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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW

**ON THE FREEDOM OF CONSCIENCE
AND ON RELIGIOUS ORGANIZATIONS**

OF THE REPUBLIC OF ARMENIA

THE LAW OF THE REPUBLIC OF ARMENIA ON THE FREEDOM OF CONSCIENCE AND ON RELIGIOUS ORGANIZATIONS

Being governed by the proclamation of Armenia's independence, considering the spiritual revival of the Armenian people, its centuries old experience and traditions;

Being cognizant of the Armenian Apostolic Church as the national Church of the Armenian people and as an important bulwark for the edification of its spiritual life and national preservation;

Being guided by human rights and basic principles of freedom defined through international norms and being faithful to article 18 of the international Treaty regarding civil and political rights;

The Supreme Council of Armenia's Republic adopts this law about the Freedom of Conscience and on Religious Organizations.

1. General Principles

Article 1

In the Republic of Armenia the citizens' freedom of conscience and profession of faith are guaranteed. Each citizen decides freely his position toward religion, has the right to profess a desired religion or not to profess any religion, to engage in religious rites individually or together with other citizens.

Article 2

The citizens of the Republic of Armenia are equal before the law in all realms of life: civil, political, economical and cultural, irrespective of their religious beliefs or religious affiliation.

Those responsible for causing direct or indirect restrictions on the right of citizens to practice their faith, persecution or other restrictions on religious grounds, fomenting religious strife shall be held accountable before the law.

Article 3

It is forbidden to coerce or compel a citizen to make a decision to participate or not to participate in services, religious rites and ceremonies, and religious education.

The right of freedom of conscience is subject only to such restrictions which are necessary to insure public safety, law and order, the health and morality of the citizens and for the defense of the rights and freedom of other citizens.

2. The Definition of Religious Organizations

Article 4

A Religious organization is an association of citizens established for professing a common faith as well as for fulfilling other religious needs.

The Religious organizations are: ecclesiastical and religious communities, dioceses, monasteries, religious brotherhoods, educational and publishing institutions affiliated with these organizations and other religious-ecclesiastical foundations.

Article 5

A citizens' association is recognized as a Religious organization if it satisfies the following criteria:

- a) It is not contrary to the provisions of Article 3 of this law
- b) It is based on a historically recognized holy scriptures.
- c) Its doctrines forms part of the international contemporary religious- ecclesiastical communities.
- d) It is free from materialism and is intended for purely spiritual goals.
- e) It has at least 50 members.

These conditions (except for subArticle 5 (a)), are not applicable to religious organizations of ethnic minorities with their national doctrine.

Article 6

In the Republic of Armenia the following Religious Organizations operate: the Armenian Apostolic Church ("Armenian Church") with her traditional organizations; other religious organizations which are established and function within the circle of their respective faithful in accordance with private ownership and bylaws.

3. The Rights of Religious Organizations

Article 7

The spiritual and religious activities of Religious Organizations shall be carried out within the following clearly prescribed rights:

- a) To rally their faithful around them.
- b) To satisfy the religious-spiritual needs of their faithful.
- c) To perform religious services, rites, and ceremonies in sanctuaries and buildings belonging to them, in places of pilgrimage, in religious institutions, as well as cemeteries, houses and residences of citizens, hospitals, in homes for the mentally retarded and the handicapped, detainment centers, military camps at the request of citizens living there and being members of a given religious organization. In other cases, public services, religious rites and ceremonies are conducted for meetings, rallies, demonstrations and marches within approved guidelines.
- d) To establish groups for religious instruction aimed at training members and their children with the consent of parents, utilizing facilities belonging to them or set aside for them.
- e) To engage in theological, religious and historical and cultural studies. institutions.
- g) To obtain and utilize religious significance objects and vessels.
- h) To make use of news media in accordance with the law.
- i) To establish ties with religious organizations of other countries regardless of their national and credal belonging, to send their faithful abroad to participate in pilgrimages, meetings and other religious events as well as for educational purposes.

j) To get involved in charity.

The publishing activities of Religious Organizations is regulated by the applicable law of the Republic of Armenia.

Article 8

Proselytism within the Republic of Armenia is forbidden. Any activity mentioned under Article 7 within the framework of rights shall not be considered proselytism.

4. Property of Religious Organizations

Article 9

The right of Religious Organizations to private ownership of property shall be regulated by the "Law of the Republic of Armenia on Private Ownership."

