

Law of the Russian Soviet Federative Socialist Republic on Freedom of Worship (25/10/1990)

I. GENERAL PROVISIONS

Article 1. The Purpose of This Law

The purpose of the Law of the RSFSR on Freedom of Worship is to regulate societal relations arising in the given sphere with the aim of ensuring observance and uniform application throughout the RSFSR of the principles of freedom of conscience enshrined in the Constitution of the RSFSR, and also of guaranteeing the rights of citizens to exercise such freedom.

Article 2. Legislation on Freedom of Worship

Legislation of the RSFSR governing freedom of worship shall consist of this law and other legislative acts of the RSFSR issued in accordance therewith.

Article 3. The Scope of Freedom of Worship in the RSFSR

Freedom of worship, enshrined in the Constitution of the RSFSR, shall include the right of each and every citizen to freely select, possess, and disseminate religious and atheist beliefs, to confess any faith or no faith, and to act in accordance with his or her beliefs, while observing the laws of the state.

Article 4. Principal Forms of Application of the Right to Freedom of Worship

Citizens of the RSFSR, foreign citizens, and stateless persons shall enjoy the right to freedom of worship on an individual or shared basis, by way of founding appropriate public associations. Religious and atheist public associations shall be founded and shall function on the basis of their statutes (regulations), which shall be registered in the proper procedure as stipulated in this law. The activities of public associations founded for purposes of exercise of the right to freedom of worship should not entail assault upon the person or infringements upon the rights and freedoms of citizens, nor other breaches of the law.

Article 5. Guarantees of Freedom of Worship

The fundamental guarantees of freedom of worship in the RSFSR shall be:

- § equality of citizens irrespective of attitude to religion;
- § separation of religious and atheist associations from the state;
- § the secular nature of the state education system;
- § equality of religious associations before the law;
- § legislation ensuring the exercise of freedom of worship and establishing penalties for infringement thereupon.

Article 6. Equality of Citizens Irrespective of Attitude to Religion

Citizens of the RSFSR shall be equal before the law in all spheres of civic, political, economic, social, and cultural life irrespective of their attitude to religion.

Indication in official documents of a citizen's attitude to religion shall be prohibited. Any form of direct or indirect restriction of the rights of or granting of direct or indirect advantages to citizens in connection with their attitude to religion, the incitement in this respect enmity and hatred, and also the insulting of citizens in connection with their religious or atheist beliefs shall be punishable by law.

Insults to the religious sentiments of citizens, and also the desecration of items, buildings, and sites venerated by a religion, shall be punishable by law.

Article 7. Civic Duty and Religious Beliefs

Attitude to religion shall not justify refusal to perform or evasion of civic duties established by law.

Substitution of one civic duty with another shall be permissible in circumstances provided for by legislation of the RSFSR. Persons who on account of religious beliefs cannot serve in the armed forces in a combatant role shall, on terms and in the procedure established by law, be permitted to serve in a capacity unconnected with the use and bearing of arms.

Article 8. Separation of Religious and Atheist Associations From the State

Religious associations in the RFSR shall be separate from the state. Authorities and officials of the state shall not interfere in the formation by citizens of their attitude to religion nor in the lawful activities of religious associations and shall not instruct the latter to perform any functions of the state. Within the RSFSR neither state authorities nor offices of state may be formed for the explicit purpose of directing, managing, or deciding upon the exercise by citizens of freedom of worship.

The lawful activities of religious associations shall be protected by the state.

Religious associations may not interfere in the affairs of the state and shall participate neither in elections of state and government authorities nor in activities of political parties; however, members of religious associations shall be entitled as all other citizens to participate on a personal basis in political life.

Religious associations shall be entitled to participate in the social and cultural life of society pursuant to legislation governing the activities of public associations in the RSFSR.

Public associations formed for purposes of joint study and dissemination of atheist beliefs shall be separate from the state. The state shall not provide them with any material or ideological assistance and shall not instruct them to perform any functions of state.

Article 9. The Secular Nature of the State Education Systems

The state system of education and instruction shall be of a secular nature and shall not attempt to mold any attitude to religion.

