

**Judgment of the Constitutional Court of the Russian Federation of 5
December 2012 No. 30-II. Resume.**

By the Judgment of 5 December 2012 No. 30-II the Constitutional Court gave appraisal of constitutionality of the provisions of Item 5 of Article 16 of the Federal Law *On the Freedom of Conscience and on Religious Associations* and Item 5 of Article 19 of the Law of the Republic of Tatarstan *On the Freedom of Conscience and on Religious Associations*

The petitioner contested normative provisions according to which public liturgies, other religious rites and ceremonies conducted outside cult buildings and structures and territories pertaining to them, other places put at the disposal of religious organizations for these purposes, out of the places of pilgrimage, agencies and enterprises of religious organizations, cemeteries and crematoria, as well as housings, are carried out in the order established for holding of meetings, processions and demonstrations.

The Constitutional Court has recognized the indicated provisions as not contradicting the Constitution of the Russian Federation to the extent to which they introduce, as a general rule, the notice order of conducting of prayer and religious assemblies as a variety of public religious events in other places, apart from those indicated in Items 1 – 4 of Article 16 of the contested Federal Law (Items 1 – 4 of Article 19 of the contested Law of the Republic of Tatarstan, analogous in their normative content).

At the same time, the Constitutional Court by its decision has recognized the abovementioned normative provisions as not conforming to the Constitution of the Russian Federation to the extent to which they extend to such public religious events as prayer and religious assemblies, conducted in other places, apart from those indicated in Items 1 – 4 of Article 16 of the contested Federal Law (Items 1 – 4 of Article 19 of the contested Law of the Republic of Tatarstan, analogous in their normative content), the order of holding meetings, demonstrations and processions established by the legislation, without consideration of the distinctions between those prayer and religious assemblies, the conducting of which may require from the bodies of public authorities to undertake measures aimed at ensuring public order and security of the participants of the religious event themselves, as well as other citizens, and those whose conducting is not linked with such a need.

Until the necessary amendments to the operating legal regulation are made, the law-apppliers, including courts, when considering moot points related to the need to notify the bodies of public authority about conducting of public religious events, including the resolution of the question of application of administrative responsibility for non-observance of this requirement, must be guided by the

Constitution of the Russian Federation and the legal positions formulated in the present Judgment, and in no event apply the order of holding of meetings, demonstrations and processions to the prayer and religious assemblies, conducted in uninhabitable premises, if neither the content of the religious event itself, nor the location of the uninhabitable premises do not require from the bodies of public authority to undertake measures aimed at ensuring public order, security and tranquility of citizens.

05 December 2012