited not for a single student, but for all Muslims. It is important to take into consideration that there are no provisions in Georgian legislation prohibiting wearing religious attire, or any kind of symbols by the students, or by the academic staff.

One of the central problematic issues is the content of the textbooks for the subjects of history, Georgian literature and civic education. The Tolerance and Diversity Institute (TDI), in 2016, analyzed the textbooks of public schools for the mentioned subjects.

We found out that the textbooks are basically written from the standpoint of the ethnic and religious majority. Especially striking is that a certain period in the history of Georgia is mainly considered in a mono-religious and ethnocentric context. Consequently, the narration is basically oriented to an audience of the ethnic and religious majority although the recipients of these textbooks are not ethnic Georgians and Orthodox Christians alone. In history textbooks, the historical narration is built in such a way as to portray other religious denominations (especially Islam) as a hostile force, or to minimize the role and degree of participation of different denominations in the history of Georgia. Often, the mode of narration is not neutral. Several chapters in the textbooks of Georgian literature as well as history use xenophobic language or contain texts of xenophobic content. There are instances of xenophobic references in some texts in the literature textbook; such references are provided without corresponding comments from authors while some questions and comments of the authors represent



examples of biased and xenophobic narration. In some cases, one can find texts built on stereotypical attitudes and these attitudes are used to caricature various ethnic or religious groups. These stereotypical qualities are generalized and assigned to this or that ethnic or religious group, portraying them as having a common negative feature characteristic of the entire group. Frequently, one can also find

descriptions of violence in the “we vs. them” context and these descriptions are provided without critical comments; the violence which “we” (Georgians, Christians/Orthodox Christians) committed against different groups is not described in a neutral language but presented as an event of a positive significance. The role of groups, historic figures, authors of different identities in Georgia’s history or literature is concealed. Figures and authors of different ethnic or religious identities are not sufficiently presented. Those literary texts and historic events that allow the discussion of values of tolerance and diversity by means of providing relevant comments by the authors, offering topics for discussion and putting corresponding questions to pupils rarely represent these groups or do not represent them at all.

In 2015, Georgia’s Ministry of Education and Science declared that it intended to introduce a new subject for third and fourth grade students in public schools – “Society and Me”. Classes would focus on civic awareness, democracy, tolerance, equality and cultural diversity. The Patriarchate of Georgian Orthodox Church severely criticized the program, citing “liberal values” and “gender equality” as threats to Georgia’s traditions and religious mindset. In 2016, the Minister of Education signed off on the standard of the subject with significant changes. Many topics from the previous version had been omitted such as: the words “minority” and “gender”, the whole chapter “What I believe and have faith in”, and topics like “Why and how should I respect other people despite their different religious creed?” and “Why it is not allowed to commit violence in the name of faith?”

To sum up, the public education system in Georgia, in practice, does not guarantee the accommodation of cultural, religious and ethnic diversity; there are frequent systemic cases of discrimination of students representing a different religious creed or ethnic identity. Low awareness on the principles of tolerance and respect for diversity creates an environment where public space is considered as a realm for the manifestation of identities only for the dominant group and others are excluded from it.



Ms. Satenik MKRTCHYAN

Research Fellow at the Center for Political and Cultural Studies of the Yerevan State University

My report is mostly about the content related to religion in the overall discourse on school education in the Republic of Armenia. I will attempt to reveal and demonstrate the expression of religious elements, religious sentiments, and religious practices in school education, as well as knowledge about religion, and how and to what extent the whole system of specific religious affiliation has its place in the educational content and practices. I apologize if this ends up being descriptive in nature to a certain extent, but I think it will consist of useful material for those developing educational policy, for churches considered to be official by the state as well as for NGOs, as information, knowledge or a viewpoint.

Let me start by saying that there are very important questions, such as, should there be any affiliation to a religion or a faith or agnostic views, and the state should be able to provide an answer to this to children and decide the extent to which the school education sector should be intruded by an issue bearing such personal and individual knowledge and sentiments, emotions. This is an issue that has had different solutions in different countries and it is very important that this search for a resolution is seen in all countries, including the Republic of Armenia.

Let me present the current situation in the Armenian school education system from a more anthropological side of education. First, to what extent is that religion and the whole of the content related to it that I mentioned present in the education content? This is important for Armenia, but it's also important to observe the extent to which it is being considered that being a follower of the Armenian Apostolic Church or a Christian—a lot has been written about this in academic circles—is a very important component in people's perceptions. We can see that this whole complex related to religion—which is introduced into the lives of teachers and students outside of school as well, and also through everyday practices that are very difficult to identify and clearly delineate—is present in school. At the same time, the unique role of the Armenian Apostolic Church is visible, and it is mentioned in the RA Constitution, as are the realization of that role and the multiplication of its perception in the education system. These narratives can be seen not just in the subject matter of the history of the Armenian Church, but also in the textbooks developed over the years by different groups of authors for subjects such as the Armenian language, Armenian studies, Armenian history, and Armenian literature. It is important to consider this component in order to understand that what we are saying is a part of the national and public discourse that is very differentiated and disorganized in people's lives, and that there are certain events that have religious overtones and, in some cases, religious interpretations, such as Trndez, Vardavar, that are openly accepted by the public and celebrated in homes and neighborhoods, including schools. Moreover, the appearance of two important Christian festivals can be seen in Armenian textbooks as educational content, i.e. information on Easter and Christmas. Significantly, this is also seen in the textbooks of many other countries, such as Estonia,



as well as Central European and post-Soviet countries. All of this seems to create a general situation where religion, despite everything, is present in literature either as a ceremony, or as knowledge. In this respect, the Republic of Armenia is no exception. Here's another example – we see in Armenia that on the last day of school, children go in classes or groups and visit churches in order to get blessed by priests. This is a practice that is broadly accepted and does not lead to loud argumentation, and occurs in our reality on a regular basis.

Alongside all of this, I would like to mention that

there is content related to religion that is not as much a part of the overall public narrative as it is an education policy, the result of a specific decision and a specific partnership. I would like to speak about the subject called history of the Armenian Church, which was introduced in Armenian schools in 2002. It has become a mandatory subject for grades 5-11 and, in 2010, work began to develop a similar subject for grades 2-4. The subject is called history of the Armenian Church or Christian education and is still in a trial period, with the expectation that it will become a mandatory subject in all schools.

Let me also make a mention of the back story to the introduction of the history of the Armenian Church in schools. In 2001-2002, work began on developing this subject, based also on an agreement signed between the Government of the Republic of Armenia and the Holy Armenian Apostolic Church. Significantly, this was preceded by a wide range of pan-Armenian celebrations on the occasion of the 1700th anniversary of the adoption of Christianity, which led to increased engagement by the Armenian Apostolic Church with schools. In particular, the active participation of schools and teachers was a visible characteristic of the celebratory events. Earlier, after the Soviet atheistic approach, when schools were completely outside of the domain of religion, religious affiliation was also an episode in the nationalization of these schools. It was already permissible to believe, to accept a certain religion and so on, and in addition to other religious organizations that began to be quite active in schools, the Armenian Apostolic Church grew active as well, but they were chaotic and they only became more regulated in 2002 with the signing of the agreement mentioned earlier.

Now, let me address the authors and the content of the subject, as well as the public debate around it. It was developed by the joint work of the state, led by the adjunct bodies of the Ministry of Education and Science, and the Christian Education Center of the Holy Armenian Apostolic Church. The subject is taught by regular civilian teachers, but the training and preparation of the latter is arranged through the partnership of the state and the Church. The subject is mandatory and no procedure exists for refusing to take it. As mentioned earlier during this Conference by the representative of the Office of the Human Rights Defender, there are problems here related to the execution of the freedom of thought, conscience and religion of the student, and these are issues which they directly experience. That is to say, there is the necessity for these issues to be defined and to receive a legal resolution of some sort because the public discourse, the debates that we can see in the press, during interviews, and some public discussions, have already discussed all this earlier and voiced concerns. Coming to the structure of the subject, it spans several years and presents the Bible in the first two textbooks, the structure of the Armenian Apostolic Church, its mysteries and feasts. The textbook for the second year contains knowledge on topics such as the ancient faiths of Armenia and its neighbors, the adoption of Christianity as the state religion in Armenia, the history of the Armenian Church in that time period. The textbooks for the two years following this present the events related to the Armenian Apostolic Church chronologically. The textbooks for the two



years following that also cover these events in a chronological manner. The topics for the 10th grade textbook include Christian morality, the ceremonies of the Armenian Church and customs of piety, while the 11th grade textbook emphasizes viewpoints and Christian, national values. It discusses fundamental values and so on. Along with all of this, in the textbooks for some other subjects over some years, there is also information about the pre-Christian era. For example, the textbook for the 6th grade mainly contains such information as the ancient beliefs in Armenia, as well as about Buddhism, Totemism, and several other such global religions. The public debate surrounding the subject of history of the Armenian Church and the publicly voiced concerns or arguments against it focus on whether or not the mandatory nature of this subject violates the principle of state secularism. Some are convinced that it is a violation, but the argument used to counter this is a reference to the unique mission of the Armenian Apostolic Church as outlined in the Constitution, as well as the existence of an agreement between the state and the Church. Another argument says that the content of this subject is absolutely dominated by the Holy Armenian Apostolic Church, while other religions are not offered as much coverage or are only mentioned in passing. In particular, the Armenian national identity is presented in a purely religious light, bypassing the whole pre-Christian culture of the nation and all non-religious layers of it. Another fact that we can notice is that the textbooks for the first two years in particular often feature content that teaches and interprets the Bible and theological incidents, rather than presenting history, which the authors start to come to only in the textbooks for the later years. Another fact that can be observed is that the textbooks, in essence, do not just contain knowledge about religion, but also feature practical actions for religious improvement, so to speak, such as prayer, for example. And this becomes more similar to preaching. In the end, let me say that this new subject, which is being developed for grades 2-4, and is still in the trial period, is entering an earlier period of childhood, going to smaller classes, and I hope to see an engaged discussion about this in the public as well as in parent communities.

Thank you.



Dr. Ansgar JOEDICKE

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In my short statement, I will talk about religious education in public schools and, more specifically, I will talk about the question of who qualifies to be a teacher in these classes. Finally, I will argue that the selection of teachers depends very much on both the social power of the dominant religion and the state's religious policy.

From a human rights perspective, religious education is strongly connected to fundamental questions of freedom of religion. A couple of things seem to be obvious. Talking about religion in public schools should not violate freedom of religion and it should promote the approval of religious freedom.

Generally speaking, religious education:

- » should support social and religious pluralism,
- » should teach a variety of religions,
- » should not contain hate speech against ethnic and religious groups,
- » should not force anybody to practice religion, and
- » should not force anybody to follow the belief of a specific religion (proselytism).

However, other aspects of the concept are still debated. Among them, the most important is the possibility to opt out.

In 2007, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) published the widely acknowledged *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools* with a lot of advice for legislators, curriculum experts and schools. This document justifies religious education at public schools by

‘two core principles: first, that there is positive value in teaching that emphasizes respect for everyone's right to freedom of religion and belief, and second, that teaching about religions and beliefs can reduce harmful misunderstandings and stereotypes.’¹

This positive—and maybe, optimistic—evaluation of religious education classes is related to reforms in many countries which introduced religious courses under the auspices of the state. Starting from the 1980s (in some countries even earlier), many reforms have taken place. There are examples from Switzerland, Sweden, Germany, Britain, Canada and many more. Furthermore, this tendency holds true also for countries outside the so-called “West”. Russia followed in 2013 offering a choice between different modules.

However, in all these countries the historical circumstance, the religious traditions, their character and social role in society are completely different. So are the titles and the concepts of these courses. Nevertheless, in all these cases, there is a state interest in teaching about religion mostly legitimised by the pluralist society's civic needs.

1. <http://www.osce.org/odihr/29154>; p.11-12.

I will not touch on the big debate about the problems of this school subject. My question here is a very restricted one: who are the qualified persons to do this kind of teaching?

Interestingly, the Toledo principles speak about teachers only briefly. The core passage is the following.

