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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

ON FREEDOMS OF CONSCIENCE AND RELIGION

OF THE REPUBLIC OF ARMENIA

**LAW OF THE REPUBLIC OF ARMENIA
ON FREEDOMS OF CONSCIENCE AND RELIGION**

CHAPTER 1. GENERAL PROVISIONS

Article 1. Subject matter of the Law

1. This Law regulates the relations pertaining to the rights of every person in the Republic of Armenia to freedom of conscience, religion and belief, including the right to change religion or belief, as well as the relations pertaining to the activities, rights and obligations of religious groups and organisations.

Article 2. Guarantees for ensuring the freedoms of conscience, religion and belief

1. The freedom of conscience, religion and belief shall be guaranteed for every person in the Republic of Armenia.

2. This right shall include the rights to profess or not to profess any religion, to have or not to have any belief, to change religion or belief, to manifest religion or belief, either alone or in community with others and in public or private, through teaching, worship, church ceremonies or other rites of religious worship, including the right to act in conformity with one's religion or belief in daily life.

3. The Republic of Armenia shall guarantee the liberty of parents and guardians to ensure the religious education of their children in conformity with their own convictions.

4. The freedom of religious associations shall be guaranteed in the Republic of Armenia.

Article 3. Prohibition of discrimination and interference

1. All people in the Republic of Armenia, regardless of their attitude towards religion, religious affiliation or belief, shall be equal before the law. Any discrimination based on the religious affiliation of a person or attitude towards the religion thereof, shall be prohibited.

2. Direct or indirect restrictions of the freedoms of conscience, religion and belief, including direct or indirect restrictions of individual or group manifestations of religious worship, except for the cases envisaged by Article 4 of this Law, religious persecutions, inciting religious enmity or stirring up hatred shall not be permitted and shall entail administrative or criminal liability in the cases provided for by law.

CHAPTER 2

RESTRICTIONS ON THE FREEDOM TO MANIFEST CONSCIENCE, RELIGION AND BELIEF

Article 4. Restrictions on the freedom of conscience, religion and belief

1. The exercise of the right to manifest the freedom of conscience, religion and belief may be restricted where it is necessary for the protection of public security, health, morality or the rights and freedoms of others in a democratic society. This restriction also includes the prohibition of proselytism (improper proselytism) and acting in secrecy by religious organisations.
2. Advocacy influence on persons with other religious or doctrinal affiliation, which is incompatible with the respect for the freedom of conscience, religion or belief, shall be prohibited on the territory of the Republic of Armenia.
3. Proselytism - any influence of religious advocacy on persons with other religious and doctrinal affiliation or views for the purpose of converting them to another religion, which is expressed by use or threat of physical or psychological violence on that person or a relative thereof, by providing material or social benefits or taking advantage of their needs, inciting enmity or stirring up hatred against another religion, belief or religious organisation, persecuting the person for two or more times, whereas in relation to a minor under fourteen years of age — without the consent of the parents or guardians thereof.
4. Proselytism shall give rise to criminal or administrative liability in cases provided for by law.
5. The activities of religious associations and organisations exercising or trying to exercise, in the course of their activities, supervision over the personal life, health, property and behaviour of their members, shall be prohibited in the territory of the Republic of Armenia.
6. Religious advocacy or attempts of religious advocacy, without the consent of parents, at instructional or pre-educational or educational institutions where minors are instructed or educated, shall be prohibited in the Republic of Armenia.

CHAPTER 3

RELIGIOUS ASSOCIATIONS

Article 5. Religious associations and religious organisations

1. Everyone shall have the right to form religious associations with others for the purpose of manifesting — in public or private — his or her religion or belief, through professing, teaching, church ceremonies or other rites of religious worship.
2. **A religious association** is a voluntary union of persons permanently residing in the territory of the Republic of Armenia, which is established for the purpose of jointly professing and disseminating their faith.
3. Religious associations may be established in the form of religious groups or religious organisations.
 - (1) **A religious group** is an association consisting of up to 25 adult followers, which has been established for the purpose of jointly professing and disseminating the faith of the participants, and operates without state registration.

(2) **Religious organisation** is a religious association established for the purpose of jointly professing and disseminating the faith of the participants, is composed of at least 25 adult members and has been registered as a legal entity as prescribed by law.

4. The following shall operate within the Republic of Armenia:

- (1) The Armenian Holy Apostolic Church with its traditional organisations;
- (2) other religious organisations.

Article 6. State registration of a religious organisation

1. A religious group composed of 25 or more adult followers is subject to mandatory state registration by the central body of the State Registry of the Ministry of Justice of the Republic of Armenia, where there are no grounds for refusal as prescribed by Article 7 of this Law.

