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

**DRAFT LAW**  
**ON FREEDOM OF RELIGION, RELIGIOUS ORGANISATIONS**  
**AND MUTUAL RELATIONS WITH THE STATE**  
**OF ALBANIA**

## CHAPTER I General Provisions

### Article 1 Object

This law regulates basic issues related to the freedom of religion, religious organisations, their legal status as well as their relationship with the Albanian State, pursuant to the constitutional principles, international standards that guarantee freedom of conscience and religion and to the common will to enforce and develop mutual relations.

### Article 2 Definitions

For the purpose of this law, the following terms are defined as follows:

1. **Freedom of religion and conscience**, for the purpose of this law, shall define the freedom to chose, or not, a religion or a religious belief and to express it individually or collectively, privately or publicly.

2. **The State** is the Republic of Albania, represented by the Council of Ministers and/or the State Committee on Cults

3. **Religious Organisation** is a generic term gathering both Religious Communities and Associations.

- **Religious Community**, is considered to be the organised entirety of religious physical persons, members of the community, which is created and functions in compliance with its own rules, regulations, doctrines, beliefs and customs and is recognised by the State as a legal entity through the stipulation of a bilateral agreement, and registered in the Registrar of Religious Communities, Associations and Groups.

- **Religious Association**, is considered to be a group of religious people which is created and functions in compliance with its own rules and doctrines, registered as a legal entity in the Registrar of Religious Communities, Associations and Groups of the Tirana District Court.

- **Religious Groups**, are considered to be the unions of religious communities as well as other forms of organizations created by religious Communities, which are recognised as legal entities after the sending of the respective agreement for their creation to the State Committee on Cults.

4. **Direct discrimination on the ground of conscience and religious beliefs**, is considered to be any unequal treatment of a person compared to others, in similar or same conditions, which is made or is going to be made, on purpose or not, by means of support, exclusion, prevention, force, creation of privileges or any other form that brings as consequence rejection, differentiation and unequal profits during the exercise of human rights related to conscience and religion, as well as all other basic human rights and freedoms, such as civil, political, economic, social and cultural.

5. **Direct discrimination on the ground of conscience and religious beliefs**, is considered to be any unequal treatment of a person compared to others, by means of acceptance and application of acts, measures, conditions, criteria or conducts, which seem just but in reality create discrimination, with the exception of the cases when these acts, measures, conditions, criteria or conducts are justified by a fair and just purpose and when means and ways for the achievement of this purpose are necessary and appropriate.

6. **Religious agreements** are considered to be the agreements stipulated between religious Communities and the Council of Ministers and ratified by the Parliament.

7. **Registrar of Religious Organisations** is a special registrar in the District Court of Tirana, in which religious Organisations (religious Communities and Associations) are registered through a decision of this Court.

### **Article 3 Purpose**

The purpose of this law is:

- a) To guarantee and protect all rights stipulated by the Constitution, international standards and laws in vigour, related to the freedom of religion, against any kind of direct or indirect discrimination.
- b) To guarantee the freedom of every individual to choose or change religion, to express it individually or collectively, in religious institutions or outside of them, through cults, education, customs or the performance of religious rituals.
- c) To assure freedom of the individual, so that he/she is never prevented from or obliged to be part of a religious Organisation, or to be part of its customs, rituals or leading structures.
- d) The freedom of religion can not be subject to other restrictions other than those provided by law and which constitute the necessary measures taken by a democratic society for the protection of order, state, public moral and health or for the protection of the rights and freedom of others.
- e) To acknowledge and guarantee the observation of the rights of religious Organisations, as well as those of the legal entities founded or recognised by them, to freely accomplish their religious, educative and charitable mission.
- f) To assure the good relationship between the State and religious Organisations, following the principles of equality, non discrimination, mutual respect for each – other's independence and cooperation in favour of everyone and all.