Religious instruction and religious education may take place in nonstate establishments, privately at home, or under the auspices of a religious association, and also on an optional basis by representatives of religious associations with registered statutes in any preschool and educational establishments and organizations.

Instruction in religion and the fundamentals thereof and also of religious philosophy that is not accompanied by the performance of religious rites and that is of an explanatory nature may be included in the curricula of state educational establishments.

A child shall be entitled to freely express his or her opinion and shall be entitled to freedom of thought, conscience, and religion. The state shall respect the freedom of a child and of his or her parents or lawful guardians to ensure the religious and moral upbringing of their choice in accordance with their beliefs.

Article 10. Equality of Religious Associations Before the Law

All religions and religious associations shall be equal before the laws of the state. No religion or religious association shall enjoy any advantages or be subjected to any restrictions relative to others. In matters of freedom of worship and belief the state shall be neutral, that is shall not favor any religion or outlook.

Article 11. State Supervision of Compliance With Legislation on Freedom of Worship in the RSFSR

State supervision of compliance with legislation on freedom of worship in the RSFSR shall be effected by soviets of Peoples Deputies and also the appropriate law enforcement agencies in accordance with their terms of reference as established by law. Such supervision by other state authorities or by political parties and officials shall be prohibited.

Registration of the statutes (regulations) of religious associations pursuant to the rules stipulated by this law shall be exclusively within the terms of reference of the Ministry of Justice and its agencies in localities.

Article 12. The Advisory Council of the RSFSR Supreme Soviet Committee on Freedom of Conscience, Religion, Compassion, and Charity

An Advisory Council shall be formed under the auspices of the RSFSR Supreme soviet Committee on Freedom of conscience, Religion, compassion, and Charity and shall consist of representatives of religious associations, public organizations, state authorities, experts on religious affairs, lawyers, and other specialists in freedom of conscience and religious denominations. The composition of the council shall be endorsed by the Presidium of the RSFSR Supreme Soviet upon submission by the said committee.

The Advisory Council shall:

- § establish a data bank on religious associations registered in the RSFSR;
- § advise the Committee on Freedom of Conscience, religion, Compassion, and Charity and other committees of the RSFSR Supreme Soviet on the application of this law;
- § provide legal and religious expert opinion and also official conclusions upon request by state and government agencies and courts of law.

Article 13. Liability in Respect of Breach of Legislation on Freedom of Worship

Persons guilty of breach of legislation on freedom of conscience and worship shall bear criminal, administrative, and other liability as established by legislation of the RSFSR. No person may be prosecuted for beliefs arising from his or her attitude to religion.

Confidentiality of confession shall be protected by law. Members of the clergy shall not be questioned upon and shall maintain in strict confidence all information known to them from confessions heard of citizens.

Article 14. State Authorities and Religious Holidays

Upon request by public religious associations, state authorities in the RSFSR shall be entitled to declare major religious holidays additional nonworking days.

II. THE RIGHT TO RELIGIOUS BELIEFS AND RELIGIOUS ACTIVITIES

Article 15. The Right to Religious Beliefs

Pursuant to the Constitution of the RSFSR, each and every citizen shall have the right to select and hold religious beliefs and to freely change them. A citizen of the RSFSR may individually or jointly with fellow believers confess any faith, perform religious rites without let or hindrance, voluntarily join and leave religious associations. A citizen of the RSFSR shall be entitled to proclaim and disseminate religious views and beliefs in oral, printed, and any other form, on condition that such activity shall not violate this law or public order and shall not entail assault upon the person or infringement of the rights of citizens. Hindrance with or without the use of coercion of the assumption or rejection of religious beliefs and of the joining or leaving of a religious association shall be punishable by law.

Article 16. The Entitlement to Perform Religious Rites

Hindrance of the performance of religious rites that are not in breach of legislation of the RSFSR shall be punishable by law. The conduct of atheist events in places used by believers pursuant to this law for the purposes of worship shall be prohibited.

Article 17. Religious Associations

A Religious association shall be a voluntary alliance of adult citizens, formed for the purposes of joint exercise of the right to freedom of worship, including for joint worship and the promotion of a faith.

