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

**ARMENIA**

**DRAFT LAW (\*)**

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

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(\*) *Translation provided by the Armenian authorities.*

**DRAFT****LAW OF THE REPUBLIC OF ARMENIA****ON MAKING AN AMENDMENT TO THE LAW  
“ON FREEDOM OF CONSCIENCE AND ON RELIGIOUS ORGANISATIONS”**

**Article 1.** The Law of the Republic of Armenia “On freedom of conscience and on religious organisations” N-0333-I of 17 June 1991 shall read as follows:

**LAW OF THE REPUBLIC OF ARMENIA  
ON FREEDOM OF CONSCIENCE AND RELIGION AND  
ON RELIGIOUS ORGANISATIONS****CHAPTER 1  
GENERAL PROVISIONS****Article 1. Subject matter of the Law**

1. This Law shall regulate the relations pertaining to the manifestation of the freedom of conscience and religion, as well as to the establishment and activities of religious organisations.

**Article 2. Legislation on the manifestation of the freedom of conscience and religion and on religious organisations**

1. Relations pertaining to the manifestation of the freedom of conscience and religion, as well as to the activities of religious organisations, shall be regulated by the Constitution of the Republic of Armenia, ratified international treaties of the Republic of Armenia, this Law and other legal acts.

**Article 3. Right to freedom of conscience and religion and guarantees for its manifestation**

1. Freedom of conscience and religion shall be guaranteed for any person in the Republic of Armenia.

2. The right to freedom of conscience and religion shall include the freedom to profess or not to profess any religion, to have or not to have any faith or belief, to change one’s religion, faith or belief, to manifest, apply in daily life and preserve one’s religion, faith or belief, both individually and in community with others and in public or private, in teaching, disseminating, preaching, church ceremonies or other worship rituals or otherwise, including the freedom to act in accordance with one’s own religion, faith or belief in daily life.

3. Everyone in the Republic of Armenia shall be equal before the law regardless of their attitude towards religion, their religious affiliation or beliefs, and shall have a right to participate in the social and political life on an equal basis with other persons.

4. Any discrimination on grounds of the religious affiliation of a person or his or her attitude towards religion shall be prohibited.

5. Revealing the religious affiliation of a person without his or her consent shall be prohibited, except for the cases provided for by law.

6. Manifestation of the freedom of conscience and religion shall not be conditioned by establishing a religious organisation or by being a believer of a religious organisation.

7. The Republic of Armenia guarantees the right of parents and other legal representatives (adopters, guardians or curators) to ensure the religious education of their children (adoptees, wards) under the age of sixteen in conformity with their own beliefs.

8. Every citizen, whose religious faith or beliefs are in contradiction to military service, shall have the right to have it substituted with alternative service as prescribed by law.

9. Direct or indirect limitations to the manifestation of the freedom of conscience and religion, except for cases provided for by Article 4 of this Law, coercing into converting to another faith or accepting or abandoning a faith or belief, persecutions on grounds of religious affiliation, incitement of religious hatred, manifestation of the freedom of conscience and religion in violation of the main rights and freedoms of others shall give rise to liability prescribed by law.

## **CHAPTER 2**

### **LIMITATIONS TO THE MANIFESTATION OF THE FREEDOM OF CONSCIENCE AND RELIGION**

#### **Article 4. Limitations to the manifestation of the freedom of conscience and religion**

1. Manifestation of the freedom of conscience and religion may be limited only when the maintenance of the state security and public order in a democratic society, the protection of the health, morality or fundamental rights and freedoms of others prevail over the manifestation of the freedom of conscience and religion.

2. Manifestation of the freedom of conscience and religion shall be prohibited where:

(1) it is aimed at undermining the state security of the Republic of Armenia, weakening its defence capacity, violently overthrowing the constitutional order, propagating violence or war, inciting national, racial, religious hatred, preaching religious fanaticism, as well as engaging in an illegal or immoral acts;

(2) religious preaching is done or attempts at religious preaching are made without the consent of the parents or other legal representatives (adopters, guardians or curators) at or in the vicinity of instructional, nursery, educational institutions, where their children (adoptees, wards) under the age of sixteen receive instruction or education;

(3) it has mercenary purposes;

(4) influence sought through preaching is incompatible with the respect for the freedom of conscience and religion of persons having other religious or faith affiliation or beliefs;

(5) assembly points are established, religious preaching is carried out or propaganda materials of religious nature are disseminated in or in the vicinity of playgrounds, cultural educational institutions for children and young people, hospitals, retirement homes and institutions intended for other socially vulnerable groups.

