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## **Processes of Harmonization of the Eurasian Economic Community Member States' Laws on Freedom of Conscience**

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### **ABSTRACT**

The article discusses possible ways of harmonizing the Eurasian Economic Community member states' legislation on the freedom of conscience. It is shown that the basis of harmonization is common approach developed over the centuries in existence within a single state – The Russian Empire and the Soviet Union, the legal documents of the Commonwealth of Independent States, the transfer of basic research from determining the signs of the secular state on to the development of individualistic and collective freedom of conscience. The current Law on Freedom of Conscience in Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation is analyzed.

**Keywords:** Eurasian Economic Community, Freedom of Conscience, The Secular State, Church-State Relations, Religious Organizations

**JEL Classifications:** F5, H7, K2

### **1. INTRODUCTION**

The Eurasian Economic Community (EAEC) is an international organization of regional economic integration. According to Article 4, 2014 of the Treaty on the EAEC, one of its goals is to strive to create a single market for goods, services, capital and labor within the union (Treaty, 2014). Thus, the development of EAEC will strengthen migration flows, which will inevitably raise the question of the need for harmonization or even unification of legal regulation of more than just economic relations. Freedom of conscience in this regard has become an important subject of harmonization with the practical point of view and the object of study from a theoretical perspective. This is due to several reasons. Firstly, the nowadays-classic idea of Weber (1990) on the role of the religious factor in economic development continues to evolve and is confirmed by recent studies (Grytten, 2013).

Secondly, all Member States of the EAEC share a common history of emerging law in the regulation of state-confessional relations due to the long-term effect of the existence within a single country. This applies even to the period of the Russian Empire XIX – early XX centuries, when although a legal status of the Russian Orthodox Church was set as the “leading and dominant” (Curtiss, 1940), very much in the legal field was done for the representatives of other religions (Werth, 2007). For example, Werth (2004, p. 86) has writes that “from 1770 to 1840, the state has provided non-Orthodox denominations more responsibilities, rights and institutional structures than what the Orthodox Christians have had.” While the Orthodox Christians received “Spiritual regulations” in 1721, the Roman Catholics received a comparable document in 1769, the Evangelical Lutheran Church and the Reformed Church – in 1832 ... Muslims of Crimea – in 1831, the Kalmyk Buddhists – in 1834 Jews – in

1835, the Armenian Gregorian church – in 1836....” At the same time, trying to subdue the religious leadership of various faiths, the government authorities of the Russian Empire have generally failed (Polunov et al., 2013. p. 137). In the Soviet period, the religious organizations were separated from the state in all of the republics, while the state was pursuing a consistent policy of maintaining the rule of atheistic worldview.

Since the late 1980s, in the Soviet Union began to develop a new system of relations between the state and religious associations based on cooperation and partnership. The revival of churches, monasteries has begun. In 1990, was adopted the Law of the USSR “On Freedom of Conscience and Religious Organizations.” Freedom of conscience has been regarded not only as the right to atheism. Later, however, the process got its development in the independent states of the former Soviet Union, and in many of them the problem of freedom of conscience and its legal regulation has become an integral part of national identity, the revival of national culture.

At the present stage we can talk not only about post-secular world (Habermas and Ratzinger, 2006), which cast doubt on the achievements of the 20<sup>th</sup> century, when for various reasons, large numbers of people become atheists, but also of a new type of believer. Modern man has a fairly high level of education and awareness in various fields. However, the search for moral ideals is perhaps even more complex today than in the previous periods. This is explained by the mosaic of modern concepts of “proper” and an unusual complication of everyday life of each person, constantly playing different social roles, and the diversity of sources of one’s knowledge and experiences. Modern state-confessional relations and their legal regulation must conform to this process and respond to the new questions raised by the person due to one’s attitude to God.

