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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**

**ON THE LEGAL STATUS OF A CHURCH,  
RELIGIOUS COMMUNITY  
AND A RELIGIOUS GROUP**

**OF "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"\***

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\* In .pdf only.

**PROPOSAL FOR THE ADOPTION OF THE LAW ON THE LEGAL STATUS  
OF A CHURCH, RELIGIOUS COMMUNITY AND A RELIGIOUS GROUP**

**I. GENERAL PROVISIONS**

**Article 1**

(1) This Law regulates the establishment and the legal status of a church, religious community and a religious group, as well as the manifestation of religion and religious association.

(2) A church, religious community and a religious group is separate from the state and equal before the law.

**Article 2**

(1) In accordance with this Law, a church and a religious community are communities of physical beings that exercise the freedom of religion, and are united by one religion and identical religious service, prayer, rites and other forms of manifestation of one's religion (hereinafter referred to as cult).

(2) In accordance with this Law, a religious group is a voluntary association of physical beings that have the same religious beliefs that do not coincide with a registered church and a religious community.

**Article 3**

(1) Everyone has the right to freedom of belief, thought and conscience.

(2) This right includes the freedom of expression of one's religion or belief, either alone or in community with others in public or private.

(3) In relation to paragraphs 1 and 2 of this Article, everyone is guaranteed the freedom of religion and the right to expression of that religion.

**Article 4**

(1) Religious discrimination is prohibited.

(2) Religious persuasion does not exempt citizens from obligations that they have, as citizens, according to the Constitution, laws and other regulations, unless otherwise stipulated by a law or some other regulation.

#### **Article 5**

(1) Citizens can freely establish a church, religious community or a religious group.

(2) A church, religious community and a religious group have the right, internally, to be organized freely with their own bodies of management, hierarchy and competence, and to designate persons to represent and present them, and to adopt their own acts.

#### **Article 6**

(1) A church, religious community and a religious group perform their activities in accordance with the applicable legislation of the Republic of Macedonia, international declarations and conventions that refer to the freedom of belief and expression of religion.

(2) State bodies, within their competences, create conditions for the unhindered activities of a church, religious community and a religious group.

#### **Article 7**

Freedom to express one's religion or belief can be limited with law only if it is indispensable to the interests of national security, public safety, public order, health or morals, or for the protection of the rights and freedoms of others.

#### **Article 8**

A church, religious community and a religious group can not, in any way, influence or obstruct citizens from choosing their religion, or from affiliating with a certain church, religious community and religious group.

## **THE LEGAL STATUS OF A CHURCH, RELIGIOUS COMMUNITY AND A RELIGIOUS GROUP**

### **Article 9**

(1) A church, religious community and a religious group are entered within the Single Court Register of Churches, Religious Communities and Religious Groups (hereinafter referred to as the competent Register), whereby they will acquire the status of legal entity.

(2) The authorized state administration body competent for relations between the state and religious communities keeps records of registered churches, religious communities and religious groups.

(3) A church, religious community and a religious group will be entered in the competent Register, if the church, religious community and religious group has not been already registered, within the context of this Law.

(4) A church, religious community and a religious group that does not have the same identity or that does not use the same or a name similar to an already registered church, religious community or religious group will be entered in the competent Register.

### **Article 10**

(1) The name and official insignia of a church, religious community and a religious group should be different from the names and official insignia of already registered churches, religious communities and religious groups.

(2) The word "Macedonia", its derivatives and the translations of this word, then the coat of arms and flag of the Republic of Macedonia may be part of the name and insignia of a church, religious community and a religious group in a manner that supports the eminence and dignity of the Republic of Macedonia.

(3) The Ministry of Justice shall issue written consent for the use of the word "Macedonia".

(4) The name and insignia of a church, religious community and a religious group can not contain official names and insignia of other states.

## **Article 11**

(1) The Skopje II Basic Court, in Skopje, is competent in maintaining the Single Court Register of churches, religious communities and religious groups.

(2) The data entered in the relevant Registry is public.

## **Article 12**

(1) A church, religious community and a religious group is entered in the competent Register on the basis of an application.

(2) The application referred to in paragraph (1) will contain:

- 'Minutes' of the founding assembly;
- Acts of establishment;
- Acts regulating the status, organization and activities;
- Program of exertion;
- Decision designating a person authorized to represent and present a church, religious community and a religious group;
- Proof of nationality or of regulated permanent residence of the founders and of the person authorized to present and represent a church, religious community and a religious group;

(3) A church, religious community and a religious group is obliged to designate an authorized person who will submit an application for entry in the relevant Register, within 30 days from the day of adoption of the Acts of establishment.