(6) control is exerted or an attempt is made at exerting control over the personal life, health, property and conduct of the believers.

3. The engagement of a believer in actions provided for by part 2 of this Article may serve as a ground for the dissolution of a religious organisation, where there is a direct link between those actions and the doctrines, beliefs or teachings of that religious organisation.

### **CHAPTER 3 RELIGIOUS ORGANISATIONS**

#### **Article 5. Religious organisations**

1. Everyone shall have the right to establish religious organisations with other persons for the purpose of manifesting the freedom of conscience and religion.
2. A religious organisation is an association of natural persons which is established for the purpose of jointly professing and disseminating the religious belief of the participants, as well as fulfilling other religious demands of the participants of the association, and which is registered as a legal person as prescribed by law.
3. The religious organisations are the following: church communities and religious communities, dioceses, monasteries, religious congregations and other religious associations.
4. The religious organisations operating in the Republic of Armenia are the Holy Apostolic Church of Armenia with its traditional organisations, and other religious organisations.
5. A religious organisation shall have the status of a non-commercial legal person.

#### **Article 6. Principles of activities of a religious organisation**

1. The principles of activities of a religious organisation shall be the following:
  - (1) lawfulness;
  - (2) legal equality;
  - (3) autonomy.

#### **Article 7. Name and symbols of a religious organisation**

1. A religious organisation shall have a name of its own; it may also have a short name and symbols.
2. The full name of a religious organisation shall contain a proper or common name of a distinctive character in the Armenian language along with the words “religious organisation”.
3. The name of the Holy Apostolic Church of Armenia need not contain the words “religious organisation”.
4. A religious organisation may also have names in foreign languages.
5. The use of full or short names or symbols of a religious organisation which are identical to the full or short names of another religious organisation, including to those of religious organisations dissolved within one year before the registration, or to the names or symbols of state administration or local self-government bodies shall be prohibited.
6. The use of the symbols of the Republic of Armenia or other states as a symbol of a religious organisation or part thereof shall be prohibited.

#### **Article 8. Establishment of a religious organisation**

1. A group of persons may register as a religious organisation where it has at least 100 adult founders and where its activities:
  - (1) do not contradict Article 4 of this Law;
  - (2) are directed towards religious spheres;

- (3) are not aimed at receiving material benefits;
  - (4) are based on a historically canonised holy book;
  - (5) along with its faith is part of the system of world's contemporary religious communities.
2. The state registration of a religious organisation (the registration of amendments) shall be carried out within a period of thirty days as prescribed by the Law of the Republic of Armenia "On state registration of legal persons, state record-registration of separate subdivisions of legal persons, institutions and individual entrepreneurs".
3. Along with the documents necessary for the registration of a religious organisation, a document certifying the consent of the relevant foreign spiritual centre given the existence thereof, as well as documents attesting to the conditions referred to in part 1 of this Article shall also be submitted to the body carrying out state registration of legal persons.
4. The body carrying out state registration of legal persons shall, on its own initiative, obtain — as prescribed by the Minister of Justice of the Republic of Armenia — an expert opinion on the conditions prescribed by part 1 of this Article for the registration of a religious organisation.
5. A religious organisation shall have a charter, which shall enshrine the following:
- (1) name of the religious organisation;
  - (2) registered address and prayer venues of the religious organisation;
  - (3) description of the religious belief or belief of the religious organisation;
  - (4) faith affiliation of the religious organisation;
  - (5) procedure for disposing of and managing the property of the religious organisation;
  - (6) procedure for making amendments and supplements to the charter of the religious organisation;
  - (7) time limits for the operation of the religious organisation, where the organisation is established for a fixed period of time;
  - (8) structure of the religious organisation;
  - (9) bodies of the religious organisation, procedure and time limits for their formation, their powers, procedure for adoption of decisions by them;
  - (10) procedure for the settlement of property and other issues in the case of termination of the activities of the religious organisation;
  - (11) other provisions pertaining to the specific aspects of the activities of the religious organisation.