## 2. THE PROBLEM OF THE TYPOLOGY OF SECULAR STATES

The problem of legal regulation of freedom of conscience that emerged in grounds of the Commonwealth of Independent States (CIS) remains prompt. In three of the five republics of the EAEC member states (Kazakhstan, Kyrgyzstan, Belarus) after the collapse of the Soviet Union are adopted second in a row laws on freedom of conscience, but the debate does not stop (e.g. Freedom of Religion in the Kyrgyz Republic, 2012). An elaboration of a common approach to the problem of freedom of conscience in the post-Soviet states also comes with great difficulty. Thus, only by November 28, 2014 was completed a years-lasting hard work to create CIS Model Law “On freedom of conscience, religion and religious organizations (associations).” Such complexity caused by the fact that in the member states of the CIS, EAEC members search for a model of a secular state, which would allow to take into account the existing state-legal tradition, including the pre-revolutionary and Soviet periods, and to ensure a partnership of the state with various religious organizations.

In the first articles of the Constitutions of the Russian Federation, Kyrgyzstan and Kazakhstan, the term “secular state” is being used,

but none of the constitutions gives its definition, but rather indicates some of its properties. For instance, Article 4 of the Constitution of the Kyrgyz Republic of 2010 prohibited the establishment of political parties based on religion, as well as political parties, public and religious associations, their representative offices and branches pursuing political goals, actions directed toward a violent change of the constitutional system, undermining national security, inciting social, racial, ethnic, ethnic and religious hatred. A similar provision is contained in Article 5 of the Constitution of Kazakhstan of 1995. According to Article 14 of the Constitution of the Russian Federation of 1993 in the grounds of the secular state is that “no religion may be established as state or obligatory” and that “religious communities are separate from the state and equal before the law.”

The lack of definition of a secular state in the international and national levels has quite a negative impact on both the legal regulation and the enforcement practice of these countries; therefore, this term refers to different phenomena. Canadian philosopher Charles Taylor calls attention to the fact that secularism is a complex requirement, which aims to achieve not one but many benefits. Taylor (2010) has identified three goals that he formulated in terms of the triad of the French Revolution: Freedom (i.e., religious freedom – no one can be forced to religion or belief, and the freedom not to believe), equality (i.e., equality between people of different faiths, or core beliefs, no religious or non-religious worldview cannot have a special status), fraternity (i.e., to be heard by all the spiritual families included in the continuous process of determining what is society and its political identity and how it implements the objectives (i.e., the exact mode of rights and privileges).

Benson (2000. p. 530) proposed the following typology of secular states: (1) Neutral secular states – states which do not support any form of religion; (2) positive secular state – A state that does not support the religious beliefs of a particular religious group, but can act so as to create favorable conditions for religions; (3) negative secular state – A state that is not competent in matters of religion, but do not interfere with the religious manifestations that do not threaten the common wealth; (4) states that do not support a particular religion or a group of believers, but develop a concept of moral citizenship in accordance with the broad involvement of the different groups of believers (religious and non-religious). Yet none of the types of states is ideal and contains some problems. This is due to two reasons: The first problem was discussed by Hegel (2007. p. 158) who mentions that “the attitude of religion in its immediacy to other forms of human consciousness grounds sprouts of split because both sides are in a state of mutual isolation ... so a man in his worldly activities spends a number of weekdays, dedicating them to one’s special interests and worldly goals in general, and meet one’s needs, but they are followed by Sunday, when all is laid aside, deepens into one’s self and ... lives by oneself and the higher that it is incorporated, one’s true nature.” That is the physical and spiritual essence of man initially lays the duality to which the secular state is rather difficult to adjust. The second reason is elaborated by Sebentsov (2003) – The author of the first commentary to the Federal Law “On Freedom of Conscience and Religious Associations” dated back to 1997. He

notes: "The secular state is based on a liberal system of values, at the center of the legislation it puts a man and one's rights and freedoms, and in this system the right of religious communities – is just a derivative of human rights to have religious beliefs and the freedom to act in accordance with them. Every religion has its own dogmatic system of values, the center of which, as a rule, is the supreme power of the irrational and the man occupies a modest place" (Sebentsov, 2003. p. 85).

