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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

**ON MAKING AMENDMENTS AND SUPPLEMENTS
TO THE LAW ON FREEDOM OF CONSCIENCE
AND RELIGIOUS ORGANISATIONS**

OF THE REPUBLIC OF ARMENIA

**LAW
OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND SUPPLEMENTS
TO THE LAW OF THE REPUBLIC OF ARMENIA
ON FREEDOM OF CONSCIENCE AND RELIGIOUS ORGANISATIONS**

ARTICLE 1.

Article 4 of the Law of the Republic of Armenia “On freedom of conscience and religious organisations” (N-0333-1 of 17 June 1991) (hereinafter referred to as “the Law”) shall be replaced by the following:

“1. In the Republic of Armenia a religious organisation shall be considered a voluntary association of persons legally residing in the territory of the Republic of Armenia established for the purpose of professing and disseminating their faith, which shall have the following features:

- (a) belief;*
- (b) performance of acts of worship, religious rituals and ceremonies;*
- (c) teaching their religion and giving religious education to their followers.*

2. The title of a religious organisation shall contain information on the belief of the organisation and the words “religious organisation”. In the course of carrying out activities, a religious organisation shall be obliged to appear with its full title.

Conjugated forms of the word “Hayastan” [Armenia] and the translations thereof, as well as the name of a deceased prominent person, in case of not having a heir, may be used in the title of a religious organisation or its branch in the manner defined by the Government of the Republic of Armenia.”

ARTICLE 2.

Article 5 of the Law shall be replaced by the following:

“ARTICLE 5.

Registration of a religious organisation shall be carried out on the basis of an expert opinion on its religiousness.

Main tasks of an expert opinion shall be the following:

- (a) conformity of articles of association, documents on the grounds for faith and religious practice based thereon submitted by a group of persons or a religious organisation having applied for registration with the requirements of Article 4 of this Law, as well as determination of the religiousness of the given organisation on the basis thereof;*
- (b) review and assessment of data in the materials on grounds of the doctrine of their faith provided by an organisation.*

For the purpose of registration of a religious organisation, the group of citizens shall submit the following documents to the central body of the State Register of Legal Entities:

- (a) an application for state registration;*
- (b) a list signed by at least 200 persons — having attained the age of 18 — establishing the religious organisation, with the indication of citizenship, address of permanent residence, year and date of birth;*
- (c) statute of the religious organisation;*
- (d) protocol of the founding meeting;*

(e) information on the basics of the doctrine and the practice based thereon, including the characteristics of the given belief and history of origin of the given organisation, characteristics of the forms and methods of its activities, characteristics of attitude towards family, marriage and education, characteristics of the attitude towards the health of the followers of the given religion, on limitations of civil rights and obligations envisaged for the members and servants of the organisation;

(f) information on the address of the permanently functioning governing body of the religious organisation being established;

(g) document on the payment of the state duty.

In case the governing body of a religious organisation being established is located abroad, the statute or articles of association of the foreign religious organisation, certified by the relevant state body of the given country, shall be submitted in the prescribed manner.”

ARTICLE 3.

The title of Chapter 3 shall be replaced by the following:

“CHAPTER 3. Rights and obligations of religious organisations”.

ARTICLE 4.

The Law shall be supplemented by Article 7.1 which reads as follows:

“ARTICLE 7.1.

A religious organisation shall be obliged:

(a) to meet the requirements of the Law of the Republic of Armenia “On state registration of legal entities”;

(b) not to engage in activities conflicting with the objectives envisaged by its statute or prohibited by law, not to damage the uninhibited mental and physical development of an individual, including of children and teenagers, the property of a person, not to intervene in family affairs arbitrarily;

(c) to give an opportunity of familiarising with the statute of the organisation upon the request of any natural person within a reasonable period of time but not more than within seven calendar days;

(d) to maintain records management and accounting in the manner prescribed by law;

(e) to maintain a register of its members;

(f) to submit the reports on its activities and use of property to the approval of the meeting of the organisation in the manner and within time limits prescribed by the legislation of the Republic of Armenia, ensuring public access to those reports;

(g) not to damage property of the state, legal persons and citizens when implementing its statutory objectives;

(h) to allow representatives of the state administration body authorised by the Republic of Armenia to attend its meetings;

(i) in case of a conflict between the laws of the Republic of Armenia, including those newly adopted, and its statute, to bring it into compliance with the requirements of the laws of the Republic of Armenia at the upcoming meeting of its highest body, and in the meantime to proceed with the activities in compliance with the laws.