### **Article 4 Application of the Law**

1. This law is applicable in the entire territory of the Republic of Albania, to all physical persons and legal entities, residing within the territory of the Republic of Albania.
2. Albanian citizens, residing permanently or temporarily outside the territory of the Republic of Albania, shall benefit from the protection provided by this law in their relationship with organizations of the Albanian State.
3. Foreign physical persons and legal entities residing, or having their headquarters within the territory of the Republic of Albania, shall benefit from the protection provided by this law in their relationship with organizations of the Albanian State
4. All state authorities, be it central or local, including the legal power authority, shall observe the freedom of creed and religion, as well as the right to practice them, and avoid every discrimination in the laws and bylaws they approve in compliance with their competences.
5. The agreements stipulated between the representatives of religious Communities and the Council of Ministers, ratified by the Parliament pursuant to Art. 10/5 of the Constitution shall not contain provisions that threaten the freedom of religious belief and/or contain discriminations provided by Art. 2/2,3 of this law.

### **Article 5 General Principles**

This law is based on the general principles stipulated by the Constitution of the Republic of Albania and by international conventions that guarantee the freedom of religion, in which Albania is party, as well as on specific principles, such as:

1. Observation and protection of human dignity, regardless of religion or creed.
2. Protection and respect for religious pluralism, in the traditional and updated frame.
3. Freedom of religious organisations to fulfil their mission independently from the State, respecting the principle of the laicism of the State and the legislation in vigour.

4. Harmony of relationships between public institutions and religious Organisations, as well as between themselves, as a condition for the progress and fulfilment of the basic human rights and freedoms.

#### **Article 6** **Coordination with the State organisms**

1. The Council of Ministers represents the State in the mutual relations with religious Organisations, pursuant to the structure provided by this law.

2. Religious Organisations, in their relations with the State, are represented by the organs predefined by them and use their own stamp and identifying signs.

### **Chapter II** **Freedom of Religion and Conscience**

#### **Article 7** **The right to exercise the freedom of religion**

The exercise of the freedom of religion includes:

1. The right to found or participate in religious organisations whose purpose is to practice and promote religious belief in compliance with their doctrine and other internal rules.
2. The right to undertake, in compliance with the principles of their belief, functions or service to fulfil the obligations that come as a result of their religion or creed.
3. The right to participate, or not, in religious organisations.
4. The right to make known their religion or creed.
5. The right to not make comments regarding their religion.
6. The right of the parents to educate their children following their religious beliefs, under their direct care and responsibility.
7. The right to keep in contact with other believers and to participate in activities organised by religious organisations operating at a national level.
8. The right to be informed on issues related to their religion and creed.
9. The right to create and use necessary means with the purpose of exercising their cult, in compliance with the laws in vigour.

#### **Article 8** **Guarantee of freedom of religion and conscience**

All Albanian citizens, as well as foreigners and other stateless persons residing in the territory of the Republic of Albania enjoy freedom of religion and conscience, pursuant to constitutional provisions in vigour, international conventions ratified by the Albanian Parliament and this law.

#### **Article 9** **Definition of negative freedom of religion**

1. No one shall be forced, by a person or a group of persons, to act contrary to their religious beliefs or their conscience, or be denied the right to express their belief individually or collectively, privately or publicly.
2. No one shall be allowed to undertake actions or behave in such way that provoke or discriminate individuals or groups of individuals with a different religion from their own, on the grounds of religion or religious beliefs.
3. No one shall be discriminated or privileged, directly or indirectly, on the grounds of their religion or religious beliefs.
4. No one shall be obliged to give up their functions or religious rituals or to participate in them against their will.

5. No one shall be obliged to participate in festivities, religious rituals, or pledge following religious based formulas.

6. No one can be forced to reveal their religious beliefs, with the exception of cases when this revelation is directly linked to a right or obligation, or to the compilation of different statistics.

#### **Article 10**

##### **Restriction of the freedom of religion**

1. The individual or collective exercise of religion or conscience shall only be restricted by law, with the purpose of guaranteeing public security, public order and social moral or in order to assure the observance of basic rights and freedoms of other individuals.

2. The free exercise of religion and conscience shall not justify the aberration of obligations that come as a result of the implementation of the law.

3. The citizens, who on the grounds of their religion can not serve their military duty, shall have the right to serve an alternative duty for the Albanian State (pursuant to the respective law). In order to benefit from this right, the citizens that are subject of the obligatory military service shall submit a declaration that confirms their religion or creed (see Art. 9/6).