Article 10

The historical monuments and liturgical objects of the Armenian Apostolic Church and of other Religious Organizations shall be utilized in accordance with their traditional customs of the organization.

Article 11

Religious Organizations have the obligation of maintaining the buildings, properties and other possessions given to them by the government and shall maintain and make appropriate use of the historical monuments belonging to them.

Article 12

Religious Organizations may appeal to their faithful for voluntary contributions of money and other gifts, and to receive and administer the same.

Religious Organizations shall pay no tax on the monetary and other gifts that they may receive.

Article 13

Religious Organizations whose spiritual centers are outside the Republic of Armenia cannot be financed by those centers nor by political organizations from abroad.

5. Registration of Religious Organizations

Article 14

A Religious Community or Organization is recognized as a judicial person after being registered by the Committee of Religious Affairs of the council of ministers. To be registered, a Religious Organization must present its bylaws along with documents fulfilling the conditions enumerated in Article 5 of this Law.

Article 15

The Bylaws of a Religious Organization shall provide information on the following: the nature and areas of activities; administrative structure; houses of worship and ritual objects; initiation of activities; intention of establishing educational and publishing facilities; disposition of assets in case of dissolution and make further provisions for any special needs of the Organization.

Article 16

Within one month of the application to register, an application shall be approved or rejected and returned to the applicant with an explanation of the grounds for the rejection.

Registration may be rejected if the application is contrary to the laws in effect. Applicant whose registration has been rejected or no decision is rendered within the deadline, may seek judicial remedy.

A Religious Organization may dissolve and cease its activities by its own decision or by judicial decree for violating the laws of the Republic of Armenia.

6. Relation between Religious Organizations and the State

Article 17

In the Republic of Armenia, Church and State are separate. On the basis of this separation the State:

- a) Shall not force a citizen to adhere to any religion.
- b) Shall not interfere in the activities and internal affairs of church and Religious Organizations as long as they operate in accordance with the law, no state agency or person acting on behalf of such agency shall operate within a Religious Organization.
- c) Prohibits the participation of the Church in governing the State and shall not impose any governmental functions on the Church or Religious Organization.

The State shall not obstruct the efforts of the Armenian Church in pursuing the following activities which we expressly reserved to be her privilege solely:

- To preach and disseminate her faith freely throughout the Republic of Armenia.
- To re-create her historical traditions, structure, organizations, dioceses and communities.
- To construct new churches, make historical (monument-churches) belonging to her functional whether at the request of the faithful or on its own initiative.
- To contribute to the spiritual edification of the Armenian people and to carry out the same in the state educational institutions within the law.
- To take practical measures which enhance the moral standards of the Armenian people.
- To expand benevolent and charitable activities.

At the same time, the Armenian Apostolic Church as the national Church of Armenians, which also operates outside the Republic, shall enjoy the protection of the Republic of Armenia, within the framework of international legal norms.

Article 18

The State shall finance neither the activity of Religious Organizations nor of atheistic propaganda. At the same time, the state guarantees the right of the members or employees of Religious Organizations to take part in the civil and political life on an equal basis with other citizens.

Article 19

Obligations imposed on the citizens by the law in effect shall be binding upon the members of Religious Organizations as to any other citizen.

In the event of a conflict between civic duties and the religious convictions, the issue of carrying out civic duties may be resolved by virtue of the principle of alternative choice, through mutual agreement between the given Religious Organization and the corresponding State entity in the procedure contemplated by the law.

Article 20

Registration maintained by the Church in accordance with a mutual agreement shall be accepted as legally binding and shall be given full effect.

Article 21

The State shall assume the responsibility for the preservation of historical monuments of religious significance regardless of their ownership.

Article 22

The person elected Catholicos of All Armenians shall become a citizen of the Republic of Armenia.

Article 23

A special entity shall be created within the council of ministers of the Republic of Armenia which shall regulate the relations between the State and Religious Organizations. This committee shall:

- a) Record the bylaws of Religious Organizations and shall seek technical dissolution of Religious Organizations violating the law.
- b) Shall respond to requests for assistance from Religious Organizations in resolving disputes with any government entity;
- c) On behalf of the government shall mediate between Religious Organizations registered in the Republic of Armenia.

All relations between the State and Religious Organizations not governed by this law shall be regulated through mutual agreements of the State and the Religious Organizations.