



Strasbourg, 5 September 2011

Opinion no. 643 / 2011

CDL-REF(2011)046
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

**ON MAKING A SUPPLEMENT TO THE LAW OF THE REPUBLIC OF
ARMENIA ON THE RELATIONS BETWEEN THE REPUBLIC OF
ARMENIA AND THE ARMENIAN HOLY APOSTOLIC CHURCH**

DRAFT LAW

**ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE
ADMINISTRATIVE OFFENCES CODE**

DRAFT LAW

**ON MAKING AN AMENDMENT AND A SUPPLEMENT TO THE
CRIMINAL CODE**

OF THE REPUBLIC OF ARMENIA

DRAFT

LAW OF THE REPUBLIC OF ARMENIA**“ON MAKING A SUPPLEMENT TO THE LAW OF THE REPUBLIC OF ARMENIA ON THE RELATIONS BETWEEN THE REPUBLIC OF ARMENIA AND THE ARMENIAN HOLY APOSTOLIC CHURCH”**

Article 1. The Law HO-80-N of 22 February 2007 “On the relations between the Republic of Armenia and the Armenian Holy Apostolic Church” shall be supplemented with Article 12.1 which reads as follows:

“Article 12.1 Relations between the Armenian Holy Apostolic Church and the State

1. The State shall not impede the implementation of the following exclusive missions of the Armenian Holy Apostolic Church:
 - (1) freely preaching and disseminating its religion within the whole territory of the Republic of Armenia. Official coverage of the doctrine of the Armenian Holy Apostolic Church by mass media or during the mass events may be carried out only upon the approval of the Armenian Holy Apostolic Church;
 - (2) re-establishing its historical traditions, structure, organisations, dioceses and communities;
 - (3) building new churches and making its historical monument-churches operative either upon the request of the believers or its own initiative;
 - (4) contributing to the spiritual education of the Armenian people, as well as in state educational institutions as prescribed by the law;
 - (5) practically promoting the further moral development of the Armenian people;
 - (6) undertaking charitable and benevolent activities;
 - (7) having permanent religious representatives in hospitals, elderly and disabled houses, military units, remand facilities, including the investigatory isolation cells.
2. The Armenian Holy Apostolic Church as a national church, which operates also outside of the territory of the Republic, shall be subject to protection by the Republic of Armenia within the scope of the international legal norms.
3. The working day following major feast days may be transferred to the preceding or the next Saturday according to the decision of the Government of the Republic of Armenia.”.

Article 2. This Law shall enter into force on the tenth day following the day of its promulgation.

DRAFT

LAW OF THE REPUBLIC OF ARMENIA
ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE ADMINISTRATIVE
OFFENCES CODE OF THE REPUBLIC OF ARMENIA

Article 1. Article 205.2 of the Administrative Offences Code of the Republic of Armenia of 6 December 1985 (hereinafter referred to as “the Code”) shall be amended as follows:

“Article 205.2. Religious advocacy among minors

1. 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 entail imposing of a fine in the amount of two-hundred-fold to four-hundred-fold of the minimum salary.

2. Formation of religious groups — involving minors not having attained the age of fourteen, without the consent of their parents — for the purpose of making religious advocacy —

shall entail imposing of a fine in the amount of three-hundred-fold to five-hundred-fold of the minimum salary”.

Article 2. Article 205.3 of the Code shall be amended as follows:

“Article 205.3. Avoiding to register a religious group

1. Avoiding to register a religious group having 25 or more adult followers or including obviously false information in the documents submitted for registration by the leader of the religious group —

shall entail imposing of a fine in the amount of six-hundred-fold to one-thousand-fold of the minimum salary”.

Article 3. The Code shall be supplemented with Article 205.4 which reads as follows:

“Article 205.4 Persecution or provision of benefits of material or social nature for the purpose of converting to another religion

1. Any influence of religious advocacy on a person having other religious or doctrinal affiliation or views for the purpose of converting to another religion, which is expressed by persecution of that person for two or more times or provision of material or social benefits or taking advantage of their needs —

shall entail imposing of a fine in the amount of two-hundred-fold to three-hundred-fold of the minimum salary”.

Article 4. Article 206 of the Code shall be amended as follows:

“Article 206. Violation of the requirements of the Law by religious organisations

1. Failure to publish information — by a religious organisation on its official web site — for each year, by 25 March of the following year, on the amount of annual proceeds and expenses, the description of activities performed during the preceding year, the titles and locations of programmes, the number of members of the organisation as of 1 January of the

given year, the leaders of the organisation and the officials thereof, the number of sittings of supreme and governing bodies held during the preceding year, the registered office of the organisation, or failure to submit that information to the Ministry of Justice of the Republic of Armenia in case of not having a web site or including obviously false information therein —

shall entail imposing of a fine in the amount of three-hundred-fold to five-hundred-fold of the minimum salary.

2. Getting financial assistance by religious organisations from foreign states, natural or legal persons —

shall entail imposing of a fine in the amount of seven-hundred-fold to one-thousand-fold of the minimum salary.

3. Financing of political parties or getting financing therefrom by religious organisations —

shall entail imposing of a fine in the amount of five-hundred-fold to eight-hundred-fold of the minimum salary.

4. Exercising supervision by religious organisations over the personal life, health, property and conduct of the members thereof —

shall entail imposing of a fine in the amount of two-hundred-fold to four-hundred-fold of the minimum salary”.

Article 5. This Law shall enter into force on the tenth day following the day of its promulgation.

DRAFT

LAW OF THE REPUBLIC OF ARMENIA

**ON MAKING AN AMENDMENT AND A SUPPLEMENT TO THE CRIMINAL CODE OF
THE REPUBLIC OF ARMENIA**

Article 1. Article 160 of the Criminal Code of the Republic of Armenia of 18 April 2003 shall be amended as follows:

“1. Obstructing the freedom of a person 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 freedom to act in conformity with one’s religion or belief in daily life, or the lawful activities of religious organisations — shall be punished by a fine in the maximum amount of three-hundred-fold of the minimum salary, or by detention for a maximum term of two months.

2. The act provided for in the first part of this Article that has been committed

(1) by a group of persons acting in conspiracy or by an organised group;

(2) by an official — by use of his or her official position;

(3) by use of or threat to use violence —

shall be punished by a fine in the maximum amount of five-hundred-fold of the minimum salary, or by detention for a maximum term of three months, or by imprisonment for a maximum term of two years.

3. The act provided for in the first part of this Article that has been committed with motives of national, racial or religious hatred or fanaticism —

shall be punished by imprisonment for a maximum term of four years”.

Article 2. The Code shall be supplemented with Article 160.1 which reads as follows:

“160.1 Proselytism

1. Proselytism — any influence of religious advocacy on persons with other religious and doctrinal affiliation or views, which is expressed by inciting enmity or stirring up hatred against another religion, belief or religious organisation, persecuting the person for two or more times, in relation to a minor under fourteen years of age without the consent of the parents or guardians thereof, by use or threat of violence —

shall be punished by a fine in the maximum amount of three-hundred-fold of the minimum salary, or by detention for a maximum term of two months.

2. Proselytism that has been committed:

(1) by a group of persons acting in conspiracy or by an organised group;

(2) by an official — by use of his or her official position —

shall be punished by a fine in the maximum amount of five-hundred-fold of the minimum salary, or by detention for a maximum term of three months, or by imprisonment for a maximum term of two years.

3. Proselytism that has been committed with motives of national, racial or religious hatred or fanaticism —

shall be punished by imprisonment for a maximum term of four years”.