A religious organisation shall be obliged to submit — each year but not later than 1 February of the next year — information on its activities to the state administration body authorised by the Government of the Republic of Armenia.

Information submitted by an organisation must contain:

- (a) registered address and place of activity of the organisation (electronic mail address, website), and in case of change thereof, the changed data;*
- (b) number of followers (members);*
- (c) information on the change of the head (heads) of the organisation;*
- (d) information on cooperation with other religious organisations;*
- (e) addresses of places of activities of the religious education groups of the organisation;*
- (f) information on implemented projects (charity, construction, medical, educational) and events (celebrations, pilgrimage, concerts, camping);*
- (g) information on the buildings constructed by the organisation or at the initiative thereof (vestries, places of worship, food service facilities, etc.);*
- (h) information on its implemented charity projects by marzes, including information on the property, commodities used for the purpose of implementation of charity projects, import or acquisition thereof in the territory of the Republic of Armenia.”*

ARTICLE 5.

Article 8 of the Law shall be supplemented — after the first sentence — with the following:

“Any direct or indirect attempt of persuasion aimed at distortion of religious convictions (views) of persons through a reward or promise thereof or moral assistance or material aid or deceit, as well as through exploitation of their lack of experience, trust, need, low mental abilities, shall be deemed proselytism.”

ARTICLE 6. Article 14 of the Law shall be replaced by the following:

“ARTICLE 14.

1. State registration of a religious organisation, as well as state registration of amendments and supplements to the statute or of the new statute of the organisation, and state registration of liquidation (termination of activities) shall be carried out in the manner prescribed by law for the registration of legal entities, by taking into account the peculiarities prescribed by this Law.

2. State registration body shall, after making a record on the acceptance of the required documents in the registration book, send them to the state administration body authorised by the Government of the Republic of Armenia within one working day. The latter shall, within 30 days after receiving the application, carry out expert examination and render an expert opinion. The body carrying out theological expert examination shall be entitled — for the purposes of expert examination — to request from the group of persons or the religious organisation additional materials meeting the requirements of Article 5 of this Law.

The procedures for carrying out theological expert examination with the purpose of preparing an expert opinion, for submission of documents necessary for the expert examination, and for preparation of an expert opinion shall be defined by the decision of the Government of the Republic of Armenia. The form of the expert opinion and the list of documents necessary for carrying out theological expert examination shall be defined by the state administration body authorised by the Government of the Republic of Armenia.

3. State registration of an organisation shall be rejected, if the requirements of this Law are not met, including:

- (1) the title, short name (abbreviation of the title) of the organisation does not meet the requirements of this Law;*
- (2) the submitted statute contradicts the Constitution and laws of the Republic of Armenia and other legal acts;*
- (3) the state administration body authorised by the Government of the Republic of Armenia has rendered a negative expert opinion.*

4. In case of registration and/or liquidation of a religious organisation, the state registration body shall, not later than within 14 days, provide the copies of the registration certificate and the statute thereof to the state administration body authorised by the Government of the Republic of Armenia, and shall inform the latter in case of taking on and off the register a branch of the organisation.”.

ARTICLE 7.

After the first sentence of the second paragraph of Article 17(c) of the Law, a new paragraph shall be supplemented, which reads as follows:

“Within the meaning of this Law, religious advocacy is the dissemination (irrespective of the form – a book, brochure, electronic carrier, etc.) of certain religious ideas and knowledge (doctrines) by a follower believing in them.”.

ARTICLE 8.

The Law shall be supplemented with a new Article 24, which reads as follows:

“ARTICLE 24. *A religious organisation may be liquidated:*

- (a) in case and in the manner provided for by its statute;*
- (b) by a court decision.*

A religious organisation may be liquidated by a court decision in case of multiple or gross violations of the Constitution of the Republic of Armenia, this Law and other laws or in case of regular commitment of actions contradicting the objectives of its statute.

Grounds for termination of activities of a religious organisation through judicial procedure and for liquidation of a religious organisation shall be:

- *Breach of public security and public order;*
- *Damaging human health and morality;*
- *Encroachment of human rights and freedoms;*
- *Arbitrary intervening in family affairs;*
- *Abetting persons — being in a state dangerous for life and health — to refuse medical aid based on religious motives;*
- *Instigate persons to refuse performing civil obligations prescribed by law and to commit other illegal actions.*

Religious advocacy (preaching) in kindergartens, schools and other educational, learning, social institutions shall be prohibited.

Proselytism and performance of functions of religious organisations in violation of the requirements of the legislation of the Republic of Armenia shall be prohibited.”.

ARTICLE 9.

This Law shall enter into force on the tenth day following its official publication.