Proceeding from the aforesaid, in our opinion, the typology of the relationship between the state and religious organizations should be based on the following principles. The basic concept has to be a freedom of conscience as the basic category, rather than having the state religion or the principle of secularity. It should be noted that the existing international legal standards introduce some terminological confusion by introducing such single order concepts as "freedom of thought, conscience and religion." On the one hand, it seems justified, as norms of international law should be applicable to all nations, religions. However, on the other hand, the blurring of concepts leads to excellence of religious outlook over the atheistic, and the contrary. Freedom of conscience can be seen as one of the personal (i.e., civil) rights within the group rights of the first generation (Vasak, 1977) relating to individual freedom. But at the same time it is a collective right (i.e., third generation right) since religious rights can be implemented, as a rule, only within the framework of a religious organization.

Thus, in the typology of church-state relations the following must be highlighted – does the legal system of the state enable the implementation of freedom of conscience of an individual and of a collective right? These principles enable us to suggest the following typology. The first group – The states where international legal standards on freedom of conscience, considered as the sum of freedom of religion and atheistic worldview for both collective and individual actors is implemented. The second group – The states with a declared freedom of conscience of each person, but the limitations being imposed by religious associations. The third group – The states where the main focus is on strengthening and realization of the rights of religious organizations, and individual freedom of conscience is regarded as a secondary category. The fourth group – The states that refuse the existing international legal standards in the field of freedom of conscience, and introduce legislative restrictions in the area of implementation of collective and individual freedom of conscience.

### 3. LEGISLATION OF EAEC MEMBERSHIP STATES ON FREEDOM OF CONSCIENCE

The application of the proposed classification to the countries – members of the EAEC makes it necessary to appeal to not only to the category of "secular state," but also other basic concepts of constitutional law defining the implementation of religious freedom and freedom of atheistic worldview: (1) Article 32 of the Kyrgyz Constitution and Article 28 of the Constitution of the Russian Federation, which grant a guaranteed freedom of conscience and religion to everyone; (2) Article 22 of the Constitution of Kazakhstan and Article 26 of the Republic of Armenia that establish the right of everyone to freedom of conscience; (3) the

Constitution of the Republic of Belarus does not have a similar term; in accordance with Article 31, "Everyone has the right to determine their attitude to religion, to profess or not to profess any religion alone or in community with others, to express and disseminate beliefs associated with one's attitude to religion, to participate in religious cults, rituals, rites, not prohibited by law."

None of these forms is ideal, but they are consistent with existing international legal instruments. Terminological diversity began with the Universal Declaration of Human Rights of 1948. Article 18 confirmed that each person has the right to freedom of thought, conscience and religion; this includes freedom to change one's religion or belief and freedom to manifest one's religion or belief, either alone or in community with others and in public or private, in teaching, practice, worship and performance of religious and spiritual orders. The situation was not fixed by the subsequent documents.

Analysis of the special laws governing church-state relations and the rights of believers and non-believers, enables to make several important conclusions. The first conclusion – The existing laws were adopted in a number of different political conditions. For example, Armenia became a member of the EAEC in January 2, 2015. However, the law of the Supreme Council of the Republic of Armenia "On Freedom of Conscience and Religious Organizations" was adopted as early as 1991 (The Law of the Republic of Armenia, 1991). It is the oldest law is aimed at ensuring freedom of conscience and religion in the countries of the EAEC and therefore deserves a detailed analysis. According to Article 3 it is not permitted any coercion or violence to the citizen to make their decision to participate or not participate in religious services, religious rites and ceremonies, and religious education. Article 8 of the Law prohibits proselytizing in the territory of the Republic of Armenia.