(4) If all required documents have not been enclosed with the application referred to in paragraph (1) of this Article, the competent Court shall summon the applicant to submit the necessary documents within 15 days from the day of the initial submission of the necessary documents, and in case the required documents are not submitted the request shall be rejected.

### **Article 13**

The Act of establishment referred to in Article 12 (2) contains:

- Name and title of the church, religious community and a religious group in the Republic of Macedonia;
- Headquarters and address of the church, religious community and religious group in the Republic of Macedonia;
- Description of the insignia and signs to be used by the church, religious community and religious group;
- Name and surname of the person authorized to submit the application for entry in the relevant Registry;
- Manner of expression of the religious affiliation and performance of cult;
- Area in which the church, religious community and a religious group shall perform their activities.

### **Article 14**

(1) Provided that the conditions set forth in Articles 12 and 13 of this Law have been fulfilled, the Court competent for registration is obliged to enter a church, religious community and a religious group in the competent Register within 8 days from the day the application for entry has been submitted in the competent Register.

### **Article 15**

(1) The Ruling for entry of a church, religious community and a religious group contains the following:

- Name and title;
- Headquarters and address;
- Name and surname of the person authorized to present and represent a church, religious community and religious group;
- The area in which a church, religious community and a religious group will perform their activities;
- The goals for which a church, religious community and a religious group have been established.

#### **Article 16**

(1) In case of non-fulfillment of the material conditions set forth in this Law related to the entry of a church, religious community and a religious group in the relevant Registry, the competent court shall reject the application.

(2) The submitter of the application may submit an appeal against the Ruling under paragraph 1 of this Article within 15 days from the day of receipt of the Ruling.

#### **Article 17**

(1) The dissolution of a church, religious community and a religious group will be registered for the purpose of erasing the concerned church, religious community and religious group from the relevant Register.

(2) All changes in respect of data required for entry in the Register will be submitted within 15 days from the adoption of the document making the change.

### **RELIGIOUS CEREMONY, PRAYER AND RELIGIOUS RITE**

#### **Article 18**

(1) Religious cult is to be performed in a temple, mosque, house of prayer, synagogue, graveyards and in other premises of a church, religious community and a religious group.

(2) The religious cult may be performed in other public and private premises and places provided that this does not violate the religious sentiments of other citizens and does not violate the public peace and order.

(3) Religious rites in a religious facility may be performed only by a person of a registered church, religious community and a religious group in the Republic of Macedonia or upon their authorization.

(4) Persons conducting ceremonies of a religious cult in a registered church, religious community and a religious group are their official persons.

(5) Any false presentation as an official person and abuse of religious clothing and insignia is a criminal offence.

(6) No one may prevent priests and religious attendants of registered churches, religious communities and religious groups in the Republic of

Macedonia from performing their religious activities at public religious facilities or at places where performance of religious activities is allowed under this Law.

#### **Article 19**

(1) A religious facility will be built upon a submitted application for the issuance of a construction permit.

(2) Bodies of Municipalities and of the City of Skopje competent in urbanism and adopting urban plans shall issue permits for the construction of a religious facility, based on previously issued opinion of a registered church, religious community and a religious group.

#### **Article 20**

(1) Persons staying in hospitals, orphanages, senior citizens' homes, army and police institutions and premises, penitentiaries and similar institutions can practice their religion and upon their request can be visited by priests for performance or religious rites and other forms of manifestation of religion or belief in accordance with the house rules of the institution at which they are staying.

(2) Persons referred to in paragraph 1 of this Article may be visited by authorized priests and religious officials for performance of religious rites.

(3) Within the relevant legal framework and opportunities offered by their premises, the institutions referred to in paragraph 1 of this Article may designate a room where religious rites shall be performed.

### **RELIGIOUS INSTRUCTION AND EDUCATIONAL ACTIVITIES**

#### **Article 21**

(1) A church, religious community and a religious group have the right to organize religious teachings.

(2) Religious teachings are to take place at the premises where religious rites and other forms of public manifestation of religion are performed, as well as at other public and private premises and places, provided that the conduct of the religious teachings does not violate the public peace and order.



(3) The manner in which religious teachings are carried out at public educational institutions is regulated by law.

#### **Article 22**

(1) A church, religious community and a religious group have the right to establish religious schools of all degrees of education, except for primary education, for the purposes of educating priests and religious officials, having as well the right to establish dormitories for accommodation of persons educated at the said institutions.

(2) Religious schools are equal with other educational institutions and their pupils and students have the same rights.

#### **Article 23**

(1) At least 90 days before the date set for the start of work of the religious school, the church, religious community or a religious group is obliged to submit an Act with the intent to form a religious school containing within the program and curriculum of the school, in accordance to this law, to the body competent for relations between the state and religious communities.