#### **Article 9. Grounds for refusing registration of a religious organisation**

1. The state registration of a religious organisation shall be refused within the period of thirty days given the existence of grounds prescribed by Article 36 of the Law of the Republic of Armenia "On state registration of legal persons, state record-registration of separate subdivisions of legal persons, institutions and individual entrepreneurs", as well as when failing to meet the requirements of registration of a religious organisation prescribed by part 1 of Article 8 of this Law.

2. The state registration of amendments to the charter of a religious organisation shall be refused within a period of thirty days given the existence of grounds prescribed by Article 43 of the Law of the Republic of Armenia “On State registration of legal persons, state record-registration of separate subdivisions of legal persons, institutions and individual entrepreneurs”.

## **CHAPTER 4**

### **RIGHTS AND OBLIGATIONS OF RELIGIOUS ORGANISATIONS**

#### **Article 10. Rights of religious organisations**

1. Religious organisations shall have the right to:

- (1) bring together their believers;
- (2) ensure the fulfilment of all the spiritual and religious needs and demands of their believers;
- (3) disseminate information on their activities;
- (4) engage in publishing activities as prescribed by law;
- (5) represent and protect, as prescribed by law, the right of their believers to manifest the freedom of conscience and religion, as well as related rights and lawful interests, in other organisations, court, state and local self-government bodies;
- (6) conduct religious masses, rites and ceremonies in prayer venues and premises belonging thereto, in places of pilgrimage and other places intended for such purposes, as well as in cemeteries, hospitals, retirement homes, places of imprisonment, military units, at the request of the persons who are there and only in a form accessible to them and observing the requirements of the legislation; in other cases, public masses, religious rites and ceremonies shall be conducted in the manner prescribed for assemblies;
- (7) create relevant religious teaching groups for the religious education of their believers and, with the consent of the parents, of the believers' children under the age of 16, using for that purposes the premises belonging or allocated thereto;
- (8) engage in theological, religious, historical and cultural studies;
- (9) train spiritual service personnel or academic and pedagogical personnel at the educational institutions of the spiritual centres thereof;
- (10) establish and maintain prayer venues and places of worship;
- (11) establish connections with religious organisations of both the Republic of Armenia and other countries, invite the representatives thereof, 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;
- (12) use mass media as prescribed by law;
- (13) obtain any property not prohibited by law, including materials and items of religious character, as well as possess, use and dispose of that property;
- (14) make requests to other persons and organisations for voluntary monetary and other donations, receive and dispose of these donations;
- (15) engage in charity as prescribed by law;

(16) enjoy other rights provided for by law.

2. Monetary and other donations received by religious organisations, production and sales of ritual goods and items shall not be subject to taxation.

#### **Article 11. Obligations of religious organisations**

1. Religious organisations shall be obliged to:

(1) observe the Constitution and laws of the Republic of Armenia, respect the freedom of conscience and religion, as well as other main rights and freedoms of persons with other religious or faith affiliation;

(2) at the request of the Ministry of Justice of the Republic of Armenia (hereinafter referred to as “the Authorised Body”), provide it, within reasonable time limits, with documents necessary for the exercising of the powers of the authorised body prescribed by law;

(3) publish reports as prescribed by law;

(4) perform other obligations prescribed by law.

2. Religious organisations may not be financed by or finance political parties, nor be financed by or finance their spiritual centres located outside of the territory of the Republic of Armenia.

3. The funds received in violation of part 2 of this Article, in the case of failure to return them to the funder within a period of one month, shall be transferred to the State Budget.

#### **Article 12. Relations between the State and religious organisations**

1. In the Republic of Armenia, religious organisations shall be separate from the State.

2. The State:

(1) shall not interfere with the activities and inner life of religious organisations complying with the law, shall prohibit state bodies or persons executing their tasks from carrying out activities within the structure of religious organisations;

(2) shall prohibit the participation of religious organisations in state administration, may not delegate them any function of a state administration or local self-government body;

(3) shall finance neither the activities of religious organisations nor the advocacy of atheism.

3. The State shall recognise the secrecy of confessions made to ordained confessors or relevant persons of other doctrines, if hearing of confessions has been traditionally practiced by the religious organisation in question.

### **CHAPTER 5**

#### **REPORTS OF RELIGIOUS ORGANISATIONS**

#### **Article 13. Reports of religious organisations**

1. Every year before 30 May following the reporting year, a religious organisation shall publish the reports provided for by this Article on the official website of public notifications of the Republic of Armenia (<http://www.azdarar.am/>).