‘An individual’s personal religious (or non-religious) beliefs cannot be sufficient reason to exclude that person from teaching about religions and beliefs. The most important considerations in this regard relate to professional expertise, as well as to basic attitudes towards or commitment to human rights in general and freedom of religion or belief in particular, rather than religious affiliation or conviction.’²

Let us put aside the first sentence for the moment – I will refer to it later. The second part of this paragraph points out two conditions. First, teachers should have professional expertise. Second, they should have a commitment to human rights. Both conditions are vague. What proficiency should they have? A commitment to human rights might be true, but it is very difficult to verify this commitment.

I would like to draw your attention to the social circumstances in which religious education reforms take place. Most societies are dominated by one, or sometimes two, religious traditions which make claims on resources, political influence and, for example, their contribution to national identity. It is especially true that, in schools, major religious groups have an influence in many countries. This has not completely changed with the aforementioned reforms.



When new school subjects are introduced to the curriculum, old subjects will be suspended. How can the implementation process succeed, in particular in terms of teacher formation and selection? In more concrete terms: what will the state tell the “old” teachers? Are we talking about a completely new and different subject? Or do we talk about a reform of religious education?

To illustrate my argument, I would like to draw on a recent example from a Western European country: the small state of Luxemburg. The population of Luxemburg has a Catholic majority (around 70%) and around 25% of the population has no membership in one of the recognized religious groups. Consequently, the Roman Catholic Church has a dominant position in the religious field and is a powerful institution in the country.

In Luxemburg, a reform of religious classes took place between 2015 and 2016. What happened is paradigmatic for other changes in many countries during the last 35 years. The reform in Luxemburg has mostly been described as a move towards a separation between religion and the state. What is specific for the case of Luxemburg is that the reform is part of a more general negotiation between the state and the religious communities. It comprises contracts between the state and the religious communities with action plans for the next 20 years.

Before the reform, Catholic religious education was a school subject for many years. Those who opted out had to follow a course called “Moral and social formation” (*Formation morale et social*).

2. Toledo Guiding Principles, p. 59.



The reform, in short, replaced both school subjects with a new subject called “Life and society” (“*Vie et société*”).

The official curriculum tells us the following aims:

“The school subject “life and society” contributes to the pupils’ personal, social and political formation (*Bildung*). This includes historical, philosophical, religious, or even cultural and esthetic aspects. ...The school subject will strengthen the living together and the cohesion in a multicultural society.”³

Obviously, such a school subject corresponds to the above cited Toledo principles. The subject is under the auspices of the state; the subject is compulsory; the teaching is about a variety of religions and it does not introduce one single religion from an insider perspective.

Let us now look at the teachers of the new subject. The two subjects before the reform were taught by two types of teachers.

The majority of the teachers followed a formation in Catholic theology. They were not priests but theologically-educated professionals.

A minority was responsible for “Moral and social formation”. These teachers mostly graduated in philosophy.

During the process of the reform, both groups intervened in the public discussion with different arguments. We may simplify the public debate and distinguish two perspectives.

The teachers of the former school subject “*Formation morale et sociale*” were organized in an organization called ALPE (*Association Luxembourgeoise des Professeurs d’Éthique*). They argued that the new subject should be close to their subject “moral and social education” and opted for philosophy as a referential academic discipline. They themselves offered to be the future teachers in this subject. However, when the new subject was introduced, they were strongly disappointed. The political logic of compromise had, in their view, produced a fuzzy school subject related to many academic disciplines and without a clear ethical focus.

The majority of the teachers in the old system are Catholic teachers with a theological formation. Their views are mostly liberal. They found themselves in the situation of being accused of partisanship that did not meet their own understanding of their teaching. In a public communique, the Catholic teachers’ organization declared:

“We are surprised that some representatives of “*Formation morale et sociale*” ...try to present themselves as the better teachers for the new subject. They pretend that only they are able to teach religion (*fait religieux*) neutrally and objectively.”⁴

3. Rahmenlehrplan für das Fach Leben und Gesellschaft, Juli 2016 (<http://www.men-public.lu/fr/actualites/publications/themes-pedagogiques/education-citoyennete/vieso-rahmenlehrplan/index.html>). All translations are mine (AJ).

4. Komitee der Religionslehrer im „enseignement secondaire“ (<https://www.cathol.lu/eglise-et-societe-kierch-a/education-erzeigung/instruction-religieuse/article/zum-einheitlichen-werteunterricht>).

Both groups of teachers struggled in public debates regarding their competencies. Both groups supported the new school subject. However, they disagreed on the specific proficiencies for teachers. Obviously, this micro-debate is related to the bigger debate about the place of religion in society. As mentioned earlier, the school reform took place within a general public debate about the relationship between state and religion.

The teachers of Moral and Social Formation viewed their Catholic colleagues as a distinctive religious group with particular interests and values. According to this perspective, the teachers of the dominant church are not neutral and should only be responsible for their own religious people but not for a state designed school subject.

The teachers of Catholic religious education understood themselves, firstly, as a majority religion with a right to at least participate in the public representation of religion. And, secondly, as an important social institution rather than a specific religion.

The state's final decision in Luxemburg, not surprisingly, was influenced by economic constraints. It is, obviously, very expensive to completely exchange a whole generation of teachers for one minor school subject. So, the state decided to offer continuing formation for all teachers.

The example from Luxemburg demonstrates how social conditions frame the implementation of religious education classes. The group of religiously educated teachers still participates in teaching.

As public schools are in the public domain, religious education policy is part of the religious policy of a state. Almost all examples over the world prove that the states' religious policies do somehow include the most powerful religious group or groups. Consequently, a contribution of the most powerful church or churches to religious classes is most probable. We can view schools as being part of this public sphere and religious groups, the more powerful they are, want to take part in any religious communication.

My brief analysis did not answer the question which of the groups in Luxemburg would provide the best teachers. On the one side, I am convinced that the Catholic teachers are right assuming that they already developed a liberal and pluralist teaching within the last 50 years. On the other side, I would agree with the teachers of Moral and Social Formation that the new subject lacks a clear focus.

Furthermore, my analysis did not go into detail whether a specific selection of teachers would more probably violate freedom of religion in their teaching. As we have seen before, the *Toledo Guiding Principles* demands a strong commitment to freedom of religion of the teachers. Moreover, there is an important additional statement. 'An individual's personal religious (or non-religious) beliefs cannot be sufficient reason to exclude that person from teaching about religions and beliefs.'⁵ When considering that many countries have strong churches and that these churches provide teachers, it is obvious that the *Toledo Guiding Principles* thus touches on a difficult topic.

In Armenia and Georgia, serious public debates are taking place about religion as a part of the curriculum. This is quite normal in democratic states. Different positions in these debates are currently not leading to a simple consensus. However, this is a normal part of democratic and social negotiation. As we have powerful churches in both countries, any kind of religious teaching will not be without the influence of the churches. However, the public negotiation on the role of religion in society opens the opportunity to maintain peace in a pluralist society.

5. 2007, p. 59



Dr. Jeroen TEMPERMAN

Editor-in-chief of the Religion & Human Rights International Journal, Associate Professor at the Erasmus School of Law, Erasmus University Rotterdam, Netherlands

Thank you very much for the kind invitation. I will speak about freedom of religion or belief in the area of education specifically from the perspective of international human rights standards. Namely, I will illustrate the applicable international human rights law both in relation to religion and education. I have a triple focus: I will ask three questions today and will briefly try to answer them. First, do pupils have autonomous religious rights in the educational context? Second, what are exactly the states' human rights obligations with respect to parents and children's rights in the area of education? Third, are those international standards as interpretations by international monitoring bodies subject to academic critique, or not?

I will be very brief on the first. Why is this even a relevant question? Because in the area of religion and education, something very unique happens in the international human rights law: the right to exercise religion in the classroom has been provided both to children themselves and to their parents. If you look at the international standards, the right to freedom of religion or belief is clearly very strongly supported by international standards at the universal UN level, and at the regional level. The same goes for the right to education. Children have been granted autonomous religious and educational rights under the UN Convention on the Rights of the Child. Furthermore, something very unique indeed happened in international human rights law in the sense that when the International Covenant on Civil and Political Rights was negotiated, some representatives suggested one final amendment. It was tabled that in regards of the liberty of parents, parents must be in the position to ensure the religious and moral education of their children in conformity with their own religious or philosophical convictions. Of course, a big question emerges: which right triumphs in case of a conflict between the rights of the parents and the child? Well, there are different ways of legally addressing that, but I think the most specific on this potential conflict of rights and on conflict of interests is the approach of the Committee on the Rights of the Child. Using such notions as the "best interest of the child" and, especially "the evolving capacities of the child", which are enshrined in this Convention of the Rights on the Child, the Committee on the Rights of the Child reasons that as the child matures, the child's abilities evolve, and parental liberties accordingly recede. So, when the child is very young, parental liberties are clearly dominant, and then as the child matures and as his or her capacities evolve, the child's autonomous religious and educational rights become more and more dominant to the extent that at some point, they should be fully autonomous. This can be distilled from the fact that the Committee on the Rights of the Child asks 190+ state parties to the Convention of the Rights of the Child to report on the question as to when exactly the child becomes fully autonomous to exercise these rights. The Committee feels it is competent to ask these questions in this area, but, of course the Committee has not dictated an exact age, i.e. an exact absolute number in this sphere. It suggests that this should take place sometime before reaching legal maturity. If you look comparatively at the states' practice, there are only very few states that have decided to legally set this age for maturity, which are accordingly rare forms of state practice.



I will now move to the second question, which concerns human rights international standards in the area of religion and education and what exactly is required in terms of the states' human rights obligations. I will sum up one convoluted formula, which goes as follows: for the state to essentially fulfill its human rights obligations, flowing from the rights to education and to freedom of religion or belief it should (i) either deliberately design an educational system and a curriculum which transmits the knowledge in a critical, objective and pluralistic manner, or (ii) if it allows traditional religious instruction at public schools (for reasons of church prerogatives or other historical reasons), it must grant adequate opt-outs. This sounds like a workable formula. Moreover, it is up until today the dominant formula within all international monitoring bodies that are looking at these rights. Nonetheless, I will illustrate that it might be very difficult to first fulfill it, and second, this formula is increasingly subject to academic debate, especially the last part about opt-outs. Let's start with an overview of forms of state practice that run counter to that formula of either designing a neutral curriculum, or providing opt-outs. Bearing in mind the formula of creating a neutral curriculum or allowing for opt-outs, it is clear that if a state obliges pupils to take religious instruction in the traditional sense within the realm of public schools it will run counter to both religious and educational rights. We do not have to think only in terms of religious states as usual suspects: a number of forms of European or Western hemisphere states practices also run counter to this rule. Perhaps more subtle is the question concerning the situation when a state basically resigns to the fact that the church traditionally organizes education, which was true for many states, where education was simply a service provided by churches. In that regard, international human rights monitoring bodies have concluded that states cannot simply allow that to happen. They must instead be proactive in creating truly public forms of state education. If education is monopolized by religion, the state cannot stand by and argue that this is simply the population's wish, as there are always minorities, including non-religious minorities that would face real problems while enrolling into public education. For instance, there have been reports of forged baptism certificates or of forced conversions in order to enroll into these schools.

Another question that I will glance at very briefly is the question of introducing the type of pluralistic education that Mr. Ansgar Joedicke extensively touched upon in his previous presentation. From state practice and from jurisprudences, it transpires that even very well-meaning efforts are sometimes accompanied by forms of teaching that are not pluralistic, or the forms of state practices, where one can question how well the opt-out mechanism works.