#### **Article 11**

##### **Guarantee for special subjects**

1. The right provided by Art. 7/2, as well as the right to possess and use the necessary objects for the exercise of religion or religious beliefs shall be guaranteed for the persons who:

- a) Are serving military duty or other civil duties;
- b) Are in health service centres or social care institutes, as well as those who are in vacation camps for children and youngsters owned by state institutions;
- c) Reside in correctional facilities or in centres for the social treatment of youngsters;

2. The ways of exercising a religion or other beliefs pursuant to Paragraph 1 of this Article are regulated by special bylaws.

#### **Article 12**

##### **The right to take/give financial contribution (individual)**

1. Every person, believer or not, shall have the right to financially help religious Organisations and other religious charity institutions or take financial aid from them.

2. Issues related to the declaration of income of the religious Organisations are regulated by this law and/or other special bylaws.

### **Chapter III**

#### **Relations between the State and religious Organisations**

#### **Article 13**

##### **Separation of religious organisations from the State**

Religious Organisations are separated from the State

The State is impartial with regards to religious issues, recognises equality between religious Organisations and respects their independence. This means that:

1. No religion or religious Organisation shall be recognised by the State as an official religion or religious Organisation.

2. No religion, religious Organisation, or clergyman shall enjoy special privileges by the State compared to another religion, religious Organisation or clergyman and nor be part of a state institution.

3. The State shall not interfere in the internal organisation and activity of religious Organisations. No public authority shall influence the election, appointment or departure of clergymen, the creation of religious structures that carry out religious, as well as other rituals.

4. The State can provide material support for activities organised by religious Organisations that involve health care, education, charity and social care, under the condition that the abovementioned services be provided without any kind of discrimination by those religious Organisations.

5. Religious Organisations can accomplish functions related to family, children and their education, in compliance with the provisions of this law. In no case shall these functions be accomplished by avoiding the respective legislation and the services of competent governmental organisms.

6. The freedom of religion related protests and gathering is guaranteed by the Albanian legislation. It can be restrained only in the cases expressly provided by law, in compliance with international standards, and only when argued by the competent governmental organisms that this is necessary for reasons of public security, for the protection of public health, moral and basic human rights and freedoms.

7. Religious Organisations have the right to complain against actions that limit this right in the State Committee on Cults or in the respective public administration organisms.

8. Other aspects of the exercise of this right shall be regulated through religious agreements.

#### **Article 14** **State Committee on Cults**

1. The purpose of the State Committee on Cults is the coordination the relations between the State and religious Organisations.

3. The duties, composition, structure and regulation of this Committee are approved with a Decision of the Council of Ministers.

4. The implementation of this law and of the respective bylaws that regulate the relations between the State and religious Organisations, together with other important issues related to their status and activities, shall fall under the jurisdiction of the Council of Ministers and of the Ministers responsible for the fields regulated by this law.

#### **Article 15** **Agreements between the Council of Ministers and religious Organisations**

1. The agreements between the Council of Ministers and religious Organisations shall be stipulated:

a) When a religious Association demands to be given the status of a religious Community, pursuant to the procedures provided by Art. 31 of this law.

b) To regulate important issues related to the relationship between religious Organisations and the State, aiming cooperation, for the welfare of everyone, in the interest of the country, for the protection of the basic rights and freedoms of citizens, regardless of their creed, as well as for the protection of the interests of others.

2. Every religious Community being a legal entity pursuant to this law can request to stipulate a bilateral agreement, pursuant to the Constitution and to this law.

3. The initiative for the stipulation of agreements between the Council of Ministers and religious Communities can be undertaken by both parties.

4. The agreement can be requested by a group of religious Communities for a precise purpose.

5. Agreements signed with one or many religious Communities shall not contain provisions that have as consequence restrictions for other religious Organisations.

6. The parties in the agreement may set definite deadlines for the implementation of the agreement.

7. In case of refusal of a request or proposal for the stipulation of an agreement by the Council of Ministers, this last shall explain the reasons for such a refusal, which can be related to the constitutionality, compliance to the laws or financial obligations.

8. Religious Communities can take the case to the court within 30 days from the denial of the stipulation of the agreement by the Council of Ministers.