According to the norms of the Armenian Constitution and the Law "On Freedom of Conscience and Religious Organizations" the church is separated from the state. The state does not have the right to force a citizen to adhere to any religion, it should not interfere with the legal operation and the internal life of the church and religious organizations, it prohibits any public authority or an executive person assigned in the structure of churches and religious organizations, it prohibits the participation of the church in the public governance and shall not impose any governmental functions on the Church and religious organizations. The right of freedom of conscience is subject only to those limitations that are necessary to protect public safety and order, citizens' health and morals, rights and freedoms of other members of society.

Additions and changes being made in this law were held in 1997, 2001 and 2011. In addition, substantial changes have been proposed to the Law in 2009 (The Law of the Republic of Armenia, 2009), which were adopted in the first reading by the Parliament of the Republic of Armenia. Later, however, the proposed amendments have been heavily criticized both in Armenia (it was noted that the form and content of the draft law is not consistent with international standards), and the Joint Opinion of the Venice Commission, the Directorate General of Human Rights and

Legal Affairs of the Organization for Security and Co-operation in Europe, the Council of Experts of the Office for Democratic Institutions and Human Rights (ODIHR) on freedom of religion or belief (79<sup>th</sup> plenary session, Venice, 12-13 June 2009) (Joint Opinion ..., 2009).

Danielyan et al. (2012) note that the shortcomings of the draft law can be divided into two groups: (1) The bill does not eliminate the existing shortcomings of the current law, and the uncertainty over certain limits. Not all items conform to the constitution, as amended, and the international commitments of Armenia to the Council of Europe; (2) the bill contains new conditions that restrict the activities of religious organizations and allows arbitrary interpretation of the wording. In addition, Armenian experts noted that the number of civil society organizations that were not taken into consideration by the legislature, but later on included in the general opinion, is the main deficiencies identified during the discussions. The Venice Commission drew attention to the fact that some of the terms – Such as “material encouragement,” “psychological pressure” are vague and overly broad.

In 2011, a new “Draft Law of the Republic of Armenia on freedom of conscience and religion” we developed. In Article 4 has been presented a new definition of proselytism (“dushelovstvo”). The draft law refers to proselytizing as “any influence of religious propaganda to persons with different religious or doctrinal affiliation or views with the aim of converting them to another religion, which is expressed in the application of physical or physiological threats of violence against that person or a relative, or social distribution of materials privileges or use of their needs, the provocation of hostility and incitement to hatred against another religion, creed or religious organization, prosecution of two or more times, as well as action against a person who has not attained the age of 14 – without the consent of parents or guardians.” The Venice Commission advised wary of such a definition and confine the definition of “improper proselytism,” as traditional, non-coercive “proselytism” is legal and protected by international standards.

The bill has been further criticized, as reflected in the draft law “On Freedom of Conscience and Religion” and on amendments and additions to the Criminal Code, the Code of Administrative Offences and the Law “On the relations between the Republic of Armenia and the Holy Armenian Apostolic Church of Armenia” by the Venice Commission and ODIHR adopted at the 88<sup>th</sup> plenary session (Flanagan and Murdoch, 2009).

Relations of the Republic of Armenia and the Armenian Apostolic Church are governed by the law of March 14, 2007 (The Law of the Republic of Armenia, 2007), according to which the Armenian Apostolic Church is granted extensive rights, especially in education. This law has been criticized by human rights activists, representatives of religious organizations and the public in Armenia (Ishkhanyan, 2007), it caused concern of international organizations (Armenia., 2008), and professionals (Volodina, 2015). According Lusian (2012. p. 20, 21), the model of church-state relations in Armenia is still in the stage of execution, and at this stage it is characterized by the features of different models – The separation (i.e., the law contains rules on the separation

of church and state, equality of all religions before the law), integrative (i.e., when the leaders of the state consider the church as an ally, counting on its support and use it in their political and ideological interests) and cooperation (i.e., assuming a policy of social partnership between the state and religious associations).