I will finish off with the third question I raised in the beginning of my presentation. How long can

that formula of either designingly creating a neutral curriculum or allowing opt-outs be maintained by reference to international human rights law? And here it is interesting to see that this system is criticized from especially social legal science perspectives. The case law itself still retains this possibility of opt-outs as kind of “saving” a course which possesses elements of traditional religious instruction. The case law suggests that some forms of opt-outs are defective, yet can be fixed by, for instance, allocating a truly one-off religion subject, like one hour a week, or as long as it is a well-rounded subject, preferably at the beginning, or at the very end of the school day, so that an opt-out is not so interfering as in other situations. Obviously from case law, it also transpires that opt-outs should be available to everybody and, in many states, this is not universally offered. Especially members of the dominant religion in some states cannot avail of the opt-outs, which creates a situation where religious coercion is a reality. In many instances, in many forms of state practice, parents are simply not informed about their right to avail of these exemptions for their children. These more pragmatic issues can indeed be remedied by changing practice, but there are a number of concerns about opt-outs that are far more systemic. I think the most important ones are the privacy of parents and children and the risk of marginalization of those who avail of the opt-outs. Firstly, I think it is obvious that whenever states work with opt-outs instead of opt-ins the burden lies on parents to stand out and let the authorities know that they do not belong to what is the dominant religion, something that interferes with the privacy of their religious convictions. Secondly, and this comes from a number of recent social legal studies, the pupils who opt-out of public schools are subject to bullying. What is even clearer is that these pupils might themselves suffer from identity issues, they might not understand the reasons for being treated differently from their peers, from their fellow pupils within the classroom, or having to stand in the corridor, or stay at home, which might also cause frictions within the family spheres. If these systemic concerns hold true let me then conclude controversially: if they cannot be fixed through the opt-out system, I believe it is time to reconsider the formula in international law; instead of believing that the opt-out is the savior, perhaps we should treat it as the problem. Thanks for your attention.



Ms. Lene WETTELAND
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Dear all, thank you for inviting me to this interesting conference and for the opportunity to share the Norwegian experience related to Freedom of Religion or Belief and education.

I am not an academic, but the Norwegian Helsinki Committee approaches the topic of religion in education from a human rights perspective, and we are actively involved in such discussions in Norway and Kyrgyzstan in particular. For expertise I will refer to two women – Dr. Ingvill Thorson Plesner from the Norwegian Center for Human Rights, and my mother.

Dr. Ingvill Thorson Plesner recently published this book on politics of religion in Norway. For the sake of saving time I will skip most of the theoretical analysis from this excellent book. I will merely present some basic models and only encourage you to research her excellent work in this field more in detail.

Plesner identifies five models for politics of religion, from atheist via separation, pluralism and establishment to confessional. From these five, the middle three are compatible with human rights, the first and last are not.

Norway has kind of moved from the establishment model of a state church closer to the pluralist model, but is not yet there. In the pluralist model the state should facilitate religion for individuals and groups, but not enforce it. Plesner has introduced the phrase “actively supportive” to illustrate the role the Norwegian state has taken.

Hence, there should be cooperation, knowledge and understanding between the believers of various religions, and the public schools have to teach about religion, but not teach religion. Several questions remain as to whether religion should be taught as a separate subject or part of another subject; external or internal perspective; compulsory or optional; who should be the teachers and so on, but I recommend reading the book and researching Plesner’s considerations around this discussion for more detail.

Now, I will briefly talk about the Norwegian experience in this regard, from the “K” and “L” to the “KRL” to “RLE” and back to “KRLE”, something which also brings me back to considerations made by Dr. Joedicke on who should teach these classes, and to Dr. Temperman’s considerations on the “opt-out” possibilities. And here I will also get back to my mother.

When I grew up in the eighties and early nineties, the subject was called “Christianity” or “Life stance”, and one could opt out from the Christianity class, which was fairly confessional. In many places there were alternative classes for those of other religious beliefs, or the life stance classes. However, I come from a small place, and there was no alternative to Christianity. So my mother told me to attend, listen to the stories so that I could later understand references in literature and art, but not take part in the singing and praying. And so I did, and of course went into some discussions with the teachers along the way.

But many parents were not satisfied with this subject, as it was stigmatizing to take your kid out from the class, and there were not always sufficient alternatives. The classes also separated Christian or perceived Christian kids from kids from other religions and cultures, who then didn't learn about other religions or the predominant religion in Norway respectively. So an action group started protests and campaigns in 1996, and in 1997 the subject was changed.

From 1997-2008 the subject was compulsory and called "KRL": "Christianity, Religion and Life Stance." One third of each. The intention was to have all kids in the same class, learning the same thing, with majoritarian weight on Christianity. But here we come back to Dr. Joedicke's questions about who should be teaching this subject, and to my mother. As a teacher, she saw that many of the same teachers that taught the Christianity classes continued teaching the new subject, but didn't really change it much. So she decided to take the additional exams so that she could also teach it, coming from an open mind learning about the interesting features about all the religions.

And even though the intentions behind the new subject were good, parents were still not satisfied. The Christianity part was still very confessional, and even though there was an opt-out possibility for these particular parts of the classes, it was too difficult and stigmatizing in practice. Muslim parents and parents from the Norwegian Humanist Association therefore complained to the UN Human Rights Committee and to the European Court for Human Rights. In *Leirvåg and ors vs Norway*, the UN Human Rights Committee found that Norway had violated CRC Article 29 on Aims of education, and ICCPR article 18 on Right to freedom of thought, conscience and religion. In *Folgerø and others vs Norway* the ECHR found that Norway had violated Article 2 on Right to education, and article 9 on Freedom of Conscience, religion and thought.

In practice, they agreed with the parents that even though the intentions were good, the possibility for partial exemption from class was discriminatory and too big of a burden, it created undue exposure and was difficult to implement in practice. The courts also saw the subject in relation to other legal acts in Norway, where the preamble of the law on education said that children should be "raised in the Christian faith."

Of course, being found to have violated human rights both in the UN and the Council of Europe was very disappointing for Norway, who always has considered itself a champion of human rights. Also here there were voices saying that we know better than these courts, they don't understand the Norwegian context, we had good intentions, etc. In fact, one of the main conclusions from the verdicts was that good intentions are not enough. In the end they took it very seriously and made a range of changes.

First, the Constitution was amended from reading "Evangelical-lutheran religion remains the official religion of the state" and "parents should raise their children in this the same faith", to now also include "Christian and humanist heritage" and being a people's church rather than the state's. In the same paragraph, democracy, rule of law and human rights were also included.

The law on education was also amended from reading "Christian and moral upbringing" to including "Christian and humanist heritage", sharing common values with other religions and life stances as well as human rights. In addition, a commission was set up to investigate the role of religion in Norway, and decisions were made to abolish the State Church.

So, from 2008-2015, the new subject was called "RLE, Religion, Life Stance and Ethics". No longer one-third Christianity, but Christianity is one part of the third describing all world religions. Again, the subject is compulsory. The curriculum also underlines that the subject should be taught with the "same pedagogical principles" as other subjects, and the law on teaching reads that the subject should be "objective, critical and pluralist."

In 2012, the conclusions of the commission were introduced, but since the subject was already

changed and the State Church about to be abolished, it was put away for a while.

Then, one should think that we had finally reached a compromise that satisfied all, including international human rights bodies. But no, then we had a new conservative government in 2013, where the Conservative and the populist parties have the liberals and the Christian Democrats as support parties in the coalition. And in internal negotiations between these ruling parties, the Christian Democrats managed to reintroduce the “K” for Christianity, so from 2015 it is again called “KRLE”, Christianity, Religion, Life Stance and Ethics. The subject remains more or less the same, but the “K” has been added to the description.

This is not necessarily problematic in a legal sense, as supporting legislation, even the Constitution, has been amended to underline Freedom of Religion or Belief, human rights and neutrality, and the State Church has been abolished. However, ethically and for society, the change can be alienating for the non-Christians, and it also revives a debate that we thought was over. This is now a big topic for the parliamentary elections in September, so I can only say stay tuned.

In conclusion, I would like to draw your attention to a couple of issues.

Firstly, good intentions are not enough. Even where the intention of the majority belief and rulers is good, mistakes can happen if not all voices are heard and taken seriously.



Secondly, this of course means that civil society should have a central role. Authorities and majority should not just accept their input, but also, create an environment that encourages input and dialogue and even facilitates the debate. For example, the Norwegian action group that was created in 1996 is now an established organization with representatives from various religious and belief communities. The current head is a female former head of the Mosaic community in Norway, before her, a young Muslim, and so on. They contribute positively in various discussions – after the 22 July 2011 terror attack in Norway where kids of various beliefs and non-beliefs were murdered, they made a good example by facilitating joint grieving sessions with various religious leaders, the Prime Minister and the King. Also, they regularly provide input to commissions and discussions on religion in society.

And finally, critical, analytical thinking about what is being taught is as important in education about religion as in any other teaching, and education should facilitate this critical thinking and skills for analyzing information of any kind.

Thank you.

welcome the idea of this publication presenting the results of the Regional Conference on Contemporary issues of freedom of religion or belief in Armenia, Georgia and beyond, and I would like to thank Eurasia Partnership Foundation and the Embassy of the Kingdom of the Netherlands to Georgia and Armenia for their consistent promotion of the freedom of thought, conscience and religion. The issues that were discussed during the course of the Conference and which, in particular, relate to the state and the church, the activities of religious organizations, are always relevant and require specific solutions to be found.

In the case of Armenia, this statement is doubly correct, taking into consideration the need for legislative reform in this area. As we know, the law that regulates this sector was adopted by the Supreme Council of the Republic of Armenia back in 1991, based on the USSR law “On freedom of conscience and religious freedom”. Therefore, the Law requires a certain amount of legislative reform, review of some legislative regulations and their update, considering also the 2015 Constitutional reforms and the fact that the Republic of Armenia has joined several international conventions and taken on a number of international obligations. The RA Ministry of Justice is currently working to make amendments to the RA Law on “freedom of conscience and religious freedom” as well as supplements to it, so any open and multifaceted discussion on the freedom of thought, conscience and religion is always welcome. In this sense, this regional and international platform for the discussion of this issue is significant, because it is important during the legislative reform process to take existing international standards into consideration and, why not, the experience of our neighbor Georgia as well. Armenia and Georgia stand close to each other not just geographically, but also from the point of view of certain issues that can also end up with solutions that are close to each other or similar.

PART 3.

FREEDOM OF RELIGION OR BELIEF AND SECULARITY

The Cantata’s title, refers to singing God’s glory in all countries. Being a western confessing Christian that means that you feel the need to express, you call yourself, in a way, a missionary. Jehovah’s Witnesses are even tasked (it’s not just a calling) with spreading the word of God in order to fill the numbers, the famous 144,000 souls to be saved – mentioned in the biblical book Revelation. And such not only amongst non-Christians, but also to show other Christians the better, the correct interpretation of Christ’s teachings. In my first conversation with the Catholicos in Armenia, we came to discuss ‘proselytism’. That is how missionary activities amongst other Christians are defined. Being active as a missionary means for many western Christians something positive, also when you focus on other Christians. You want to help them see the light as was meant to shine. But here in Armenia proselytism has a negative meaning and I learned your society is very much anti-proselytism.

The Catholics know how to deal with that – they accept this resistance. But Evangelicals (and by definition Jehova’s witnesses) don’t, and that’s why issues, irritations emerge.

But the most bewildering thing is that people from different nationalities in the modern world can choose to appear on the internet or television, beheading a person “in the name of religion” and demonstrating this to the world. It is also astounding that people can invoke religion to blow up ancient cultural heritage, and then secretly sell relics of the destroyed monument on the global black market.

We live in a very strange world, and I hope that the reader will notice



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It is imperative to take on board the seemingly vexed issue of secularity and secularism in relationship to questions of how to think about it and adjudicate issues of freedom of religion.

My presentation will primarily focus on three issues. First, I will contextualize the countries under consideration here—Armenia and Georgia—by placing them in the global context, and especially in the context of societies, which are in sociological research conceptualized as “small states”, “small societies”, or “small nations”. Secondly, I will address the issue of multiple secularities. That is an idea that we have developed in a research project at the University of Leipzig. The third issue I will talk about is the question of how and why the issue of secularism or secularity figures in judicial dynamics around freedom of religion and how courts use this concept in the world today. I will look specifically at European and North American dynamics.

So let me say a few words on what I see as sociological particularities of small nations, small states, and small societies in the context of pathways to modernities. These issues have been prominently addressed by the famous Israeli sociologist Shmuel Noah Eisenstadt who is more famous for his work on great civilizations and the question of how great civilizations develop their own breakthroughs to modernity. He also has developed a less well-known work which is on small states, small societies and small nations in which he looks at the question of why the small nations seem to be particularly prone to have their cultural identity or their religious identity as a central part of their national identity. If you look at presumably big nations, such as France, the United States or Great Britain, they have not been pushed into developing religious identity as a major part of the national identity because they have not developed in the same way as small nations, small states. So, historically, nations in imperial frameworks, i.e. nations that have been part of broader empires have been rather fragile. Take for instance the nations that lived in the Hapsburg Empire, in the Ottoman Empire, in the Russian Empire or in the British Empire. Many of them have developed around an ethno-religious core that was crucial for their own reproduction for their survival and history.