2. In order to register a religious organisation, the documents required by the Law of the Republic of Armenia "On state registration of legal entities", as well as a statute meeting the requirements of part 3 of this Article must be submitted.

3. The statute of a religious organisation must contain information on the nature of the religious organisation, doctrinal affiliation, faith or belief description, structure of the religious association, place of operation, prayer houses and property status, intentions to establish organisations and to create educational and publishing institutions, procedure for the resolution of property and other issues in case of termination of activities, as well as on other particulars of the activities of the organisation.

Article 7. Grounds for refusal of registration of a religious organisation

1. State registration of a religious organisation shall be refused in case of the grounds defined by Article 16 of Law of the Republic of Armenia "On state registration of legal entities", as well as in case of not meeting the requirements defined by Article 4 and part 2 of Article 6 of this Law.

CHAPTER 4

RIGHTS AND OBLIGATIONS OF A RELIGIOUS ORGANISATION

Article 8. Rights of religious organisations

1. Rights of religious organisations shall be as follows:

- (1) to bring together their believers;
- (2) to ensure the satisfaction of the spiritual and religious needs and requirements of their believers;
- (3) to perform religious services, rituals and ceremonies in prayer houses and areas belonging thereto, in sites of pilgrimages and other places provided for the performance thereof, as well as in cemeteries, houses and apartments of citizens, in hospitals, elderly houses, remand facilities, military units — upon the request of citizens therein who are members of the religious organisation concerned;
- (4) in cases not envisaged by points 3 of part 1 of this Article, public worship, religious rituals and ceremonies shall be carried out as prescribed by the Law of the Republic of Armenia "On freedom of assemblies";

(5) to create relevant religious teaching groups for the religious education of their members and the children thereof — upon the consent of the parents — using for that purpose the premises belonging or allocated to them;

(6) to engage in theological, religious, historical and cultural studies;

(7) to prepare clergy or scientific and pedagogic staff at the educational institutions of the spiritual centres thereof;

(8) to purchase and use materials and items of religious significance;

(9) to establish connections with religious organisations of other countries, to invite the representatives thereof, to second their believers to abroad for the purpose of participating in pilgrimages, meetings and other religious events, as well as for study or leisure purposes;

(10) to obtain any property not prohibited by law and dispose of, use and possess that property as prescribed by the Statute thereof.

2. Religious organisations may refer to other persons and organisations with the request of voluntary monetary and other donations, receive and dispose of them.

3. Monetary and other donations received by religious organisations, proceeds received from persons shall not be subject to taxation.

4. Rights defined by this Article shall arise from the moment the relevant religious organisation obtains state registration in the Republic of Armenia.

Article 9. Obligations of religious organisations

1. Religious organisations shall be obliged to comply with the Constitution and laws of the Republic of Armenia, have respect for the freedom of conscience, religion and belief of other religious organisations and groups, including persons with other religious or doctrinal affiliation.

2. Religious organisations shall be obliged to ensure the preservation and intended use of the facilities, areas and other property delivered to them by ownership, as well as of historical monuments owned by them.

3. Religious organisations may not be financed by foreign states, natural and legal persons.

4. Religious organisations may not be financed by political parties or finance them.

CHAPTER 5

RELATIONS BETWEEN THE STATE AND RELIGIOUS ORGANISATIONS

Article 10. Relations between the State and religious organisations

1. In the Republic of Armenia, the church is separated from the State. According to this provision, the State:

(1) shall not interfere with the activities complying with the law and internal life of the Church and religious organisations, shall prohibit the activities of a state body or person executing the tasks thereof within the structure of churches and religious organisations;

(2) shall prohibit the participation of the church in public administration, shall not impose any state function on the church and religious organisations.

3. The State shall recognise the confidentiality of confession. An ordained confessor may not be interrogated in criminal investigation bodies and in the court, in respect of circumstances revealed to him during confession.

Article 11. The authorities of the authorised body

1. Relations between the State and religious organisations shall be regulated by the body authorised by the Government of the Republic of Armenia — the Ministry of Justice of the Republic of Armenia — which shall:

- (1) register religious organisations;
- (2) exercise supervision over the activities of religious organisations;
- (3) file a motion to a court to suspend or terminate the activities of religious organisations violating the law;
- (4) assist, upon the request of religious organisations, in reaching an agreement with state bodies on specific issues and provide the necessary support in resolving those issues by state bodies;
- (5) participate, on behalf of the State, as a mediator in the resolution of issues and disputes arising between the religious organisations of Armenia;
- (6) exercise other powers prescribed by this Law.