Formation of the Law on Freedom of Conscience in Russia occurred in similar historical circumstances. On October 25, 1990 was adopted the Law of the Russian Soviet Federative Socialist Republic “On freedom of religion,” Article 18 of which returned the status of legal entities to religious organizations. After the collapse of the Soviet Union, there was a requirement in the new Act. Federal Law of the Russian Federation “On Freedom of Conscience and Religious Associations” dated September 26, 1997 was taken under conditions of the uncontrolled flow of sectarians coming to the territory of the country, the ongoing economic crisis, and most importantly – The Russian Federation has sought to become a full member of the Council of Europe (according to the declaration 193 of the Parliamentary Assembly of the Council of Europe on Russia’s application for membership in the Council of Europe on January 25, 1996 the Russian Federation has made a commitment to return the property of religious organizations as soon as possible), etc.

However, a detailed analysis of the following legal documents shows that the state is consistently trying to implement the principles and norms of this Law. An example is the legal regulation of property rights of religious organizations in Russia. November 30, 2010, the Federal Law of the Russian Federation No. 327-FL “On the transfer of property to religious organizations for religious purposes under state or municipal ownership,” which concluded the long process of forming a legal framework that ensures the transfer of property confessions that had no legal personality for over 72 years.

Back in 1997, the Law stopped the uncontrolled entry into the territory of the Russian Federation of the representatives of various religious organizations whose activities are regarded as destructive or could cause significant damage to health and moral of followers. At the present stage the law follows a constant process of its liberalization via changes. In particular, on July 13, 2015 was amended the paragraph 1 of Article 9, which declared that the founders of a local religious organization could be at least 10 Russian citizens, united in a religious group, in which there was a confirmation of its existence in the territory for at least 15 years, issued by local authorities, or confirmation of entry into the structure of a centralized religious organization of the same religion. Now, this article states the following: “The founders of the local religious organization may not be <10 Russian citizens who have reached 18 years of age and constantly residing in the same locality be that a city or a rural settlement.”

In Belarus, during the post-Soviet period two laws regulating the issues of freedom of conscience were adopted. The first was adopted on December 17, 1992 (No. 2054-XII). The current law of the Republic of Belarus “On Freedom of Conscience and Religious Organizations,” dated October 31, 2002 was largely projected on the Council of Europe (similar to the Russian), as

after the April 2002 session, it was reported that the Council of Europe Parliamentary Assembly is ready to consider the issue of the return of the status of Belarus as “a special guest,” which it was granted from September 1992 to January 1997, but these prospects were destined to fail.

Modern laws of Kyrgyzstan and Kazakhstan that govern the freedom of conscience were adopted later. Thus, the Law “On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic” number 282 of December 31, 2008, was adopted instead of the Law “On Freedom of Conscience and Religious Organizations” of 1991, and kept the old title.

Over the history of the Republic of Kazakhstan, there were also adopted two laws on religious freedom. The researchers note that for some items the “old” law was even superior to the new at certain provisions. For example, Tazhin (2014. p. 232) notes: “The reference normative legal act in the field of legal regulation of the activity of religious associations from the state is the law of the Republic of Kazakhstan dated October 11, 2011 No. 483-IV “On religious activity and religious associations” Article 1 of the law of the Republic of Kazakhstan is entitled “Basic concepts used in this Law.” Among the six basic concepts given in this norm of the law of Kazakhstan are: Religious building (construction), religious activities, a priest, a religious association, missionary activity, yet there is no definition of freedom of conscience, or even the definition of the concept of religious freedom. Moreover, it is inferior to the previous law of Kazakhstan dated January 15, 1992 No. 1128-XI “On Freedom of Conscience and Religious Associations,” which caused a lot of complaints from law enforcers.