Currently we can see how these dynamics are being reproduced especially with regard to what we call stateless nations or “sub-state nations”. So here we can look at Quebec, Catalonia, or Scotland; all of them are nations that are part of broader nation-states. But we can also look at other small nations under external pressures and threats such as Greece, Armenia, and Georgia. Here, one important question is whether this threat is imagined or real. I will remain agnostic on this issue, but what matters sociologically is that the imagined or real external threat leads to the reproduction of this ethno-religious core that becomes the central part of national identity.



These dynamics have been explored by sociologists of religion such as David Martin and Stevie Bruce through the concept of “cultural defense”. Daphne Halikiopoulou addressed the Greek and the Irish cases looking at the question of how secularization processes have actually been delayed or have not been very developed as a result of the fragile existence or the fragile state of these small nations, or dependent or stateless nations, or the nations that have broader imperial strings in which the cultural identity of the dominating nation-states was different from the one under the threat, such as in the case of Armenia living under the influence of Turkey and Ottoman Empire, for instance. They thus developed this idea of cultural defense, with religion as a very strong element of cultural defense. This means that in modernity and the contemporary period as well, we see especially close relationships between religion or the church and the nation-state.

However, small nations are not religiously homogenous empirically and neither must citizens be forced into religious homogeneity – and this point is the bottom-line of religious freedom. We can certainly explain the strong links between nation and church as an outcome of historical developments. However, there is a normative imperative that, as in all other open and democratic societies, institutional arrangements of state, religion and national identity must respect and be compatible with human rights and freedom of religion. This is kind of the broad scenario in which Armenia and Georgia are placed. We have these historical pathways where the ethno-religious core was also preserved into the democratic era. But at the same time, as we already discussed this morning, this creates a number of challenges with regard to freedom of religion. What are the possibilities of creating compatibility between freedom of religion and the recognition of that importance of the historical religious heritage, and there are obviously a number of different ways to institutionalize the religious heritage.

This is how I am getting to my second point now: the varieties of secularism and the idea that there is a necessity of some kind of secularism. Regardless of how specifically you define secularism, some kind of secularism seems to be necessary in order to organize religious life in democratic ways. Now, let me introduce the concept of multiple secularities that we have developed in a research project at the University of Leipzig several years ago and where we distinguished secularism from secularity. Secularism is a political or philosophical doctrine, which has legal implications that play out in courts of law, whereas in our understanding, secularity is rather an aspect of societies in the sense that it is a configuration of the boundaries between religious and non-religious spheres in societies. What do we mean by that? First, there are the boundaries between public and private, the collective and individual manifestations of religion. But secularity can then, in broader sense, be institutionalized differently in different societies. And with differently I do not mean the

idea of “more secularism” or “less secularism” which have been expressed theoretically through notions such as “assertive or radical secularism” versus “passive secularism”. Passive secularism is exemplified in the idea of religious community being granted access to the public sphere whereas radical secularism, which is usually exemplified with reference to France, is seen as that political regulation which pushes religion out of the public sphere.

Contrary to that, we are rather interested in the qualitative aspects of secularity and secularism and the differences in kind. We distinguish between different kinds of arguments that are used to justify or refuse the presence of religion in the public sphere, the kind of culturally-anchored sentiments and emotions that people have regarding the public presence of religion, and the kind of institutional regulation of religion. So this is what we could call the religious-secular configuration of personhood, the religious-secular configuration of the public sphere and the religious-secular configuration of institutions. Importantly, people are really homogeneously religious, religious all the time but most people do make space for the secularity in society. The public sphere is thus neither fully religious nor fully non-religious and social institutions are really rarely totally religious or non-religious, but usually composed of different elements.

So we have identified 4 different ends or historical functions that secularity is supposed to fulfill. I only mentioned them in a kind of passing manner. We distinguish between the following forms: (1) secularity for the sake of individual rights and liberties; (2) secularity for the sake of balancing/pacifying religious diversity; (3) secularity for the sake of societal or national integration and development; and (4) secularity for the sake of the independent development of functional domains of society. What we can clearly see is that the idea of secularity being institutionalized for the sake of promoting religious freedom or freedom of the person more generally first started in France and then in the United States. But then as we know now, struggles for religious liberty actually developed very, very different dynamics with regard to religion.

Allow me now to move on to the discussion of the question on how secularism or secularity features currently in adjudication before the courts of law. I will go into the famous case of *Lautsi v. Italy* brought before the European Court of Human Rights, where the question at stake was whether the presence of the crucifixes in the classrooms of public schools in the Italy violated the right of freedom from religion of one atheist student at school. In 2009, the Court ruled that the principle of secularism required the separation of the church and state and used the term secularism to describe this separation. Therefore, the court asked the state to remove the crucifixes from school rooms. Following this decision, a storm of opposition and protest flared up and the Court tackled the issue again in 2011. Then, it came to a completely different understanding: it not only decided in the end that the Italian state had the right to keep the crucifixes in the classrooms chiefly because they are a part of Italy’s cultural tradition, but also because the crucifix was now interpreted to represent the possibility of pluralism in Italy. In this second ruling, the crucifix was seen as a symbol of Christianity that was itself construed as a birthplace of pluralism. Here, the judges drew on a completely different conceptualization of secularism. The judges of the Court who issued the majority judgment argued that secularism was itself an ideology and not a ground that makes a neutral engagement with religious communities possible, hence being itself a party to the competition. This is a very different understanding of secularism and there is an interesting question arising from that: who is usually opposed to secularism in the public sphere of court proceedings? The number one are big churches, which see secularism as an argument to push back majority religions from the public sphere; the number two are multiculturalist or pluralist lawyers that see secularism as a weapon against religious minorities. Let’s look at what happened with the judgments of *Lautsi No. 1* and *Lautsi No. 2*. *Lautsi No. 1* was welcomed by the multiculturalist lawyers because it was an apparent decision against

the privileges of the majority religious community and it was based on a positive understanding of secularism. Whereas, with the Lautsi No. 2 decision on the issue, the concept of secularism was almost ridiculed by the judges and the judgment itself was refuted, being negatively received by the same multiculturalist lawyers, who usually have negative understandings about secularism.

To wrap up, first, freedom of religion is an underdetermined concept: different things can be done in the name of the religion. It is a concept that is open to contestation – similar to what is often said in the American context where freedom of religion and non-establishment are the two paramount values that guide the governance of religion: what is freedom of religion for one is an establishment for the other. Second, state neutrality and secularity are concepts very often used to guide the interpretation of freedom of religion but these interpretations differ according to the kind of society we are talking about—small societies being one major category—and the civilizational pathway that characterizes experiences with modernity as Eisenstadt has argued.



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RELIGION IN THE NATIONAL IMAGINATION: SECULARITY CHALLENGED

In my talk, I would like to pinpoint a gross contradiction between the established, venerable concept of secularity and those societal forces that have constantly challenged it for a few decades, and with growing intensity. One of the main sources of these challenges is the national imagination – both constructed by power holders and cultural entrepreneurs, and shared by larger populations. In this paper, I will draw upon international experience, with a special focus on Russia, Georgia and Armenia, looking at how religion can become a frame for nationhood and thus challenge the conventions of secularity.

1. First – let’s look at a broader picture of current academic discourses, which seem to be soaring in the skies and completely out of touch with reality; in fact, however, in their finest expressions, they do reflect fundamental trends. Let us take two major thinkers of the turn of this century – Jurgen Habermas and Jacques Derrida. There was a huge theoretical argument between the paradigms represented by these two: one (Habermas) promoting the universality of communicative reason, and another one (Derrida) insisting on difference. We can put this argument in terms of inclusion and integration, on the one side, and multiculturalism tending to become a celebration of radical difference, as it has been promoted by Homi Babha and other followers of Derrida.⁶

It looks like universalist values were dominating for a few decades, even more so in the last years of the Cold War. The ideology of universal human rights was based on the notion of universal, common humanity. Accordingly, the idea of national citizenship, ethnic communities, or any other forms of identitarian particularism, had a tendency of weakening, being relativized. Borders were becoming porous and fluid. It looked like this trend was dominating, although there were powerful critics like Derrida and others who were suspicious of all forms of universalist narratives, because universalism always causes such suspicions – suspicions of being constructions (simply speculative) and also that that may hide some imperial, power-related claims; overall, unreduced multiplicity and diversity were opposed to dominating universalism.

The big shift that we have recently witnessed has been an explicit expression of what has been a hidden and purely theoretical critique. The critics of globalism define the debate today. Very soon, after the end of the Cold War, when the liberal global agenda seemed to have dominated, this parallel, opposed paradigm of anti-globalism has been gaining momentum. The nationalist and ethnocentric, deeply particularistic agendas have come to the fore and started to dominate.

6. Russell Berman, “Critical Theory of the Contemporary: Nationalism, Populism, Islamism.” *Telos* 1-2017 (April 2017), at: <http://www.telospress.com/critical-theory-of-the-contemporary-nationalism-populism-and-islamism/>

Precisely that celebration of nationality as a break with any kind of universalism—either liberal or leftist (Communist)—is probably the main trend now. Are we witnessing de-globalization? New nationalist agendas promote not so much an anticipation of the future, but rather the appropriation of the past. The past is more useful for the present than the future. These agendas are more inclined toward organic, homogeneous, insolated social projects rather than dynamic and open social projects. This leads to a new obsession of creating borders—temporal, geographical, identitarian, etc.—this is becoming a new mainstream. We have seen this evolution in Russia starting with the 2000s. We have seen similar developments in Armenia and Georgia in the aftermath of the Soviet Union. In the beginning, for a rather short time, the discourse of universal global values (*общечеловеческие ценности*) was useful and subversive, but then the agendas changed back, and the slogan of making Russia (or the USA) “great again” has become a trendy mainstream.

If we cling to the post-Soviet situation, this “great again”, this search for the past glory was very much linked to the memory of trauma. The past has been so traumatic that these nations cultivate more the memory of trauma, rather than the memory of glory. Hence this overwhelming significance of the notion of genocide not only in Armenia which is well known, but in so many—actually in all—Caucasian national discourses, but also in Russia, where the glory of past victories is clearly associated with the cult of the dead (Victory Day on May 9).

2. What is the place of religion here? Religion becomes, in most cases, a symbolic *fastening, binding* resource for anti-global discourses and movements. Universal humanity has been associated with the advancement of secularity, the weakening of religions. The universal humanity thesis makes each particular religion irrelevant, for each religion has been rooted, contextualized, or “embedded.” With the advance of secularity, religion becomes a natural opponent of globalization. Religion fastens, *re-embeds*, particularistic narratives—national and ethnic ones—that have been constructed and invented (or reinvented) in Russia, Ukraine, Armenia or Georgia.

Look how religion has become a part of the national narrative in Russia, a part of the *Russkii mir*, a foundation of conservative values (traditional values) that now dominate the public debates in Russia and promote self-isolation, a fortress-like mentality, and a sort of new conservative messianism (completely opposed to the futurist messianism of the Revolutionary era in the early 20th century). Religion is seen as the main kernel, the core of historical continuity that brings Russian history together. Religion works as the best basis for such political notions as sovereignty and multipolarity (*многополярность*).

There is a contradiction here with the tradition of secularity (*светскость*) set in the Russian constitution. Constitutional secularity is necessary to guarantee the inclusion of two other categories: (a) other confessional groups and (b) non-believers. But the trend of de-secularization seems to be stronger than the constitutional pragmatism.

Other confessional groups are, so to speak, “tailored” in a way to fit the standard of the de-facto leading faith, Russian Orthodoxy, which works as an ideological support for state policies; those who resist this fitting are suppressed (hence the ban of Jehovah’s Witnesses in 2017). This means that other confessions are tolerated in imperial terms, as linked to ethnic minorities (again, the Jehovah’s Witnesses do not fit this criteria of ethno-confessional sub-groups).

What about the non-believers? They are at odds with the mainstream zeitgeist because they have to consciously *resist* against an imposition of confessional belonging as an intrinsic, unescapable quality.