#### **Article 16**

##### **The procedure for the stipulation of agreements with religious Communities**

1. When the request for the Stipulation of an agreement is made by a religious Community, it should contain arguments supporting the request and submitted, together with the draft proposal, to the State Committee on Cults by the representative of this Community. The State Committee on Cults concludes all the preliminary procedures for the studying and approval of the draft agreement within 30 days from the day of the submission of the request

2. The State Committee on Cults can send the text or certain articles of the agreement back for improvements only one time and only when it remarks incompliance with the constitution or laws.

3. After the termination of the preliminary procedures the State Committee on Cults must send the request and draft proposal to the Council of Ministers, which studies and approves it within 30 days.

4. Only the Council of Ministers can definitely or partially refuse the request and the draft agreement for the reasons provided by Art. 15.

5. When the initiative for the stipulation of the agreement is undertaken by the Council of Ministers, all the necessary talks and preliminary procedures with the religious Community are performed by the State Committee on Cults.

#### **Article 17**

##### **Ratification of agreements stipulates with religious Communities**

The agreements stipulated between religious Communities and the Council of Ministers are ratified or rejected in Parliament by laws approved by the majority of the MPs present in the session and in accordance with the procedures provided by the Regulation of the Parliament.

#### **Chapter IV**

##### **Cooperation in the interest of citizens.**

#### **Article 18**

##### **Religious holidays**

1. The days of religious holidays are defined by law. The religious Communities can propose religious holidays according to their discretion.

2. Religious Communities, pursuant to the religious needs to the believers, have the right to celebrate other religious holidays, besides those that shall be considered national holidays, but they are not obligatory for the public and private sector to follow.

#### **Article 19**

##### **Marriages**

1. Marriages and divorces shall be made in accordance with the provisions of the Code of Family.

2. Everyone is free to also apply religious customs related to marriage and divorce after having followed all legal procedures.

3. Religious Communities and the State jointly commit to the protection of the family values and the protection of children.

### **Article 20**

#### **Educational institutions of religious Communities**

1. Religious Communities have the right, in compliance with the criteria provided by the legislation in vigour, to found and run educational institutions (option 1 – of all levels, option 2 – of the middle and high level)

2. The state and the religious Communities commit to guarantee the right of individuals to have an education without distinction, including religious education, and in the meantime respecting the right of the parents to assure the education of their children following their own beliefs.

3. The State recognises the validity of the documents issued by the educational institutions of the religious Communities, pursuant to the criteria of the legislation on education in vigour.

4. The religious Communities draft the respective curricula for non public religious schools approved by the Ministry of Education. This Ministry assess and certifies the educational staff.

5. During the process of teaching, the state and the religious Communities commit to offer the students an education based on human rights and democratic principles, focus on teaching the children to lead a responsible life in a free society, teaching understanding, peace, tolerance, gender equality and love between people, ethnic groups with different religion, nationality and origin and fighting racism.

### **Article 21**

#### **Performing of Social Activities**

Religious Communities have the right to exercise social-economic, educational and health activities. This right also includes the creation of appropriate social environments, in accordance with the legislation in vigour.

### **Article 22**

#### **Charity Organizations**

Religious Communities can establish charity organizations, pursuant to the rules and the legislation in force.

### **Article 23**

#### **The right of expression and the right of information**

1. Religious Communities shall recognize and accept public information media as an important element for the protection of the freedom of speech and conscience.

2. Religious Communities have the right to express and freely teach their views through the public information media, as well as in any other form that is known or that will be known in the future.

3. Religious Communities have the right to establish public communication structures in accordance with the legislation in force. In any case, the content spread through mass media should not contain ideas that threaten constitutional order, laws in force, religious tolerance, or discriminate individuals or religious communities or stimulates the inter-religious arguments.

4. Religious Communities have the right to express themselves through public information and communication tools

5. For statistical purposes the State Committee on Cults has the right to ask Religious Communities to provide different data and information.

**Article 24**  
**The buildings and objects of cults**

1. Buildings and other objects that are used to perform different religious ceremonies are considered as holy buildings. The state authorities have no right to intrude in these building, except for the cases when it is required by the legislation, a court decision or executive title.