2. Reports of religious organisations shall include the following:
  - (1) total amount of annual inflows and outflows (of monetary funds and other property) and the source of inflows,
  - (3) expenditures related to the use of monetary funds and other property, as well as those aimed at the objectives stated in the charter;
  - (3) in the case of receiving funds provided for by part 2 of Article 11 of this Law, information on the receipt and disposal thereof;
  - (4) information on public events (creation of religious teaching groups, engagement in publishing activities, training of spiritual service personnel or academic and pedagogical personnel, newly established territorial structures (religious communities, etc.), institutions, etc.),
  - (5) name and registered address of the religious organisation.
3. The form of the report prescribed by this Article and the procedure for publication thereof shall be approved by the Government of the Republic of Armenia.
4. The report provided for by this Article shall be kept for the period prescribed by the charter of the organisation, which may not be less than five years.

## **CHAPTER 6**

### **SUSPENSION OF THE ACTIVITIES AND DISSOLUTION OF RELIGIOUS ORGANISATIONS**

#### **Article 14. SUSPENSION OF ACTIVITIES OF RELIGIOUS ORGANISATIONS**

1. The activities of religious organisations shall be suspended by the court, based on the application of the Authorised Body.
2. The court shall suspend the activities of a religious organisation where:
  - (1) the religious organisation has committed a gross violation of the law;
  - (2) a founder or an authorised person of the religious organisation has committed an essential violation of the law while founding the organisation, which can be eliminated through measures taken by the organisation.
3. Within the meaning of point 1 of part 2 of this Article, the following shall be deemed to be a gross violation:
  - (1) failure to eliminate any detected violations in the manner and within the time limits prescribed by the Authorised Body;
  - (2) where liability has been imposed pursuant to part 3 of Article 206 of the Code of the Republic of Armenia on Administrative Offences, failure to eliminate the violation in question within a period of thirty days after the imposition of said liability.
4. Within the meaning of point 2 of part 2 of this Article, any violation committed at the time of founding the religious organisation, which, if known at the time of founding or state registration, would have the effect that the organisation would not have been founded or registered, shall be deemed to be an essential violation.
5. The activities of a religious organisation may be suspended for not more than one year.



6. Where the Authorised Body or religious organisation submits evidence attesting that the grounds for suspension of the activities of the religious organisation have been eliminated, the court shall render a decision on permitting resumption of the activities of the religious organisation.

#### **Article 15. Dissolution of religious organisations**

1. A religious organisation may be dissolved by the religious organisation on its own initiative or, based on the application of the Authorised Body, by the court.

2. The Authorised Body may submit an application for dissolving a religious organisation where:

(1) the religious organisation has committed such gross or systematic violations of the requirements of laws which cannot be eliminated through measures taken by the organisation;

(2) the religious organisation has again committed violations prescribed by part 3 of Article 14 of this Law within a period of one year;

(3) the activities of the organisation have been suspended as prescribed by Article 14 of this Law and no judicial act on permitting resumption of the activities of the organisation has been rendered or the time limit prescribed by part 5 of Article 14 of this Law has expired;

(4) grounds for limitations to the manifestation of the freedom of conscience and religion prescribed by Article 4 of this Law have occurred after the registration of the religious organisation.

### **CHAPTER 7**

#### **SUPERVISION OVER THE ACTIVITIES OF RELIGIOUS ORGANISATIONS**

##### **Article 16. Supervision over the activities of religious organisations**

1. The Authorised Body shall, as prescribed by law, exercise supervision over fulfilment of the requirements of the legislation regulating the relations pertaining to the activities of religious organisations where:

(1) natural or legal persons, including religious organisations, have submitted a complaint on unlawful activities carried out by a person or religious organisation;

(2) a state or local self-government body has reported a violation committed by a person or religious organisation;

(3) the report published by the religious organisation contains information on violations of the requirements of law.

2. Where necessary, the Authorised Body may apply to the competent body for receiving an opinion on the issues indicated by the Authorised Body.

##### **Article 2. Final and transitional provisions**

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

2. Where an application for 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. Within a period of six months following the entry into force of this Law, religious organisations must bring their charters into conformity with the requirements of this Law.
4. Within a period of six months from the entry into force of this Law, the Government of the Republic of Armenia shall approve the form of the report published by a religious organisation and the procedure for its publication.