I do not want to dramatize the crisis of secularity, for the separation mechanism still works, but secularity as a principle is challenged in many ways, sometimes at the local levels not quite seen on the surface in mass media.

Armenia and Georgia have seen similar processes. The idea of oneness—one nation as an organic whole, supported by one ancient Church and one sovereign state—has been very strong. In Georgia it creates problems with minorities (not in Armenia where minorities are practically non-existent), and in both Armenia and Georgia, it creates the problems with those secular-minded people who are trying to resist the pressure of the de-secularizing, particularistic national narrative. Of course, the experience of Georgia has been quite special because of Saakashvili’s modernizing reforms that explicitly promoted a traditional European secularity. I think it did not work, in the final analysis.

3. There is yet another aspect to this contradiction of universality and particularism. Or, rather, we can frame this contradiction in a different way: it’s an opposition of “collective” religions/identities versus individual ones.

It can be true that when we speak of “post-secularity” we think of the loosening of strong secular standards and, in Habermasian terms, giving more room for religious voices to be publicly heard and making them part of the process



of deliberation within a reasonably-communicative, deliberative democracy. In this sense, post-secularity is not opposed to universal communicative space, but rather contributes to it. Post-secularity, so to speak, awakens religious sentiments and sensibilities, and supports those who want to be included in this universal space.

However, this only works when these sentiments and sensibilities are framed in individualized, choice-driven terms. I am not at all sure about the collectivistic, communitarian religious senses whether they indeed can contribute to the universal deliberation. The individual religious choices may be welcomed in this sense, but we have seen in the post-Soviet lands—and in many other places—the strong wave of *collectively-framed* sentiments that are linked to the search of collective self-referencing and self-confirmation – especially when it is a part of national self-determination backed by the government. The collective forms have “monopolized” the religious resources (references, symbolism, experience, etc.). This leads to de-privatization of religion; religion becomes public, and then, at the next step, we can see the emergence of sort of “public, national orthodoxies” – formulating the right ways of being religious (like, in the Russian case, there is a repertoire of traditional, conservative characteristics that are standardly expected from Orthodoxy, Islam, Judaism, or Buddhism). Hence, new challenges come to individual religiosity – now under pressure from a rather dangerous tandem of “the national religion” and “the national state.”

4. Two final reflections. First of all, do these strong religious and national narratives have a future? Can we say that this reaction to globalization, this celebration of the past and national uniqueness is a non-reversible trend? Would not these kinds of reactions be strange and alien for the “digital generations” as they quickly access the global digital-network culture, which irresistibly promotes connectedness, migration, extreme individualism? Are the heavy national narratives and heavy religious narratives foreign to this new, future generation? It looks like they are and that the young people of the digital age are naturally indifferent to “make-this-country-great-again” narratives.

However, there is another factor: we should not forget the geopolitical factor as a source of national identity. The strong sense of national survival, especially in relatively small nations like Georgia and Armenia that are always under the threat of extinction coming from both north and south. We need to keep in mind this reality and this survival strategy and understand why collective public religion has such a symbolic appeal to many. That is why the fragility of a nation may lead to the stronger appeal of national religion, and thus to the fragility of secularity.



Ms. Mariam GAVTADZE

Legal expert at the Center of Tolerance under the Ombudsman's Office of Georgia

In my presentation I will talk about freedom of religion or belief and secularity from the Georgian perspective, particularly, referring to the Constitution of Georgia and a historical overview in this regard.

The Georgian population is about 3.7 million and approximately 83% of the population affiliate themselves with the Georgian Orthodox Church. However, according to various surveys, only a small number out of the 83% actually practice religion. Besides, there are a considerable number of Muslims, the members of the Armenian Apostolic Church, the Catholic Church, Yezidis, Protestant Churches and other denominations.

The Constitution of Georgia declares complete freedom of religion and belief, and the separation of Church and state. Namely, article 9 of the Constitution of Georgia recognizes the special role of the Apostle Autocephalous Orthodox Church in the history of Georgia and its independence from the state. As you see, apart from acknowledging the role of the Church in the history of Georgia, the Constitution does not provide any privilege to the Orthodox Church. Although the Constitution was adopted in 1995, the principle of secularity is not a novelty for Georgia. We had another very good Constitution in 1921, that was considered one of the most progressive supreme laws of its time and it demonstrated quite well Georgia's desire to be a democratic and free independent state. And that text contained even more solid provisions about the separation of the state and the Church.

According to the 1921 Constitution of Georgia, the state and Church were separated and independent from each other, no confession enjoyed special privileges and it was forbidden for any religious group to receive state funding. Unfortunately, soon after its adoption, the Constitution was suspended because of the Soviet occupation of Georgia and, as a result, Constitutional values and ideas of an independent Georgia had not been accomplished during the Soviet times.

After gaining independence in 1991, Georgia officially declared its commitment to be a democratic state and ratified many of the international human right treaties. However, in reality, the country did not meet human right standards: the political, social, economic situation in Georgia was rather poor. By that time, the Georgian Orthodox Church had become a very popular and trustworthy institution in the country. And the President Eduard Shevardnadze, who was losing power and popularity and who was known as an atheist, was baptized as an Orthodox, thus receiving support from this very influential institution. Shortly afterwards, the Church also received remarkable recognition and a Constitutional agreement between the state and the Church was signed in 2002.

The Constitution of Georgia was amended in 2001. A new provision was added to the text according to which relations between the state and the Orthodox Church are regulated by the Constitutional agreement. In 2002, the Parliament of Georgia approved the Constitutional agreement between the state and the Church. I would also like to mention what kind of period this was. From 1999-2002, the rights of religious minorities were frequently violated. Namely, Jehovah's Witnesses were beaten, attacked, and persecuted very often. The Baptist Church had been the subject of the attacks quite a few times. However, the state did not take any measures to protect religious minorities; on the contrary, it signed a very powerful document with the Georgian Orthodox Church.

What is a Constitutional agreement? In the hierarchy of the Georgian legislation, the Constitutional agreement stands above other laws and grants privileges to the Georgian Orthodox Church. I personally do not find the text of the Constitutional agreement discriminatory itself, as this is an agreement concluded between parties and it doesn't mention taking some privileges from other religious organizations or groups. What is discriminatory is the approach of the state, since it has not done anything to sign agreements or to grant any privileges to other religious groups. In reality, only the dominant Church has privileges. These privileges include exemption from the military service, privileges in taxation, in the education sphere and so on.

There were some discussions by that time that the state would sign similar documents with other religious organizations, but they never turned into reality. Today, the Constitution guarantees the separation of the state and Church but what kind of approach does the State have towards the dominant religious church and other religious communities?

During the last years, there were instances when the Georgian Orthodox Church tried to influence certain legislation and resisted their adoption, i.e. the anti-discrimination and local self-government laws, registration issue of religious organizations as legal entities of public law, etc. Unfortunately, following the Georgian Orthodox Church's position, the statements of some politicians proved that they were influenced by the Church and, in several cases, the laws were subsequently amended.

The situation of proselytism and indoctrination by the Georgian Orthodox Church at public schools is also a good example of the lack of secularism in practice. Another example is the selective approach in returning confiscated property during the Soviet times to religious communities: the Orthodox Church has received its property while other religious organizations were unable to gain it.

We also have examples when the state tries to have control over some religious organizations by using state funding or by interfering with their internal work (for instance, a Muslim Sheikh was forced by the Ministry of Interior to write a letter of resignation in 2013).

In conclusion, we can say that the State, on the one hand, tries to impose control over some religious organizations; however, on the other hand, we see how it benefits itself or grants benefits to the dominant Church, which makes us question Georgia's secularity.

Thank you!



Dr. Hovhannes HOVHANNISYAN

Associate Professor at the Department of Theology at Yerevan State University

My report will be sort of a continuation of the theoretical concepts which Dr. Alexander Agadjanian raised about secularization, about “making the country great again” and, of course, about the counter actions to this, to a new form of secularization. The last decade in Armenia was a time for social transformations within the Armenian society connected to the increasing role of the Armenian Apostolic Church within the social institutions as well as within the political life of the country. This process is accompanied by increasing the discourse on the role of the Church in the public sphere, and identity retention in Armenia and the Diaspora. The growing nationalism in Armenia is taking place through the emphasis of religious identity. This is a new kind of manifestation, a new kind of nationalism in Armenia, which is taking place by emphasizing the religious and ethnic identity.

Alongside the growing power of the Church in political affairs, simultaneous secularist processes are taking place in the form of civil society organizations, public activists who don’t want the Church to be involved in the public sphere. So, here I will analyze the interaction between the state and Church in the light of the growth of religious nationalism in Armenia. Rogers Brubaker in his article “Religion and Nationalism” analyzes various forms of interaction of religion and nationalism, their interconnection, forms of manifestation, etc. He shows that in the early stage of the discussions, nationalism was conceived mostly as religious, or nationalism itself as a form of religion. He approaches religious nationalism as a different form of nationalism, which is sometimes represented in the form of rhetoric, meaning without proper content and understanding. Normative and descriptive approaches to the relations of religious nationalism differ from society to society as each society has its specific forms of manifestations for such relationships.

Some other scholars like E. Kedourie try to exclude religion when describing nationalism, considering it as an outcome of modernism. These approaches are based on the perception of the traditional nature of religions as well as the modern nature of contemporary nation-states. However, many theorists do not exclude religion to explain the many faces of nationalism, one of which may be religious or religion may play an essential role in forming, developing and escalating the nationalistic moods, movements or actions. R. Friedland goes further and conceptualizes religious nationalism as a different and specific form of nationalism, which brings together the state, territory and culture.

The identity element is not clearly described here, but the wide context of the term culture enables to explain it as a phenomenon of culture. In this respect, a particular form of religious nationalism should be taken into account to understand whether there is such a phenomenon in reality or religious nationalism is a declarative statement of scholars and political or civic actors aimed at fulfilling their specific agenda. In the public discourse in Armenia, the term nationalism and patriotism are often presented using the same word “Azgaynakanutyun” («Ազգայնականություն»), though there is another word for patriotism as well. And more often the usage of the term in the sense of nationalism is conceived in a more negative sense, while the usage of the same term in the sense of patriotism seems to be more positive.

This normative statement may differ among the liberals and conservatives, who try to interpret the term in accordance with their ideological and political agenda. The term nationalism was first introduced to Armenia's social life at the end of the 19th century under the direct influence of European enlightenment and had, accordingly, a secular connotation and interpretation. Moreover, this kind of nationalism excluded any kind of religion or religious organizations from public life. This kind of approach is referred to religion as a regressive force, which hardens the discussion of the interconnection of religion and nationalism in a more constructive way. At the same time, the criticism of secularist theories and the return of religion to the public space demonstrate that the interconnection of religion and nationalism is quite a complex phenomenon. The secularists think that nationalism and religion should be separated because, being a regressive force, religion marginalizes the idea of nationalism. Religion should be a private matter for each, and religion and the state should be separated. According to M. Juergensmeyer, religious and secular nationalism are in opposition to each other. However, he thinks that religion cannot be isolated from political life and he states that, in the modern world, the religious form of nationalism becomes more popular as it has the capacity to facilitate the synthesis of ultimate meaning and political power. Religion enables people to have social order, while political power enjoys the regulated function of religion.



Now, I will talk about the Armenian situation. In modern Armenia, the Republican Party is in power for around 20 years, and has declared the nationalistic ideology as the main line, based on the ideology developed by an Armenian nationalistic leader in the beginning of the 20th century, Garegin Nzhdeh. As a secular organization, the political party and particularly some of its leaders are in a close relationship with the higher officials of the Church, which enables the Church and its institutions to enjoy more rights and power in different spheres of public life.

This tendency turned into a product in the face of Constitutional amendments in 2005 when a new article was introduced to the Constitution of Armenia. According to article 8.1 of the Constitution, the State recognizes the special role of the Armenian Apostolic Church as the national Church in maintaining the cultural heritage of Armenia and identity of Armenians. The article enables the Church to establish its firm positions in different spheres of social life. The history of the Armenian Church has become a compulsory subject in Armenian schools and it is supervised by the Christian education center in Echmiadzin, which is the center of the Armenian Apostolic Church.