(2) The body competent for relations between the state and religious communities is obliged to deliver its Opinion to a church, religious community or a religious group within 60 days from the day the Act has been submitted.

#### **Article 24**

(1) In case the Opinion of the body competent for relations between the state and religious community referred to in Article 23, paragraph 2 of this Law is negative, the church, religious community or religious group has the right to file a complaint to the competent second instance administrative procedure Commission at the Government of the Republic of Macedonia within 15 days from receipt of the Opinion.

(2) If the Commission referred to in paragraph (1) of this Article rejects the appeal, then the religious school can not be established.

### **Article 25**

(1) Curricula and programs of religious schools can not run contrary to the Constitution and laws.

(2) The state administration body competent for education may conduct inspection of the curricula and programs of religious schools within the meaning of paragraph 1 of this Article.

### **Article 26**

(1) Instruction at religious schools can be carried out by citizens of the Republic of Macedonia.

(2) As an exception, if a church, religious community and a religious group need appropriate staff, the instruction at a religious school may be conducted by foreign citizens, but only on occasional basis and in accordance with the regulations on stay of foreign nationals in the Republic of Macedonia, upon prior approval by the body competent for relations between the state and religious communities.

### **Article 27**

(1) A church, religious community and a religious group autonomously manages the religious schools and other educational institutions, as well as students' dormitories that can be established in accordance with this Law.

(2) The authorized person of the religious school, educational institution, or student's dormitory is obliged to put at the disposal of the state administration body competent for education all data necessary for the inspection of their work, and in prescribed time determined by this authority, to eliminate eventual irregularities.

### **Article 28**

(1) Religious instruction may be carried out as an optional subject at educational institutions.

(2) Upon proposal by a church and a religious community, the state administration body competent for education will adopt a plan and curriculum for religious instruction in primary and secondary schools and will approve the textbooks and teaching aids.

### **Article 29**

(1) Religious teachings may be carried out only by persons who fulfill the necessary conditions for this purpose.

(2) Upon prior Opinion by the body competent for relations between the state and religious communities, the Minister competent in the area of education shall define the specific conditions for the persons who may carry out religious teachings.

### **Article 30**

The subject religious instruction may be attended by students below the age of 15 years based on a joint request by the students' parents and/or legal guardians.

### **Article 31**

Religious teachings carried out at educational institutions shall differ from the religious teachings organized by religious communities.

### **Article 32**

A church, religious community and a religious group may establish humanitarian, cultural, social, health, charity and other types of institutions in a procedure and under conditions determined by this and other laws.

### **Article 33**

A church, religious community and a religious group may use the media and publish, import and export printed material in accordance with this Law, as well as establish their own public information medias.

## **REVENUES OF A CHURCH, RELIGIOUS COMMUNITY AND A RELIGIOUS GROUP**

### **Article 34**

Revenues of a church, religious community and a religious group derive from: self-financing, private philanthropy, public financing, foreign donations and other forms of financing.

### **Article 35**

(1) A church, religious community and a religious group can autonomously dispose with their acquired revenues, in accordance with the law and in pursuance with the regulations of the church, religious community and religious group.

(2) The financing of a church, religious community and a religious group, as well as the expenditure of the financial assets, is in accordance with the legislation applicable to non-profitable organizations and organizations of public interest.

## **TRANSITIONAL AND FINAL PROVISIONS**

### **Article 36**

Within 30 days of the date of entry into force of this Law, the Minister of Justice shall determine, through an act, the format and content of the form for entry in the competent Register and the manner of its keeping.

### **Article 37**

(1) Within 30 days of the date of entry into force of this Law, the Commission for Relations with Religious Communities and Religious Groups is obliged to submit to the Skopje II First Basic Court in Skopje, the data and documents of churches, religious communities and religious groups that are already included in its Register.

(2) All religious communities and religious groups registered until 1998 by the body competent for relations between the state and religious

communities, inclusively, are to maintain their existent legal subjectivity and status, and their data will be transferred; thus, they will not be subject to the repeated procedure of registration.

(3) The provisions contained in the Acts of already registered churches, religious communities and religious groups which do not comply with this Law will not be applied.

#### **Article 38**

This Law will be applied after 30 days of its entry into force.

#### **Article 39**

The Law on Religious Communities and Religious Groups ("Official Gazette of the Republic of Macedonia" No. 35/97 of 23 July 1997) will cease to apply on the day of entry into force of this Law.

#### **Article 40**

This Law will enter into force on the eighth day of its publication in the "Official Gazette of the Republic of Macedonia".