2. The inviolability of public spaces is guaranteed by the State.

3. The responsible public institutions in cooperation with religious Organizations decide on the place where the cults have to be built as well as on the placing of the religious symbols in accordance with the regulatory plan and the criteria set by law. In case these rules are not respected, the religious Organizations are obliged to remove any object built in contradiction with the law.

4. The conditions and the cooperation criteria between state institutions and religious Organizations are provided by Decisions of the Council of Ministers.

5. Buildings or objects that have the status of "cultural monuments" are regulated by law nr. 9048, dated April 7, 2003 "Cultural Heritage".

**Chapter V**  
**Organization of religious organizations and their legal entity status**

**Article 25**  
**Legal entity status of religious organizations**

1. The religious community is known as a legal entity by a decision of the District Court of Tirana, according to the conditions set by law.

2. Religious Organizations are known as legal entities when they register in the Registrar of Religious Communities and Organizations in the District Court of Tirana.

3. Such religious Organizations are known as legal entities according to deposited contract for their creation in the State Committee on Cults.

4. A particular registrar for the registration of Religious Communities and Organizations is kept in the District Court of Tirana.

**Article 26**  
**The functioning and organization of religious Communities**

1. Religious Communities have the right to be organized and to fulfil their mission in an independent way.

2. The state acknowledges and respects religious Communities as legal entities registered in accordance with this law and with the legislation in force.

3. The functioning and organization of religious Communities is performed through internal regulations, which shall be in compliance with the Constitution and the legislation in force.

4. The internal regulations as well as the activity of religious Communities must respect religious tolerance between religious Communities, as well as between them and third parties in Albania.

5. Every change in the internal regulations of religious Communities as well as in their management body has to be presented to the State Committee on Cults within 30 days.

6. The state recognizes to the religious Communities the right to create institutions and structures with religious or non religious character, which will earn or already have the legal entity status, in accordance with the legislation in force.

7. The institutions and structures created by religious Communities can exercise any kind of social, educational, health and economic activity, in compliance with the rules of the Community as well as with the legislation in force, which regulates, among others, the

licensing process.

8. Religious Communities may create religious groups, through the gathering of more than one Community, in order to fulfil their purposes. These gatherings are known as such after deposited contract for their creation in the State Committee on Cults.

9. Religious Communities, religious gatherings as well as their physical persons, in every legitimate form of their organization, are non-profit legal entities.

### **Article 27** **Registration of religious Communities**

1. The registration of religious Communities is performed on the basis of the contractual agreement between its representatives and the Council of Ministers, ratified by the Parliament of Albania.

2. Besides the agreement ratified by the Parliament of Albania, religious Communities shall deposit in the registry of the religious communities the following documentation:

a) Request for the registration of a legal entity, presented by the legal representative of the Community;

b) The Article of Associations of the legal entity, signed by the legal representative of the religious Community, according to its regulations, where, among others, is defined the seal, the nature and the object of the activity;

c) The Bylaw of the legal entity, the regulations, or any other act that is used by the religious Community, according to its regulations.

3. The Bylaw should contain the following information:

a) The name of the religious Community, which has to be different from the names of any other religious Community;

b) The description of the ideology that the Community is following, the forms of the religious ceremonies and the scope of the activity of the religious Community;

c) The structural organization of the Community, the management body and its employees, as well as the nature of their appointment and selection, its legal representatives, its respective duties and competences;

d) The sources of financing the Community;

e) The way of termination of the legal entity;

f) The territory within which it will exercise its activity.

4. The District Court of Tirana, within 30 days from the presentation of the request, together with the abovementioned documents, orders through a decision the registration of the religious Community as a legal entity in the Registry of the religious Communities and Organizations.

5. The registration of the Community can be refused if:

a) The documentation mentioned in this article is not complete;

b) The doctrine, aims and organization stated in the Bylaw or the regulations is in contradiction with the Constitution of the Republic of Albania or the legislation of the country;

c) The activity exercised by this Community jeopardizes public order and tranquillity, the rights of others, or spreads hate between existing religious Communities.

6. The decision for the refusal of the registration must contain the reasons why such decision is taken and must be communicated to the Community within 10 days.

7. The religious Community can re-present the documentation for registration if all the refusal reasons have been eliminated.