The compulsory subject enables the representatives of the Church to get involved in one of the basic social institutions. This policy has raised various issues and problems in connection with not only the supervision of the subject but also in the involvement and teaching of students from other religious organizations who don't enjoy the right to not attend those classes, otherwise known as the right to opt out. On several occasions, some scandals have broken out around this subject. According to the special research we did in this field, sometimes the teachers of the subject even exaggerated their role in the teaching process. Though they are not instructed to do so, they nevertheless sometimes think that their responsibilities include fighting against "sects", which as they say destroy the unity and integrity of the Armenian nation.

One of these kinds of scandals was associated with the Armenian Minister of Education, who, while



talking about the teachers of the history of the Armenian Church, mentioned that two of them were fired because they belonged to a different religious organization. Later, the Collaboration for Democracy Center NGO filed a lawsuit against the Minister but the court didn't find any discrimination in the Minister's words. Another social institution where the Church has started to enjoy exclusive rights is the Armenian Army where religious representatives have special positions and have direct

influence within local sections of the Army. This enables the Church to represent this ideology under nationalistic concepts, where the Church is the one maintaining the Armenian nation and Armenian identity or the Church has upheld the patriotic mood of the Armenians throughout history and during the Nagorno-Karabakh war etc.

However, there have been no registered cases of pressure on the representatives of religious minority groups, even though the several clergymen serving in the army have publicly expressed their negative attitude towards them mentioning: "We are Armenians and some day they shall understand their mistake". The Army in itself is a closed social institution, which is why many problems remain behind the walls of the army. Even the representatives of religious minorities are convinced that talking about the problems shall harm the army and consequently the country as well. This represents an interesting form of nationalism, which is not religious itself, but affects religious organizations as, irrespective of being a minority or majority, they are subject to the same rules and unwritten laws.

The situation in modern Armenia demonstrates that the secular state and religious actors do not have controversies, but are in close cooperation with each other. It is believed that religion has a special role to play in public relations because of its close association with communal identities and moral legitimacy, in the words of S. Hibbard. The close relationship of the Armenian clergy with the state authorities does not enable them to enforce their function for the formation of communal identity. Another case is represented by a group of nationalist patriots under the name of "One Nation", which spreads information on their ideology by gluing posters in all possible places in Armenia and especially in the capital. Their nationalistic approach is based on so-called moral values, which in their opinion stem from the ideology of the Armenian Apostolic Church. They are convinced that any religious ideology other than the Armenian Apostolic Church should be expelled from the country and prosecuted. Many of their posters represent this approach, that many civil activists describe them as chauvinistic.

The mentioned cases and approaches mostly represent the positions and approaches trying to defend the majority religion for the sake of national unity. They think that equal rights for majority and minority religions would breach the natural harmony within society and make it more vulnerable to external challenges. These actors have a mostly political agenda and many of their announcements and actions have a normative character. They also undertake all efforts to bring Church-state relations closer and even to allocate various state functions to the Church. For this group, religious nationalism or nationalistic ideology with religious element serves as a tool to achieve their goals.

There is also a strong section of societal belief in the secular nature of nationalism, without any

sign of religion. This group is mostly represented by civil activists, civil society organizations and informal groups, who act as nationalists in the public space but without identifying themselves as nationalists, since this term is mostly conceived to relate to people or groups that are in a close relationship with the authorities. This secular group is against the involvement of the Church in the public space or giving the Church or any religious organization privilege in comparison to others, and all religious organizations are equal in their opinion.

Multicultural and multi-religious diversity as well as tolerance to and equality of various ethnic religious or other groups are the basis for the value system and approaches. However, it should be mentioned that this group represents a kind of nationalism that can be called religious in its form but by its content has nothing to do with any religion or religious idea.

There are different nationalistic groups in Armenia and some of them use the concept of religious nationalism to fulfill their political agenda. To reinforce their political legitimacy, the political elites in Armenia move from secular nationalism towards religious nationalism and try to compensate their failure by stressing the threads of national unity and integrity. When the current government of Armenia failed to sign the association agreement with European Union and signed the integration agreement with Eurasian Union, the religious nationalists started to attack secular Europe or as they called it, “Gay Europe”, in order to justify their political failure.

To sum up, what I tried to stress in this report is that there are different groups, different actors in reality with their different approaches and positions as kind of political agenda, therefore we are going to witness more clashes in the sphere of secularization in the future of Armenia.

Thank you very much.

I welcome the idea of this publication presenting the results of the Regional Conference on Contemporary issues of freedom of religion or belief in Armenia, Georgia and beyond, and I would like to thank Eurasia Partnership Foundation and the Embassy of the Kingdom of the Netherlands to Georgia and Armenia for their consistent promotion of the freedom of thought, conscience and religion. The issues that were discussed during the course of the Conference and which, in particular, relate to the state and the church, the activities of religious organizations, are always relevant and require specific solutions to be found.

In the case of Armenia, this statement is doubly correct, taking into consideration the need for legislative reform in this area. As we know, the law that regulates this sector was adopted by the Supreme Council of the Republic of Armenia back in 1991, based on the USSR law “On freedom of conscience and religious organizations”⁵³ and reform the Law requires a certain amount of work, the need for some legislative regulations and their update, considering also the 2015 Constitutional reforms and the fact that the Republic of Armenia has joined several international conventions and taken steps in providing obligations that we do not have that the RA Ministry of Justice is currently studying. Comments to the RA Law on “freedom of conscience and religious organizations” as well as supplements to it, so any open and multifaceted discussion on the freedom of thought, conscience and religion is always welcome. In this sense, this regional and international platform for the discussion of this issue is significant, because it is important during the legislative reform process to take existing international standards into consideration and, why not, the experience of our neighbor Georgia as well. Armenia and Georgia stand close to each other not just geographically, but also from the point of view of certain issues that can also end up with solutions that are close to each other or similar.

The Cantata’s title, refers to singing God’s glory in all countries. Being a western confessing Christian that means that you feel the need to express, you call yourself, in a way, a missionary. Jehovah’s Witnesses are even tasked (it’s not just a calling) with spreading the word of God in order to fill the numbers, the famous 144,000 souls to be saved – mentioned in the biblical book Revelation. And such not only amongst non-Christians, but also to show other Christians the better, the correct interpretation of Christ’s teachings. In my first conversation with the Catholicos in Armenia, we came to discuss ‘proselytism’. That is how missionary activities amongst other Christians are defined. Being active as a missionary means for many western Christians something positive, also when you focus on other Christians. You want to help them see the light as was meant to shine. But here in Armenia proselytism has a negative meaning and I learned your society is very much anti-proselytism.

The Catholics know how to deal with that – they accept this resistance. But Evangelicals (and by definition Jehova’s witnesses) don’t, and that’s why issues, irritations emerge.

But the most bewildering thing is that people from different nationalities in the modern world can choose to appear on the internet or television, beheading a person “in the name of religion” and demonstrating this to the world. It is also astounding that people can invoke religion to blow up ancient cultural heritage, and then secretly sell relics of the destroyed monument on the global black market.

We live in a very strange world, and I hope that the reader will notice

PART 4. FREEDOM OF RELIGION OR BELIEF AND EQUALITY BETWEEN MEN AND WOMEN



Rvd. Rusudan GOTSIRIDZE
Bishop of the Evangelical Baptist Church of Georgia

GENDER EQUALITY IN GEORGIAN PATRIARCHAL SOCIETY

My friends, I must admit that it is a rare opportunity for Georgian reality that different religious communities and the Orthodox Church can sit together and discuss painful issues. I am here to speak about the gender equality issues in my country.

I am a Protestant by faith in an Orthodox country. I am a Bishop of the Protestant Church. I am a Protestant woman and I am a Protestant woman clergy member in a heavily patriarchal society. So all this makes my presentation quite complicated.

I represent a very multicultural tradition where various religions have lived together for centuries. If you come to Georgia, the first thing we will show you is Old Tbilisi and we will proudly show the Orthodox Cathedral, the Armenian Church next to the Synagogue and Mosque (by the way, this is a mosque where Shia and Sunny Muslims pray together).

When you come to Georgia, we will definitely tell you that Georgia is a country that adopted Christianity in the beginning of the IV century. So, I am a very proud great great granddaughter of the first Christians who were baptized by a Cappadocian young woman – Saint Nino, the Equal of the Apostles and the Enlightener of Georgia.

I am a daughter of the culture that said in the beautiful poem *Knight in the Panther's Skin*, long ago in the XII century – “The lion's whelp is a lion, be it male or female”.

I am a granddaughter of the democratic society that gave voting rights to women far earlier than many western democratic countries – it was in 1918, during the two years of democracy before Georgia was invaded by the Soviet Army.

When we Georgians want to show off, these are the facts we start talking about to explain how we understand religious rights, tolerance and women's rights and gender equality. And these are not made-up notions, and they are very much rooted in our culture and worldview. But the problem is that all these facts and data are a little bit outdated.

Unfortunately, this is not the only picture we have in Georgia. Unfortunately, the list of problems Georgian women face is quite long.

I represent a country where femicide is a problem we are struggling to make recognized first. Femicide revealed through selective abortions (we call them “lost daughters”) on the one hand, femicide represented through women murdered by their husbands, ex-husbands, partners, ex-partners, sons, brothers, fathers, by the villagers or others.

I represent a country where early marriage (or child marriage) is a common practice.

I represent a country where the legislation is more or less good and westernized, but Georgia is a country with very poor women's participation in political life.

I am a women's rights and gender equality expert too. Just recently, I was participating in research on Russian propaganda in Georgia. I was in charge of the gender dimension of the research. The result is that, very often, western and democratic values are demonized quite creatively by using gender rights issues – saying that gender equality is an issue artificially imposed, and this aims to undermine Georgian values and Georgian culture. Legally, we are far more advanced than our northern neighbors. They have very recently decriminalized domestic violence and we all saw the speech of Mrs. Mizulina who said “Domestic violence is a part of Russian culture and the law has to be culture sensitive.”



I represent a country where at least one in five women in the country have been the subject of one or the other form of violence, and about one in ten women have been a subject of physical violence, and what is more problematic – I represent a country where research shows that 35% of women think that physical violence against women is often well deserved.

When I speak about these figures, I really lose the appetite to speak about Saint Nino or Rustaveli or the 1918-1921 Georgian democratic republic. A culture of tolerance is not something carved in stone, it's a continuum. It changes because of a shift of a political vector; or because of changes in the economy, or because of a war and bloodshed in the neighborhood. So, I am very reluctant to speak about Georgian tolerance, or how gender equality is very much rooted in our culture.

I remember a caricature where two women meet each other – one is in a very open top and short dress, with make-up and high heels and the other is covered in a *hijab*, *niqab* and only her eyes can be seen. And they both look at each other thinking, “Poor woman, a victim of a patriarchal society.” I think they are both right. Very rarely do women look as they want to look. Very rarely do women wear what they are comfortable wearing. Very often, even experienced democratic cultures fail here. We all remember the French policeman undressing a Muslim woman who was wearing a special swimming suit. Women's rights activists think the *hijab* is a sign of the women's discrimination, so democratic institutions must deal with this problem.

Here is another story of wearing a *hijab*. A little girl in a Muslim village in Georgia was forbidden from wearing her headscarf. In solidarity with her, the next day the whole class came wearing headscarves. When you are a girl in a patriarchal Christian country and you dare to wear a sign of your individuality, sign of your religion, your faith, this is a boldness, this is about emancipation, this is about women's rights.

I represent a highly religious country. I represent a country where being non-religious or being atheist is not a popular trend (you can never run in an election, or can never occupy important public positions if you are non-religious). So, I think every religious community (whether majority or minority) bears responsibility for discrimination and inequality, gender violence and any regression in the tolerance culture which we have in the country.

Some religious communities are contributing to this terrible picture by fueling the problems. In 2014, for example, we witnessed a terrible femicide when about forty women representing a variety

of the social groups were murdered. On Christmas day that very year, the majority of the churches unfortunately failed to address the issue. In his Christmas Epistle, the Head of the Georgian Orthodox Church said nothing about the killed women, but rather said that women should wash their husband's feet. This is what I call 'fueling the problem.'

But I don't think that we are less guilty when we do absolutely nothing. When we do nothing, we are contributing to it in the same way as those who fuel the problem. Therefore, I think taking the responsibility for the discrimination is up to every religious group, because every single religious community is very much reluctant to speak about gender equality or violence against women.