Worship and promotion of a faith shall be understood to include the performance of rites, the dissemination of one's beliefs in society directly or via the mass media, missionary work, acts of compassion and charity, religious instruction and education, ascetic establishments (monasteries, retreats, etc.), pilgrimage and other activities as defined by the appropriate system of beliefs and provided for by the statutes (regulations) of the given association.

Religious associations may be regional or centralized, with their own administrative bodies and other structural units as provided for by their statutes (regulations).

Article 18. The Religious Association as Juridical Person

A religious association of not less than ten adults shall assume the status of juridical person upon registration of its statutes (regulations) in the procedure stipulated in Article 20 of this law.

A religious association enjoying the status of juridical person may found other religious associations with the status of juridical person.

Article 19. The Statutes (Regulations) of Religious Associations

The statutes (regulations) of a religious association that has assumed the status of juridical person shall conform to the appropriate requirements of civil legislation.

Statutes (regulations) submitted for registration should indicate the following:

- § the name and location and place of activities of the given association;
- § the aims, goals, and general forms of the given associations activities;
- § the procedure in which the given association shall be founded, its structure and administration;

§ the sources of finance and the property arrangements both within the given association and between it and other associations with which its statutes (regulations) envisage collaboration;

§ the procedure for making amendments and additions to the statutes (regulations).

All religious association in the FSFSR, irrespective of the nature of their relationship, as set out in their statutes, to religious associations beyond the borders and authority of the RSFSR, shall operate in compliance with the legislation of the RSFSR.

Article 20. Registration of the Statutes (Regulations) of a Religious Association

Citizens who have founded a religious association shall, in order for it to gain the status of juridical person, submit an application with the statutes (regulations) attached to the Ministry of Justice of the RSFSR or its local authority (depending on the area within which the given association will conduct its activities).

Affiliation to a regional or centralized religious association shall be indicated in the statutes (regulations) and be confirmed by such association; in such circumstances the agencies of the Ministry of Justice shall be obliged to effect registration within one month.

In the absence of confirmation by a regional or centralized association, the appropriate agency of the Ministry of Justice shall consult the Advisory Council of the RSFSR Supreme Soviet, in which case the time limit for registration may be extended to three months.

Statutes (regulations) may be denied registration only should their contents contravene this law and other legislative acts of the RSFSR. A religious association may appeal in a court of law against refusal to register its statutes (regulations).

Article 21. Termination of the Activities of a Religious Association

The activities of a religious association may be terminated:

§ upon decision by a general assembly of its founders, by the congress (conference) that founded it, and also in the event of its self liquidation (collapse);

§ by order of a court of law, should the activities of the religious association contravene its statutes (regulations) and existing legislation. Breach of legislation by individual members of a religious association shall not lead to liability of the association as a whole.

Article 22. Religious Rites and Ceremonies

Religious associations shall be entitled to found and maintain freely accessible sites for services or religious gatherings and also sites held in veneration by religions (places of pilgrimage).

Citizens and religious associations shall be entitled, without let or hindrance, to conduct services, religious rites, and ceremonies in houses of worship and on adjacent grounds, at places of pilgrimage, in establishments of religious associations, at cemeteries and crematoria, and in citizens` houses and flats.

Citizens shall be entitled to receive, acquire, and utilize holy artifacts and religious literature and also to perform and participate in religious rites at military units of all branches of the armed forces, in hospitals and clinics, in homes for the elderly and the disabled (of all categories), in children's homes and boarding schools, in remand detention centers and places of deprivation of freedom (including punishment and other cells).

The administrations of such establishments shall be obliged to ensure that citizens be able to exercise the freedom of worship, including by way of making available separate premises for the performance of rites and ceremonies, assisting in inviting members of the clergy and enabling them to converse freely with citizens.

In other places religious rites and ceremonies shall be conducted in the procedure established for gatherings, rallies, processions, and marches.

Article 23. Religious Literature and Items of a Religious Nature

Religious associations shall be entitled to produce, acquire, export, import, and distribute religious and holy artifacts and religious literature and other printed matter.

Religious associations shall enjoy the exclusive entitlement to found enterprises to produce literature for services and holy artifacts.