8. The decision for the refusal of the registration can be appealed within 15 days from the decision taking, according to the general rules of KPC.

### **Article 28** **Registration of religious organizations**

1. Religious organizations can be registered in the Registrar of Religious

Communities and Organizations, at the District Court of Tirana.

2. For the registration of religious organizations, the following documents should be presented:

- a) The request for registration
- b) The bylaw of the organization
- c) The representatives (the founding members)
- d) The financing sources
- e) The doctrine that will it will spread
- f) The territory within which it will exercise its activity
- g) The opinion of the State Committee on Cults.

3. The District Court orders the registration of the religious Organization in the respective registry within 30 days after the presentation of the request.

4. The registration of the Organization can be refused if:

- a) The documentation mentioned in this article is not complete;
- b) The doctrine, aims and organization stated in the bylaw or the regulations is in contradiction with the Constitution of the Republic of Albania or the legislation of the country;
- c) The activity exercised by this Organization jeopardizes public order and tranquillity, rights of other persons, or spreads hate between people of different religions.

#### **Article 29**

#### **The activity of the religious organization<sup>1</sup>**

The religious Organization can exercise the following activities:

- a) build cult's objects;
- b) perform religious rituals in accordance with its internal regulations;
- c) build charity centres (orphan's centres, asylums, etc);
- d) exercise any other activity provided by this law or any other law;
- e) perform secondary activities in order to exercise freedom of the religion.

#### **Article 30**

#### **The dissolution (termination) of the Organizations**

1. A religious Organization is considered terminated when:

- a) The term for which it is registered as a religious organization finishes;
- b) Files the request to be registered as a religious Community according to the procedures of this law;

2. The Organization shall be barred from the registrar if it goes against the Constitution and the internal laws or does not exercise the activity for which has been registered. The District Prosecutor, where the Organization is operating, shall request the religious Organization to be barred from the registrar.

3. The Organization can be barred by the Court, according to article 36 of this law.

#### **Article 31**

#### **The registration of the religious Organization as a religious Community**

1. Every religious Organization has the right to request the registration as a religious Community (get the status of a religious community) if it fulfils the following criteria:

- a) It operates inside the territory of the Republic of Albania since 20/30/50 years from the registration date as a religious Organization;

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<sup>1</sup> It is proposed that such rights are only for the religious communities i.e. the right to open educational institutions, health care centers, propose national holidays, etc. In this way it is understandable that an organization can not have these rights until it is a community, which makes the difference between the two.

b) Its religious activity has been grown in the territorial aspect as well as in the membership of believers of its doctrine;

c) Its activity has been continuously in accordance with the Constitution and the legislation in force.

2. After the request and the supporting documentation to be a religious Community has been presented, the State Committee on Cults verifies if it fulfils all the abovementioned requirements and recommends the creation of the contractual agreement to the Council of Ministers.

3. In case the contractual agreement is refused for one or more of the abovementioned requirements, the Organization has the right to file a reclaim in the District Court of Tirana

4. The registration of the religious Organization as a religious Community will be performed according to article 27 of this law.

### **Article 32**

#### **The term and territory of activity of religious Communities**

Religious Communities, as legal entities, can exercise their activity with unlimited time frame in one part or in all the territory of the Republic of Albania, according to the selection of the Community.

### **Article 33**

#### **The internal organization of the religious Community**

1. In relations with other religious and non religious institutions and organizations, inside and outside the country, the religious Communities are represented by organs and management bodies, who are created, elected, or chosen in accordance with their regulation

2. Religious Communities have the right to appoint their officials and management bodies in an independent way and in accordance with the regulations set by the respective Article of Association.

3. The officials of the Community are appointed according to the procedures and criteria set in the Bylaw of the Community.

4. Before public nomination of the officials as well as for changes in the management body, the Community notifies the Council of Ministers.

5. The officials and the management of religious Communities have the freedom of fully exercising the religious activity as long as it is not in contradiction with the Constitution and the legislation, as well as towards the interest of the thirds.

### **Article 34**

#### **Relations with foreign religious Communities**

1. Religious communities have the right to create and keep contact with foreign religious Communities and participate in their religious and charity activities, as long as these contacts do not affect the internal constitutional order.