To finish my presentation, I want to say that I understand that every religious community is very much concerned about their teaching, about the theology, about the dogmas, about the scripture. But we all understand that how we speak or how we translate our dogmas and teachings into everyday life is very much part of the political will of the religious community. And we cannot just say "I can do nothing, because God wants women to be in submission." We can never blame whatever God we worship for our wrongdoings.

I think every single religious community needs to realize the harm they are causing in little girls' lives in our country, when they are told not to overtake boys, not to be too ambitious, as this is not of female nature. Women are to be quiet, obedient, wash their husbands' feet (in some regions, the obligation of the new daughter-in-law is to wash the father-in-law's feet). Mostly, religion plays a negative role.

Thank you.



Ms. Isabella SARGSYAN
Program Director at Eurasia Partnership Foundation

Correlation between freedom of religion or belief, and equality between men and women is a very important issue, but I think it is also a bit ambitious to touch upon it in such a limited time slot. However, I would like to present on this issue from a global level rather than just list the problems in Armenia or Georgia. First, let me address terminology issues and explain why I decided to talk about freedom of religion or belief from the point of view of *equality between men and women* and not gender equality. Let's put aside the fact that our authorities have lately declared war against the word "gender", created a taboo out of it and—in my opinion—presented it in a very distorted manner. Indeed, "gender" is quite a broad concept. This means that, if we are speaking of gender, then we must talk about gender stereotypes and gender roles, as well as about the LGBT community, people who have other gender identities, and it is impossible to cover all that in this small period of time. Therefore, I acknowledge the field, but I will speak only about FoRB and equality between men and women.

I believe that in Europe, and not only there, some very important discussions are currently taking place in the context of secularism, which was addressed to a certain extent during the Conference, especially on the issues of where secularism ends and freedom of religion begins, as well as why women's rights are important and interesting from this point of view. A tendency is being observed based on which, for example, women's rights and freedom of religion or belief are seen as conflicting ideas and to some extent in certain contexts, women's rights are being emphasized more and given higher priority. Here, I would like to cite the Declaration of the 1993 World Conference on Human Rights in Vienna, which stipulates that human rights are universal, indivisible, interdependent and interrelated, and there is no hierarchy of human rights from the point of view of international law. Thus, there is no ground in international law according to which women's rights are more important than the right to the freedom of thought, conscience or belief. This is the core position, because very often in this debate, freedom of religion ends up becoming secondary to some extent, and many states try to interfere in some way in the internal lives of religious communities. Without having any solutions or recipes for the latter, I will simply try to provide a voice for some discussions that are taking place around the world, and that we are also witnessing in Armenia. Very often, in the Muslim societies of Europe, women are subjected to discriminatory treatment by their own communities when it comes to issues of marriage, divorce, abortion and other similar cases, but the research conducted by EPF in Armenia has demonstrated that the various Christian communities of Armenia also have certain discriminatory attitudes towards women, and especially girls. For example, our research shows that there are religious communities in Armenia—and not just religious ones but ethno-religious communities, including the Yezidi—where girls are not allowed to use computers or have mobile phones or wear certain clothes or use certain facilities.



So women are very often turned into victims of multiple discriminations. There was a very good article that won a prize in our annual journalism competition; it was called ‘The time of the believer’s daughter’ and the author wrote about how she, as a member of a religious group, was discriminated against at home because she wanted to wear pants for example, but her father prohibited this—despite her mother’s pleas—and she was also subjected to a second layer of discrimination when she went to the store or played with children in the street because the children and the store employees would make fun of her, pointing at her and calling her the ‘whelp of a cult member.’ So these issues exist everywhere—in our society as well—and I would highly recommend reading the report prepared by the former UN Special Rapporteur on freedom of religion or belief Heiner Bielefeldt, presented to the UN General Assembly in 2011, where he tries to examine this issue and understand how the conflict between freedom of religion or belief and women’s rights is regulated, both from a legal and a practical point of view. He proposes looking at the issue not from the point of legality, but to have a broader approach, with the recognition that religions are very diverse and that religions and beliefs have as much of a role to play as, for example, the various—and possibly conflicting—ideas that millions of people have towards life.

Feminist theology, which emerged in the middle of the 20th century and, importantly, is not just Christian in nature, but is also present in Islam, Judaism, and beyond, consists of when women read and try to interpret the scriptures from the point of view of women, or from a gender point of view. Unfortunately, I am not aware of any feminist literature that has originated in the Armenian Apostolic Church, but I know that there are currently women teaching at the Gevorkian Theological Seminary, and around half of the Faculty of Theology at Yerevan State University consists of women. Taking all this into consideration, perhaps we will have female theologians in the future who will look at the Christian scriptures and interpretations in a different light. If we detach ourselves from the Armenian context and look more globally at the changes that are taking place in the world then we will see that, like societies, religions are not static either, and as a result of the developments occurring in theological thinking and in the upper echelons of the clergy, women have found a place in those upper echelons in, for example, the Protestant Church. Every day, we are bearing witness to changes that are occurring with regard to women in different sectors of societal life and I believe that religions do constantly change as a result of which the contradictions will grow milder at the points of intersection of the right to freedom of thought, conscience and religion and equality between men and women.

As a final thought, or series of questions that could be the subject of discussion or debate, I

would like to ask each of you how you picture religion and women's rights in your countries. How are the issues that will inevitably rise in this area resolved? How can we achieve, on the one hand, equality among all religions but, on the other hand, revitalize secular approaches such as the separation between church and state? Mr. Kishan Manocha, the OSCE/ODIHR Senior Adviser on Freedom of Religion or Belief, who we have had the honor of hosting at our Conference, proposed a very interesting issue of wording – freedom *of* religion, or freedom *from* religion? I find that that second extreme exists as well, based on which people say that religion should not exist at all or that religion should not enter the social scene, that religion should not be subjected to any regulation. This is also not realistic and, because religions nevertheless exist—moreover, they are an indispensable part of our culture and identity—the issue of how we can reconcile them, how we can find solutions that are beneficial for the whole of society—including women—is still something that will be discussing for a long time.

Thank you.

I welcome the idea of this publication presenting the results of the Regional Conference on Contemporary issues of freedom of religion or belief in Armenia, Georgia and beyond, and I would like to thank Eurasia Partnership Foundation and the Embassy of the Kingdom of the Netherlands to Georgia and Armenia for their consistent promotion of the freedom of thought, conscience and religion. The issues that were discussed during the course of the Conference and which, in particular, relate to the state and the church, the activities of religious organizations, are always relevant and require specific solutions to be found.

In the case of Armenia, this statement is doubly correct, taking into consideration the need for legislative reform in this area. As we know, the law that regulates this sector was adopted by the Supreme Council of the Republic of Armenia back in 1991, based on the USSR law “On freedom of conscience and religious organizations.” Therefore, the Law requires a certain amount of work, the review of some legislative regulations and their update, consideration of the 2005 European Convention and the fact that the Republic of Armenia has signed the 1990 European Conventions and taken on corresponding obligations. Let me note here that the RA Ministry of Justice is currently working to make amendments to the RA Law on “freedom of conscience and religious organizations” as well as supplements to it, so any open and multifaceted discussion on the freedom of thought, conscience and religion is always welcome. In this sense, this regional and international platform for the discussion of this issue is significant, because it is important during the legislative reform process to take existing international standards into consideration and, why not, the experience of our neighbor Georgia as well. Armenia and Georgia stand close to each other not just geographically, but also from the point of view of certain issues that can also end up with solutions that are close to each other or similar.

The Cantata’s title, refers to singing God’s glory in all countries. Being a western confessing Christian that means that you feel the need to express, you call yourself, in a way, a missionary. Jehovah’s Witnesses are even tasked (it’s not just a calling) with spreading the word of God in order to fill the numbers, the famous 144,000 souls to be saved – mentioned in the biblical book Revelation. And such not only amongst non-Christians, but also to show other Christians the better, the correct interpretation of Christ’s teachings. In my first conversation with the Catholicos in Armenia, we came to discuss ‘proselytism’. That is how missionary activities amongst other Christians are defined. Being active as a missionary means for many western Christians something positive, also when you focus on other Christians. You want to help them see the light as was meant to shine. But here in Armenia proselytism has a negative meaning and I learned your society is very much anti-proselytism.

The Catholics know how to deal with that – they accept this resistance. But Evangelicals (and by definition Jehova’s witnesses) don’t, and that’s why issues, irritations emerge.

But the most bewildering thing is that people from different nationalities in the modern world can choose to appear on the internet or television, beheading a person “in the name of religion” and demonstrating this to the world. It is also astounding that people can invoke religion to blow up ancient cultural heritage, and then secretly sell relics of the destroyed monument on the global black market.

We live in a very strange world, and I hope that the reader will notice

ANNEXES

ANNEX 1



Kingdom of the Netherlands


**EURASIA
PARTNERSHIP
FOUNDATION**

CONTEMPORARY ISSUES OF FREEDOM OF RELIGION OR BELIEF (FORB) IN ARMENIA, GEORGIA AND BEYOND Regional Conference

AGENDA

May 8, 2017

Yerevan, Armenia

Marriott Hotel, Republic Square

09:30 - 10:00	Registration and coffee
10:00 – 10:30	<p>WELCOMING REMARKS</p> <p>Mr. Vigen KOCHARYAN, Deputy Minister of Justice of the Republic of Armenia H.E. Mr. Jos DOUMA, Ambassador of the Kingdom of the Netherlands to Georgia and Armenia Mr. Gevorg TER-GABRIELYAN, Chief Executive Officer of Eurasia Partnership Foundation (EPF)</p> <p>Moderator: Ms. Isabella SARGSYAN, Program Director at Eurasia Partnership Foundation</p>
10:30 - 12:00	<p>SESSION I: International Standards of FoRB and the Situation in Armenia and Georgia</p> <p>Speakers: Dr. Kishan MANOCHA, OSCE/ODIHR Senior Adviser on FoRB Ms. Lusine SARGSYAN, Head of the Human Rights Research and Education Center of the Ombudsman's Staff of Armenia Ms. Mariam GAVTADZE, Legal expert at the Center of Tolerance under the Ombudsman's Office of Georgia and Ms. Eka CHITANAVA, Director of the Tolerance and Diversity Institute (TDI), Georgia Mr. Christoph BIERWIRTH, UNHCR Representative in Armenia</p> <p>Q&A AND DISCUSSION</p> <p>Moderator: Dr. Vladimir SHKOLNIKOV, UN OHCHR Senior Human Rights Adviser for the South Caucasus</p>
12:00 – 12:30	Coffee break
12:30 – 14:00	<p>SESSION II: FoRB and Education</p> <p>Speakers: Ms. Eka CHITANAVA, Director of the Tolerance and Diversity Institute (TDI), Georgia Ms. Satenik MKRTCHYAN, Research Fellow at the Center for Political and Cultural Studies of the Yerevan State University Dr. Ansgar JOEDICKE, Senior Lecturer at the University of Fribourg, Switzerland Dr. Jeroen TEMPERMAN, Editor-in-chief of the Religion & Human Rights International Journal, Associate Professor at the Erasmus School of Law, Erasmus University Rotterdam, Netherlands Ms. Lene WETTELAND, Senior Adviser at the Norwegian Helsinki Committee</p> <p>Q&A AND DISCUSSION</p> <p>Moderator: Dr. Hovhannes HOVHANNISYAN, Associate Professor at the Department of Theology at Yerevan State University</p>

