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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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DRAFT LAW

**ON MAKING AMENDMENTS AND ADDENDA
TO THE LAW ON THE FREEDOM OF CONSCIENCE
AND ON RELIGIOUS ORGANIZATIONS**

&

**DRAFT LAW
ON AMENDING THE CRIMINAL CODE**

OF THE REPUBLIC OF ARMENIA

Revised version
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**THE LAW OF THE REPUBLIC OF ARMENIA
ON MAKING AMENDMENTS AND ADDENDA TO THE LAW
ON THE FREEDOM OF CONSCIENCE AND ON RELIGIOUS ORGANIZATIONS**

Article 1. The preface of the law HN-0333-1 of June 17, 1991 of the Republic of the Armenia on Freedom of Conscience and Religious Organizations recognize invalid.

Article 2. Formulate the Article 1 of the law with the following edition:

“The Republic of Armenia shall guarantee the freedom of conscience and religion and ensure the realization of everybody’s right. This right includes the freedom of accepting, not accepting religion, faith or convictions or changing the freedom and the right of expressing them by preaching, church ceremonies and other rites of worshipping individually and (or) with others (jointly, uniting).

The Republic of Armenia recognizes the exclusive mission of the Armenian Apostolic Holy Church, as a national church, in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia.

The relations between the Republic of Armenia and the Armenian Apostolic Holy Church, in accordance with the Article 8.1 of the Constitution of the Republic of Armenia, may be regulated through the law on the Relations of the Republic of Armenia and the Armenian Apostolic Holy Church.

Freedom of activities for all religious organizations in accordance with the law shall be guaranteed in the Republic of Armenia.”

Article 3. The law shall be added with the following contents by Article 1.1.:

“The law on Freedom of Conscience and Religious Organizations consists of the Constitution of the Republic of Armenia, international treaties of the Republic of Armenia, this law, laws regulating the sphere and other normative acts.”

Article 4. Formulate the Article 2 of the law with the following contents:

“The citizens of the Republic of Armenia are equal before law irrespective of their attitude towards religion or religious belonging.

The limitations of the rights of a person towards religion, belief or religious conviction (except for the defined cases by law), the persecutions of the religious basis or hindering other rights, as well as the excitation of religious animosity shall cause responsibility defined by the law.”

Article 5. Formulate the second part of the Article 3 of the law with the following edition:

“The expression of the conscience and religion can be limited only by the law, if it is necessary for the defense of the social security, health, morality or rights of other members of and freedoms.”

Article 6. Recognize the second part of the Article 4 of the law non-valid.

Article 7. In the Article 5 of the law

- a) Replace the number “200” with the number “500” in the item “e” of the first part.
- b) add with the following contents the item “f”
- c) in the event of Christian belief they shall believe in Jesus Christ as God and Saviour and accept the Holy Trinity.”

Article 8. In the 2nd paragraph of the Article 6 of the law after the word “apostolic” add the word “holy.”

Article 9. Formulate the Article 8 of the law with the following edition:

“Proselytism is forbidden in the territory of the Republic of Armenia. Proselytism is considered the preaching influence towards the citizens having other religious or belief views or not having them, during which:

- a) *material encouragement is proposed or provided,*
- b) *physical or psychological pressure or compulsion is exerted,*
- c) *hatred to other religious organizations, to their faith and activity is formed,*
- d) *expression of offences is applied towards other persons or religion,*
- e) *the person is prosecuted double or more times in his/her flat, work, in the resting or other places, as well as by telephone talk without his/her wish or request”*

Article 10. In the Article 10 of the law after the word ‘apostolic’ add the word “holy.”

Article 11. The Article 11 of the law add with the following contents with the 2nd part:

“It is forbidden without consent of the registered and the given functioning religious organization to make use the pictures and names, the saints’ names and pictures of the religious mystery, religious buildings (irrespective of the property form) in the goods and service marks, company names or signs, advertisement, except for the social advertisement by the defined order of the law. Those relations can be regulated on the contractual basis.

The provisions of the 2nd part of this article shall not be spread towards the artistic works of the physical persons and the objects having copyright towards them.”

Article 12. In the Article 14 of the law:

- a) remove the words “the community or” of the 1st part, and replace the words ‘b’-‘e’ sub-items with the words “in the first part, except for the ‘a’ item words:
- b) replace the word “ten” of the 2nd part with the word “thirty.”

Article 13. In the Article 17 of the law

- a) at the end of the “b” and “c” items of the 1st part add the words “, except for the cases defined by law.”
- b) In the 2nd and 3rd parts formulate the words “Armenian Apostolic Church” or its forms of cases with the words “Armenian Apostolic Holy Church” or its forms of cases.

Article 14. The Article 18 of the law after the word “the state” add the words “except the cases defined by the law” words.

Article 15. The second part of the Article 19 of the law formulate with the following edition:

“In the territory of the Republic of Armenia the activity of the religious organizations, which they carry out or try to carry out control of the personal life, awareness, health and property of the members, is banned.”

Article 16. The Article 23 of the law

- a) in the item the words “registers the statutes of the religious organization” replace with the words “in accordance with the Article 14 of this law gives experts’ conclusion:
- b) the second part of the Article 23 recognize invalid.

Article 17. This law comes into force from the thirtieth day following the official publication.

Article 18. The religious organizations, which are registered after coming into force of this law and not corresponding to the provisions of this law with their activity shall be re-registered during three months and correspond their activity with the provisions of this law.

The activity of the religious organizations, which are not registered in the defined cases in the 1st part of this article and in the terms, shall stop, if any other thing is not defined by the law.

**LAW OF THE REPUBLIC OF ARMENIA
ON AMENDING THE CRIMINAL CODE OF THE REPUBLIC OF ARMENIA**

Article 1. Formulate the Article 162 of the Criminal Code (hereinafter Code) of the LA-528 of April 4, 2003 of the Republic of Armenia with the following edition:

“Article 162. Forming associations encroaching the rights of the persons or against a person, leading or supporting them, proselytizing

1. Establishment, management such religious or non-governmental association, or support them, whose activities inflict damage to the health of individuals or with encroachments on other rights of individuals, as well as incite the individuals to refuse their civil duties:

is punished with detention maximum for the term of two years.

2. Proselytism is punished with a fine in the amount of five hundredfold of the minimum salary or detention maximum for the term of one year.”

Article 2. This law comes into force from the fourth month following the official publication.