2. The religious Community has the right to benefit financial or material support from foreign entities and/or individuals, as long as they are not in contradiction with the legislation in force.

### **Article 35**

#### **The allocation of the religious Community**

1. The religious Community can be allocated or re-organized according to the procedure by them specified in the statute.

2. The Council of Ministers, through the State Committee of Cults, is notified within 10 days or the allocation or re-organization of the religious Community.

3. If an unregistered religious Community requests to be registered again, it must fulfil the criteria specified in this law regarding the initial registration of the religious Community.

### **Article 36**

#### **The termination of the religious Community**

1. If a religious Community violates the Constitution and the internal laws of the Republic of Albania, the respective Court can decide to bar this Community from the Registrar of Religious Communities.

2. The General Prosecutor has the right to ask for the religious Community to be barred. He can initiate this process with his own initiative, or by request of the Council of Ministers.

3. The Court decides to terminate the activity of the religious Community if:

- a) It preaches ideas for religious intolerance or hate;
- b) Acts in contradiction with the legislation or instruct others to do so;
- c) It breaches its own Bylaw or regulation, on the basis of which it is registered as a religious Community;
- d) Exercises such activity that is dangerous for the national security, peace and public order, health and moral of other persons;
- e) Against the decision of the court can be appealed according to the procedures of Code of Civil Procedure.

4. With the termination of the religious Community, the assets and other rights are given to the persons specified in the statute. If they are not defined, they are given to the state. The working relations of the employed staff are regulated by the Code of Labour of the Republic of Albania.

### **Chapter VI**

#### **Financial Status**

#### **Article 37**

##### **The independent administration of the estates**

The State respects the independence of the religious Community and religious Organizations to administrate the estates and assets that they own, according to their regulation, tradition and statute.

#### **Article 38**

##### **The juridical and fiscal statute**

1. Religious Communities fulfil all legal requirements specified for all non-profit legal entities.

2. Religious Communities enjoy all the fiscal facilities specified for all non-profit legal entities.

#### **Article 39**

##### **Licensing**

1. Religious Communities or Groups, apart from their religious activity, have the right to organize other educational, social and health activities, in accordance with the Albanian legislation related to the licensing or issuing of respective permissions.

2. The institution that are created from the religious Communities can exercise every kind of social, educational, health and economic activities, in accordance with the regulation of the Community, as well as with the legislation in force, which among others regulates the process of licensing.

**Article 40**  
**Registration in the Tax Authorities**

After registering in the court, religious Communities must register to the Tax Authorities, in accordance with the respective legislation.

**Article 41**  
**The State financial support**

Religious Communities can benefit financial and/or material support from the State. The criteria for benefiting this support are regulated in the respective laws and bylaws.

**Article 42**  
**The solution of conflicts**

1. For the cases of unsolved conflicts, which can be between religious Communities in general, or their legal entities in particular, an "ad hoc" commission is created with the representatives of the States and the representatives of the religious Organizations, with the purpose of finding a satisfactory solution for both parties. The structures and the competences of the commission are defined with a decision from the Council of Ministers, after consulting with the religious organizations.

2. If the case is not resolved as mentioned in the first paragraph, the District Court of Tirana is the competent institution for resolving it.

**Transitional Provisions**

**Article 43**  
**The return and compensation of assets to the religious Communities**

1. The Republic of Albania takes the responsibility to return or compensate the assets to the religious Communities, in accordance with the Albanian legislation and will assist their registration in the name of the Communities.

**Article 44**  
**The actions of the law**

1. This law is also applicable to the religious organizations that are already exercising their activity inside the territory of the Republic of Albania.

2. The religious organizations that exercise their activity shall be acknowledged as such by this law, if they shall present the supporting documentation to be registered in the respective Registry, according to the above mentioned provisions.

3. The District Court takes in consideration the requests of these subjects, deciding their formal registration.

4. If the religious Community or the Organization is known as a legal entity with a court decision before this law is in force, it is automatically re-known as a legal entity after the court decision to deposit the additional documentation.

**Article 45**  
**The implementation of the law**

The respective Ministries are responsible for the implementation of this law.

**Article 46**  
**The enforcement of the law**

This law enters into force 15 days after its publication in the Official Journal.