The issue of periodical publications of a religious nature and other religious literature not intended for use during services shall be effected pursuant to legislation on the press and mass media.

Article 24. Charitable, Cultural, and Educational Activities by Religious Associations

Religious associations shall be entitled to engage in charitable activities both independently and via public organizations (foundations). They shall be entitled to found cultural and educational organizations and also mass media outlets, including radio and television, on the conditions and in the procedure established for public associations in the RSFSR.

Article 25. International Communication and Contacts

Citizens and religious associations shall be entitled, on a group or individual basis, to establish and maintain international communication and direct contacts, including for pilgrimages, participation in gatherings and other religious events, in order to receive religious education; for such purposes they may invite foreign citizens.

III. THE ASSETS AND FINANCES OF RELIGIOUS ASSOCIATIONS

Article 26. The Assets of Religious Association

Religious associations may own buildings, holy artifacts, sites of a productive, social, charitable, cultural, and educational nature, cash, and other assets essential for their activities.

Religious associations shall enjoy rights of ownership of assets acquired from their own or donated means, bequeathed by citizens, or transferred by organizations or the state, or otherwise lawfully acquired.

Religious associations shall be entitled to own assets abroad.

Terms for the maintenance by religious associations of sites and artifacts that are historical and cultural landmarks shall be agreed upon with the appropriate cultural authorities (departments). The state shall render financial assistance in the restoration of houses of worship that are of historical and cultural import.

Article 27. Use of Assets Belonging to the State, Public Associations, and Citizens

Religious associations shall be entitled to use for their own needs and pursuant to their statutes (regulations) grounds, buildings, and assets made available to them on a contractual basis by the state and public organizations and also by citizens.

The use of land by religious associations shall take place in the procedure established by legislation of the RSFSR.

Article 28. Production and Commercial Activities of Religious Associations

Religious associations shall be entitled, pursuant to their statutes (regulations) and legislation of the RSFSR and members of the federation, to establish enterprises with the status of juridical person for purposes of manufacturing, restoration, artistic, agricultural, and other activities.

Article 29. Labor Relations of Citizens in Religious Associations, at Their Enterprises and Establishments

Religious associations, and also enterprises and establishments founded by them, shall be entitled to employ people to work for them.

Remuneration and other terms of labor of employees shall be determined by the religious association in question upon agreement with the employee and be indicated in the employment contract. The religious association shall be obliged to register the employment contract in the proper procedure and effect the established deductions to the state budget.

Labor legislation shall apply to citizens working to contract at religious associations in the same way as to workers and employees of state and public enterprises, establishments, and organizations.

The incomes of citizens, including members of the clergy, working at religious associations and their enterprises and establishments shall be subject to taxation at the rates in force for employed persons.

Article 30. Taxation of Religious Associations

Assets and financial means donated to religious associations, and also all money donated by citizens, shall not be subject to taxation.

Profits from manufacturing activities on the basis of assets of religious associations, with the exception of proceeds allocated for charitable, cultural, and educational purposes, shall be subject to taxation pursuant to legislation of the RSFSR in the procedure established for enterprises of public organizations.

Article 31. Social Provision and Social Insurance of Employees of Religious Associations

Citizens, including members of the clergy, working at religious associations and enterprises and establishments thereof shall enjoy social provision and social insurance equal to workers and employees of state and public enterprises, establishments, and organizations.

To this end, religious associations and their enterprises and establishments shall make payments to the state social insurance and provision funds in the procedure and amounts established for public organizations.

All citizens working at religious associations and enterprises and establishments thereof shall be assigned and receive an ordinary state pension.

Article 32. Disposal of the Assets of Religious Associations Upon Closure

Subsequent to the cessation by a religious association of its activities, assets made available for its use by state, public, and other organizations shall be returned to their former owners.

Upon cessation by a religious association of its activities, assets in its possession shall be disposed of pursuant to its statutes (regulations) and existing legislation.

Upon the absence of a successor in rights, assets shall be transferred to the state.

First Deputy Chairman of the RSFSR Supreme Soviet

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Moscow, RSFSR House of Soviet,

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