14:00 – 15:00	Lunch
15:00 – 16:30	<p>SESSION III: FoRB and Secularity</p> <p>Speakers: Dr. Marian Burchardt, Research fellow at Max Planck Institute for Studies of Religious and Ethnic Diversity, Germany Dr. Alexander AGADJANIAN, Professor of Religious Studies, Russian State University for the Humanities Ms. Mariam GAVTADZE, Legal expert at the Center of Tolerance under the Ombudsman’s Office of Georgia Dr. Hovhannes HOVHANNISYAN, Associate Professor at the Department of Theology at Yerevan State University</p> <p>Q&A AND DISCUSSION</p> <p>Moderator: Dr. Kishan MANOCHA, OSCE/ODIHR Senior Adviser on FoRB</p>
16:30 – 17:00	Coffee break
17:00 – 18:30	<p>SESSION IV: FoRB and Equality between Men and Women</p> <p>Speakers: Rvd. Rusudan GOTSIRIDZE, Bishop of the Evangelical Baptist Church of Georgia Ms. Isabella SARGSYAN, Program Director at Eurasia Partnership Foundation</p> <p>Q&A AND DISCUSSION</p> <p>Moderator: Ms. Lara AHARONIAN, Director of the Women’s Resource Center, Armenia</p>
18:30 - 19:00	<p>FINAL REMARKS AND THE WRAP-UP OF THE EVENT</p> <p>Moderators: Mr. Gevorg TER-GABRIELIAN and Ms. Isabella SARGSYAN</p>
20:00	Joint dinner at “Voskevaz Wine Time” Restaurant

ANNEX 2

LIST OF PARTICIPANTS

INSTITUTION	ARMENIA	GEORGIA
State Officials and State Committees on Religious Issues	Mr. Vigen Kocharyan , Deputy Minister of Justice of Armenia	
	Ms. Hasmik Simonyan , Second Secretary at the Human Rights and Humanitarian Issues Division of the Ministry of Foreign Affairs of Armenia	
	Mr. Armen Grigoryan , Second Secretary at the Georgia Division of the Ministry of Foreign Affairs of Armenia	
	Mr. Vardan Ascatryan , Head of the Division for Ethnic Minorities and Religious Affairs, Government Staff of the Republic of Armenia	
	Mr. Davit Mikayelyan , Division for Ethnic Minorities and Religious Affairs, Government Staff of the Republic of Armenia	
National Human Rights Institutions	Ms. Lusine Sargsyan , Head of the Human Rights Research and Education Center of the Ombudsman's Staff of Armenia	Ms. Mariam Gvartadze , Legal expert at the Tolerance Center under the Ombudsman's Office of Georgia
Religious Organizations	His Grace Michael Bishop Ajapahyan , Primate of the Shirak Diocese of the Armenian Apostolic Church	Archpriest Levan Mateshvili , Georgian Orthodox Church
	His Grace Right Rev. Bishop Vazgen Mirzakhanyan , Primate of the Armenian Diocese in Georgia	Hieromonk Luka Palavandishvili , Georgian Orthodox Church
	Fr. Archimandrite Shahe Ananyan , Director of the Inter-Church Relations Department of the Mother See of Holy Etchmiadzin	Rvd. Rusudan Gotsiridze , Bishop of the Evangelical Baptist Church of Georgia
	Fr. Vahram Melikyan , Director of Information Services of the Mother See of Holy Etchmiadzin	Mr. Boris Charaia , Seventh-day Adventist Church
	Mr. Nikadim Yukhanaev , Priest of the Holy Apostolic Catholic Assyrian Church of East Armenia	Ms. Lela Khonelidze , Pentecostal Church
	Mr. Gagik Badalyan , Leader of the Seventh-day Adventist Church	Mr. Agit Mirzoev , Adviser on Legal Matters of the Spiritual Council of Yezidis of Georgia
	Mr. Pavel Sargsyan , Seventh-day Adventist Church	Mr. Tariel Nakaidze , Georgian Muslims Union

INSTITUTION	ARMENIA	GEORGIA
	Mr. Karen Papyan , Seventh-day Adventist Church	
	Mr. Levon Bardakjian , General Director of the Armenian Evangelical Church	
	Ms. Seda Kosakyan , Armenian Evangelical Church	
	Rev. Rafael Grigoryan , Union of Churches of Gospel Faith of Armenia	
	Mr. Hayk Poghosyan , Union of Churches of Gospel Faith of Armenia	
	Mr. Armen Lusyan , Press Secretary of the “Word of Life” Church	
	Mr. Karen Khachatryan , Senior Pastor of the “Rhema” Church of Evangelical Faith	
	Ms. Aida Margaryan , Armenia’s Bahá’í Community	
	Dr. Irshat Madyarov , Armenia’s Bahá’í Community	
	Mr. Eduard Manasyan , Armenia’s Bahá’í Community	
Civil Society Organizations	Mr. Gevorg Ter-Gabrielyan , Chief Executive Officer of Eurasia Partnership Foundation (EPF)	Ms. Eka Baramidze , Development Program Director at the Levan Mikeladze Foundation
	Mr. Vazgen Karapetyan , Deputy Director of Eurasia Partnership Foundation (EPF)	Ms. Ketevan Chachava , Founder of the Center for Democracy and Development (CDD)
	Ms. Isabella Sargsyan , Program Director at Eurasia Partnership Foundation (EPF)	Mr. Archil Kanchaveli , Executive Director of the Center for Democracy and Development (CDD)
	Ms. Piruza Manukyan , Program Manager at Eurasia Partnership Foundation (EPF)	Ms. Eka Chitanava , Director of the Tolerance and Diversity Institute (TDI)
	Mr. Karen Nazaryan , Executive Director of the WCC Armenia Round Table Foundation	Ms. Tamta Mikeladze , Civil and Political Rights Program Director at Human Rights Education and Monitoring Center (EMC)
	Mr. Stepan Danielyan , President of the Collaboration for Democracy Center	Mr. Arnold Stepanyan , Chairman of Public Movement “Multinational Georgia”
	Mr. Avetik Ishkhanyan , President of the Armenian Helsinki Committee	
	Ms. Sirvard Mamikonyan , Executive Director of the Armenian Helsinki Committee	
	Mr. Artur Sakunts , Director of the Helsinki Citizens’ Assembly Vanadzor Office	
	Mr. Hayk Abrahamyan , Civil Society Program Coordinator at OSF-Armenia	

INSTITUTION	ARMENIA	GEORGIA
	Mr. Sasha Sultanyan , Deputy President at Yezidi National Committee	
	Ms. Lara Aharonian , Director of the Women's Resource Center	
	Ms. Heghine Manasyan , Chief Executive Officer of the Caucasus Research Resource Center-Armenia (CRRC-Armenia)	
	Ms. Anahit Chilingaryan , Coordinator at Non-Discrimination and Equality Coalition	
	Mr. Ara Gharagozyan , Attorney, member of Non-Discrimination and Equality Coalition	
	Ms. Maria Karapetyan , Development Director of the Imagine Center for Conflict Transformation	
	Ms. Hasmik Hovsepyan , "Center for Religion and Law" Scientific-Research NGO	
Academia	Mr. David Hovhannisyan , Director of the Center for Civilization and Cultural Studies of the Yerevan State University	
	Mr. Hovhannes Hovhannisyan , Associate Professor at the Department of Theology at Yerevan State University	
	Mr. Vladimir Vardanyan , Lecturer at the Chair of European and International Law at the Yerevan State University	
	Ms. Satenik Mkrtchyan , Research Fellow at the Center for Civilization and Cultural Studies of the Yerevan State University	
	Mr. Hayk Kocharyan , Senior expert at the Center for Civilization and Cultural Studies of the Yerevan State University	
	Ms. Yulya Antonyan , Assistant Professor at the Faculty of History of the Yerevan State University	
	Ms. Lilit Yeremyan , Head of Chair of International and European Law of the Russian-Armenian (Slavonic) University	
	Mr. Vahe Boyajian , Department of Contemporary Anthropological Studies, Institute of Archaeology and Ethnography	
	Ms. Anahit Avagyan , Scientific Assistant at the Scientific Research Institute of Ancient Manuscripts named after Mesrop Mashtots	
	Mr. Rafael Shirkyan , American University of Armenia (AUA)	

INSTITUTION	ARMENIA	GEORGIA
Media/ Recipients of Eurasia Partnership Foundation's (EPF) Annual Media Award on Religious Tolerance, 2016	Mr. Vardan Jaloyan , Art critic	
	Ms. Roza Hovhannisyan , Journalist, "Lragir.am"	
	Ms. Anna Ghukasyan , Journalist, "Journalist.am"	
	Ms. Meri Kololyan , Journalist, "Ankyun+ 3" Alaverdi TV Company	
	Ms. Siranush Papyan , Reporter, "1in.am"	
	Mr. Vahe Hakobyan , "Armenpress" News Agency	
	Mr. Gevorg Perkuperkyan , "Armenpress" News Agency	

International Organizations/ Diplomatic Missions/International Experts	H.E. Mr. Jos Douma , Ambassador of the Kingdom of the Netherlands to Georgia and Armenia
	Dr. Vladimir Shkolnikov , UN OHCHR Senior Human Rights Adviser for the South Caucasus
	Mr. Christoph Bierwirth , UNHCR Representative in Armenia
	Dr. Kishan Manocha , OSCE/ODIHR Senior Adviser on Freedom of Religion or Belief
	Dr. Ansgar Joedicke , Senior Lecturer at the University of Fribourg, Switzerland
	Dr. Alexander Agadjanian , Professor at the Russian State University for the Humanities
	Dr. Jeroen Temperman , Editor-in-chief of the Religion & Human Rights International Journal, Associate Professor at the Erasmus School of Law, Erasmus University Rotterdam, Netherlands
	Dr. Marian Burchardt , Research Fellow at the Max Planck Institute for Studies of Religious and Ethnic Diversity, Germany
	Ms. Lene Wetteland , Senior Adviser at the Norwegian Helsinki Committee
	Ms. Marina Malkhasyan , UNDP Project Coordinator
	Ms. Mariam Ghazazyan , UNHCR Armenia
	Ms. Araks Jilavyan , UNHCR Armenia
	Ms. Cristin Malekyan , UNHCR Armenia
	Ms. Loreta Vioiu , CoE Deputy Head of Office
	Ms. Andrea Chalupova , Political Officer/Human Rights Focal Point at the EU Delegation to Armenia
	Ms. Charlotte Venema , EU Delegation to Armenia
Ms. Oksanna Abrahamyan , Programme Officer at the Embassy of the United Kingdom of Great Britain and Northern Ireland to Armenia	
Ms. Somer Bessire-Briers , Embassy of the United States of America to Armenia	
Ms. Irina Mkrtchyan , Embassy of the United States of America to Armenia	

	<p>H.E. Mr. Bernhard Matthias Kiesler, Ambassador of the Federal Republic of Germany to Armenia</p> <p>Ms. Frederique Reinbold, Embassy of the French Republic to Armenia</p> <p>Ms. Ewa Polak, Embassy of the Republic of Poland</p> <p>H.E. Ms. Tzotzorkova-Kaymaktchieva Maria Pavlova, Ambassador of the Republic of Bulgaria to Armenia</p>
Translators	<p>Mr. Artashes Emin, English – Armenian – English simultaneous translation</p> <p>Mr. Artur Arustamov, English – Armenian – English simultaneous translation</p> <p>Mr. Irakli Todria, English – Georgian – English simultaneous translation</p> <p>Mr. George Lashkhi, English – Georgian – English simultaneous translation</p> <p>Mr. Mikheil Avakyan, Georgian – Armenian – Georgian simultaneous translation</p> <p>Ms. Dali Aghdgomeladze, Georgian – Armenian – Georgian simultaneous translation</p>
Conference Working Group	<p>Ms. Anush Margaryan, Project Manager at Eurasia Partnership Foundation (EPF)</p> <p>Ms. Ani Tovmasyan, Program Associate at Eurasia Partnership Foundation (EPF)</p> <p>Mr. Armen Grigoryan, Communications Associate at Eurasia Partnership Foundation (EPF)</p> <p>Ms. Nane Paskevichyan, Communications Assistant at Eurasia Partnership Foundation (EPF)</p> <p>Ms. Kima Ghukasyan, Event Assistant at Eurasia Partnership Foundation (EPF)</p> <p>Ms. Tatevik Papazyan, Intern at Eurasia Partnership Foundation (EPF)</p> <p>Ms. Eugenie Khatschatrian, Intern at Eurasia Partnership Foundation (EPF)</p>

ANNEX 3

LINKS TO CONFERENCE MATERIALS

PHOTOS:

<https://www.flickr.com/photos/123410116@N03/sets/72157683585468296/page1>

CONFERENCE LIFESTREAM:

<https://www.youtube.com/watch?v=4nD5HMmECYI> (Eng)

<https://www.youtube.com/watch?v=HYCXWwUugag> (Arm)