The comparative legal analysis shows that, in general, in the XXI century, the state attempts to develop and implement standards that are more relevant to the principle of partnership between the state and different religions than it was at the end of the XX century. For example, in the Law of Kazakhstan “On Freedom of Conscience and Religious Associations,” 1992, Article 4 was devoted to the topic of cooperation between the government and religious organizations, in which the state determined their requirements for religious organizations. Meanwhile the structure of the Law of the Republic of Kazakhstan No. 483-IV of October 11, 2011 shows the changes: Article 3 first talks about the regulation of the government for the implementation of the principle of separation of religion and religious organizations, and then the activity of religious communities themselves in accordance with this principle.

The second conclusion – There are some differences in the rules on the establishment of religious organizations. While the legislation of the Russian Federation states that the establishment of a religious organization requires only 10 citizens, in Belarus is number is 20 citizens, in Kazakhstan – 50 citizens, Kyrgyzstan and Armenia – 200 citizens. Of course, these figures are not definitive by themselves, but they indicate some difference in the approach taken: The state is struggling with the problem of different expansion of sectarianism.

Almost all of the constitutions and laws of the countries under study the freedom of conscience is interpreted unilaterally, as it

is only about supporters of religious outlook. Only the activities of religious organizations are regulated, and virtually no rules governing the activities of the representatives of the atheistic worldview is given. This may have its “pros” and “cons.” For example, if one would apply the formula “what is not forbidden is allowed,” the atheistic organizations may have significant advantages over religious institutions, as the conditions of their work is not legally stipulated.

The third conclusion – in the legislation of most EAEC countries the treatment of religious organizations is not sustained equal. The laws of four countries – Russia, Armenia, Belarus and Kazakhstan - the special role of some denominations or faiths is underlined in the preambles. For example, the preamble to the law of the Russian Federation of 1997 notes “the special role of Orthodoxy” and respect for other faiths. The Armenian law of 1991 recognizes the Armenian Apostolic Church as the national church of the Armenian people, which forms the spiritual life as the main component of the nation. The law of the Republic of Belarus of 2002 mentions Orthodoxy, Catholicism, Evangelical Lutheran Church, Judaism, and Islam. The law in Kazakhstan of 2011 recognized “the historical role of the Hanafi Islam and Orthodox Christianity in the development of cultural and spiritual life of the people,” and emphasized respect for other religions. The most neutral in this respect is the Law “On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic” No. 282 dated December 31, 2008 that does not contain any phrase that could be interpreted as a preference in relation to any religious organization.

A certain inequality can be seen in the agreements concluded by public authorities with some religious organizations. For example, the Republic of Belarus in 2003 signed an agreement with the Belarusian Orthodox Church, according to which the church is recognized as one of the most important social institutions, whose historical experience, spiritual potential, and the centuries-old cultural heritage has a significant influence on the formation of spiritual, cultural and national traditions of the Belarusian people (Masharova, 2014. p. 24, 25). In the Russian Federation, the Russian Orthodox Church signs similar agreements with the individual public authorities. Only in June-July 2015 two of such agreements were signed: On the 18<sup>th</sup> of June – with the Ministry of Health of the Russian Federation and on the 24<sup>th</sup> of July – with the Accounts Chamber of the Russian Federation.

The principle of equality of religious organizations has a different number of supporters depending on historically established status of a certain denomination in the country. According to sociological studies held by Kolesnikova (2006. p. 15, 16), for example, in Russia it is supported by “37.1% Orthodox, 66.3% Catholic, 67.6% Protestant, 70.1% of the Jews, 79.2% of Muslims.”