CHAPTER 6

PUBLICITY OF THE ACTIVITIES OF A RELIGIOUS ORGANISATION

Article 12. Publicity of the activities of a religious organisation

1. The activities of a religious organisation shall be public.

2. For the purpose of fulfilling the requirement defined by part 1 of this Article, the executive body formed by the supreme authority of the religious organisation shall — every year, until 25 March of the following accounting year — be obliged to publicise on its official Internet website the following:

- (1) total amount of annual proceeds (including membership fees) of the organisation;
- (2) total amount of annual expenses of the organisation;
- (3) description of activities carried out, titles and locations of programs implemented during the previous year (if implemented);
- (4) the number of the members of the organisation as of 1 January of the year concerned;
- (5) governing bodies of the organisation and names and last names of the officials of those bodies;
- (6) address of the organisation.

3. The organisation shall notify the Ministry of Justice of the Republic of Armenia (hereinafter referred to as “the authorised body”) of the address of its official website.

4. Organisations, which do not have an official Internet website, shall — within the time limits defined by part 2 of this Article — submit the information referred to in part 2 of this Article to the authorised body for publication on the relevant website of the authorised body.

CHAPTER 7

SUPERVISION OVER THE ACTIVITIES OF A RELIGIOUS ORGANISATION

Article 13. Supervision over the activities of a religious organisation

1. Supervision over the compliance by a religious organisation with the requirements of laws shall be exercised by the authorised body and in cases defined by law — also by other competent state bodies in accordance with their authorities and the procedures for checks and examinations provided for by law.

2. In case of detecting violations of the requirements of laws by a religious organisation, which may be eliminated through measures undertaken by the organisation, the authorised body shall send a written warning to the organisation by defining therein the procedure and time limits for eliminating the detected violations.

CHAPTER 8

SUSPENSION AND TERMINATION OF THE ACTIVITIES OF A RELIGIOUS ORGANISATION

Article 14. Suspension of the activities of a religious organisation

1. In the cases referred to in part 2 of Article 13 of this Law, the authorised body may, at the same time, apply to the court with the request of suspending the activities of a religious organisation, where otherwise the elimination or prevention of the violations is not possible.

2. The activities of a religious organisation may be suspended for not more than six months.

3. The religious organisation may, in case of eliminating during the suspension period the violations serving as a ground for suspension, apply to the court with a request of withdrawing the suspension.

4. In case the religious organisation fails to eliminate the violations within the specified time limit, the state authorised body may apply to the court with a request of extending the suspension period or liquidating the religious organisation on the ground defined in point 3 of part 2 of Article 15 of this Law.

5. The suspension period may be extended for not more than two months.

Article 15. Liquidation of a religious organisation

1. A religious organisation may be liquidated:

- (1) upon the decision of the supreme authority of the religious organisation;
- (2) as a result of bankruptcy, as prescribed by law;
- (3) through a judicial procedure, in case of grounds referred to in part 2 of this Article;

2. A religious organisation shall be liquidated through a judicial procedure where:

- (1) the activities of the religious organisation are aimed at violent overthrow of the constitutional order, at inciting or stirring up national, racial, religious hatred or enmity, at advocating violence or war;

(2) in case a religious organisation commits such violations of the requirements of laws, which may not be eliminated through measures undertaken by the organisation;

(3) the religious organisation has not eliminated the violations within the specified time limit after receiving a written warning, as prescribed by part 2 of Article 13 of this Law;

(4) the religious organisation has committed a similar violation within one year after receiving a written warning, as prescribed by part 2 of Article 13 of this Law;

(5) the documents submitted during the state registration of the organisation have contained false data of essential nature.

3. In order to liquidate a religious organisation on the grounds referred to in part 2 of this Article, the authorised body shall apply to the court.

4. A religious organisation shall be liquidated on the grounds referred to in part 2 of this Article, where the other measures for eliminating or preventing the violation are exhausted or the violations may not be eliminated otherwise.

5. The court may suspend the activities of the religious organisation for the period defined by part 2 of Article 14 of this Law, where the violations are possible to be eliminated or prevented without the liquidation of the religious organisation.

6. The state registration of the liquidation of the organisation shall be carried out as prescribed by the Law of the Republic of Armenia "On state registration of legal entities".

CHAPTER 9

FINAL AND TRANSITIONAL PROVISIONS

Article 16. Final and transitional provisions

1. This Law shall enter into force on the tenth day following the day of its promulgation.

2. Where an application on registration of a religious organisation has been submitted before the entry into force of this Law, and the organisation has not been granted state registration before the entry into force of this Law, the registration thereof shall be carried out in compliance with the requirements of this Law.

3. The Law N–0331-I of 17 June 1991 "On freedom of conscience and religious organisations" shall be repealed upon the entry into force of this Law.