#### **4. WAYS TO HARMONIZE THE LAWS OF THE EAEC STATES ON FREEDOM OF CONSCIENCE**

The legal regulation of the freedom of conscience in the EAEC states there are many similar processes and phenomena, which

is primarily due to the common conditions of life, linking these peoples for centuries. None of the states in the late 20<sup>th</sup> century did return to the idea of a state religion. However, the secular state is a predominant type of, i.e., the religious factor is used by the state for self-identification. In the constitutions of all post-Soviet states is enshrined the freedom of conscience, but its legal content is defined differently. In terms of typology of church-state relations, which is based on the principle of the legal system of the state to realize the freedom of conscience be that an individual or a collective right, it can be stated that up to now the EAEC state should rather be attributed to the second group of states – states that declare the freedom of conscience of each person, but there are some limitations in its implementation by religious associations. However, after the 20 years period there are outlined large enough differences associated with different levels of degree of cooperation between the state and religious associations.

The main methods of harmonization of the legislation on freedom of conscience in the EAEC states is to develop common notion on the legal content of basic constitutional and legal concepts such as “secular state,” “freedom of religion,” as well as the recognition of believers additionally to the government agencies and religious organizations as subjects of state-confessional relations that will further contribute to the dialogue and a setup of an inter-religious peace.

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## REFERENCES

- Armenia: Fear of the Freedom of Conscience and Religion: Violations of the Rights of Jehovah’s Witnesses. (2008), Amnesty International Report. Armenia Amnesty International Publications.
- Benson, I.T. (2000), Notes towards a (re) definition of the ‘Secular’. *University of British Columbia Law Review*, 33, 530. Available from: [http://www.millerthomson.com/assets/files/article\\_attachments/Notes\\_Towards\\_a\\_ReDefinition\\_of\\_the\\_Secular.PDF](http://www.millerthomson.com/assets/files/article_attachments/Notes_Towards_a_ReDefinition_of_the_Secular.PDF). [Last accessed on 2015 Aug 17].
- Curtiss, J.S. (1940), *Church and State in Russia: The Last Years of Empire*. 1900-1017. New York: Octagon Books.
- Danielyan, S., Vardinyan, V., Avtandilyan, A. (2010), Religious tolerance in Armenia. *Organization for Security and Co-operation in Europe*. Available from: <http://www.osce.org/hy/yerevan/67675>. [Last accessed on 2015 Aug 12].
- Flanagan, F., Murdoch, J. (2009), Joint Opinion on the Law on Making Amendments and Addenda to the Law on the Freedom of Conscience and on Religious Organizations and on the Law on Amending the Criminal Code of the Republic of Armenia. Paper Presented at 79<sup>th</sup> Plenary Session of the Venice Commission, Venice. p12-13. Available from: [http://www.Venice.Coe.Int/Webforms/Documents/?Pdf=Cdl-Ad\(2009\)036-E](http://www.Venice.Coe.Int/Webforms/Documents/?Pdf=Cdl-Ad(2009)036-E). [Last accessed on 2015 Aug 16].
- Freedom of Religion in the Kyrgyz Republic (2012), Human Rights in Kyrgyzstan. A Look at Events Taking into Account the State Obligations Under Human Rights. Available from: <http://www.a.kloop.kg/?p=966>. [Last accessed on 2015 Aug 13].
- Grytten, O.H. (2013), The protestant ethic and the spirit of capitalism: Entrepreneurship of the Norwegian puritan leader Hans Nielsen Hauge. *Review of European Studies*, 5(1), 31-44.
- Habermas, J., Ratzinger, J. (2006), *About mind and religion. The Dialectic of Secularization*. Moscow: Moscow Biblical Theological Institute of St. Apostle Andrew.
- Hegel, G.V.F. (2007), *Philosophy of Religion*. 2<sup>nd</sup> ed., Vol. 2. Moscow: Russian Political Encyclopedia. p158.
- Ishkhanyan, V. (2007), Theology and politics: Should the Armenian Church also be the state Church? *ArmeniaNow*, 2(9), 228. Available from: [http://www.armenianow.com/news/7095/theology\\_and\\_politics\\_should\\_the\\_a](http://www.armenianow.com/news/7095/theology_and_politics_should_the_a).
- Kolesnikova, G.I. (2006), *Church-State Relations in Russia: The Sociological Analysis*. PhD. Thesis. Ekaterinburg: ESU. p15, 16.
- Law of the Republic of Armenia on the Relations between the Republic of Armenia and the Armenian Apostolic Church. (2007). Available from: [http://www.gov.am/u\\_files/file/kron/ekegheci.pdf](http://www.gov.am/u_files/file/kron/ekegheci.pdf). [Last accessed on 2015 Aug 03].
- Lusian, A.E. (2012), *Church-State Relations in Modern Armenia: State and Prospects of Development*. PhD. Thesis. Moscow: MSU. p20, 21.
- Masharova, O.V. (2014), Legislative securing of freedom of conscience and religious beliefs in the Republic of Belarus. *Education Science Scientific Personnel*, 5, 23-27.
- Polunov, A.Y., Zapalskiy, G.M., Bendin, A.Y., Zagidullin, I.K., Mramornov, A.I., Volkhonskii, M.A., Dorskaia A.A. (2013), Orthodoxy, unorthodoxy, heterodoxy: Sketches on the history of religious divergence in Russian Empire by Paul Werth. *Rossiiskaia Istorija*, 5, 133-159.
- Sebentsov, A.E. (2003), *The Contradictions in the Law on Freedom of Conscience – Overcoming State-Confessional Relations*. Nizhny Novgorod: Publishing House of the Volga-Vyatka Academy of Public Administration. p85.
- Taylor, C. (2010), The meaning of secularism. *The Hedgehog Review*, 12, 23-34.
- Tazhin, A.O. (2014), The right to freedom of conscience in the Republic of Kazakhstan: Ways to improve constitutional and sectoral legislation. In: *20 Years of the Constitution of Russia: Actual Problems of Development of the Rule of Law*. Irkutsk. p228-234.
- The Law of the Republic of Armenia on Freedom of Conscience and Religious Organizations. (1991), Official Website of the Parliament of the Republic of Armenia. Available from: <http://www.parliament.am/legislation.php?sel=show&ID=2041&lang=arm&enc=utf8>. [Last accessed on 2015 Aug 16].
- The Law of the Republic of Armenia on Freedom of Conscience and Religious Organizations. (2009). Available from: [http://www.Gov.Am/U\\_files/file/kron/kron%20last%20version%20-%20handipum%2016\\_02\\_09.pdf](http://www.Gov.Am/U_files/file/kron/kron%20last%20version%20-%20handipum%2016_02_09.pdf). [Last accessed 2015 Aug 16].
- Treaty on the Eurasian Economic Union. (2014), Law Portal of Eurasian Economic Union. Available from: <http://www.docs.eaeunion.org>. [Last accessed on 2015 Aug 05].
- Vasak, K. (1977), *Human Rights: A Thirty-Year Struggle: The Sustained Efforts to Give Force of the Universal Declaration of Human Rights*. Paris: UNESCO.
- Volodina, N.V. (2015), Features of Civil Process and Civil Regulation in the Sphere of the State and Confessional Relations in Armenia, Belarus and Moldova. *Pravozashitnik*. p1. Available from: <http://www.pravozashitnik.net.swtest.ru/ru/node/1252>. [Last accessed on 2015 Aug 02].
- Weber, M. (1990), *The Protestant Ethic and the Spirit of Capitalism*. Moscow: Progress.

Werth, P.W. (2004), Schism once removed: State, sects, and meaning of religious toleration in imperial Russia. In: Miller, A., Rieber, A., editors. *Imperial Rule*. Budapest: Central European University Press. p85-108.

Werth, P.W. (2007), Arbiters of the free conscience state, religion, and the problem of confessional transfer after 1905. In: Coleman, H., Steinberg, M., editors. *Sacred Stories: Religion and Spirituality in Modern Russia*. Bloomington: Indiana University Press. p179-199.