

FREEDOM OF RELIGION ACT NO. 453 OF 6 JUNE 2003

Chapter 1

2 §

Religious community

In this Act 'religious community' refers to the Evangelical Lutheran and Orthodox Church and to a religious community registered in the manner laid down in Chapter 2.

Purpose and form of activity of a religious community

Chapter 2

Registered religious communities

7 §

The purpose of a religious community is to organise and support the individual, community and public activity relating to the professing and practising of religion which is based on confession of faith, scriptures regarded as holy or other specified, established grounds of activity regarded as sacred. The community shall realise its purpose respecting the basic and human rights. The purpose of the community is not to seek economic profit or otherwise organise mainly economic activity. A community may not organise activity for which an association within the meaning of the Associations Act (503/1989) may not be founded or for which an association may only be founded subject to permission.

8 §

Founding a registered religious community

A minimum of 20 persons are required for founding a religious community. All founders of such community must be 18 years or over.

9 §

Charter of foundation

A charter of foundation is made of the founding of a religious community, to which the by-laws of the community are annexed. The charter must be dated and it is signed by the founders referred to in Section 8.

10 §

By-laws of a community

The by-laws of a community shall state:

- the name of the community and the municipality in Finland which shall be its place of registration,
- the purpose and forms of activity of the community in accordance with Section 7,
- provisions regarding the manner of taking members into the community,
- provisions on the way the power of decision is exercised in the community,
- provisions on the number or the minimum and maximum number of the members of the Executive Committee of and of the auditors and their term of office,
- provisions on the accounting period, adoption of the annual accounts and discharging from liability for the accounts,
- provisions on any obligation of members to pay membership and other fees to the community,
- provisions on the procedure to be followed in changing the by-laws and dissolving the community; as well as
- provisions on the manner in which the assets of the community shall be used in the case the community is dissolved or terminated. If the power of decision in the community is, under the by-laws, exercised by the members in a meeting of the community, the by-laws of the community must contain provisions on the manner in which and the period within which a meeting of the community shall be convened.

11 §

Membership and the register of members

A registered religious community may have private persons as members. The community must keep a register of its members as laid down elsewhere in the law.

12 §

Committee of Directors

A registered religious community has an Executive Committee which contains one or more members. A person lacking legal competence or a person who is bankrupt may not function as a member of the Committee. The Committee shall have a chairperson. The chairperson and at least half of the other members of the Committee shall be domiciled in Finland, unless the Ministry of Education and Science grants an exemption of this provision. The Committee shall, in accordance with the law, the by-laws of and the decisions taken by the community, attend to the matters of the community with care. The community shall be represented by the Committee. The by-laws of the community may lay down that the authority belonging to the Committee is exercised by a body with some other name.

13 §

13 §**Local communities**

The by-laws of a community may contain provisions on the division of the community into congregations or other local communities. A local community may be entered into the register of religious communities under the relevant community.

The provisions of Sections 11, 12, 14, 24 to 26 and 28 on registered religious communities apply *mutatis mutandis* to registered local communities. The community by-laws must contain the provisions on registered local communities referred to in Section 10(1)(1) and (4 to 9) and, where necessary, Section 10(2).

The by-laws may nevertheless contain a provision that the orders listed in subparagraph 3 or part of them are issued by each local community in its own local by-laws. The by-laws must in this case lay down the order in which the local by-laws are established. The local by-laws and any amendments to be made to them must be submitted to the community for approval in a procedure laid down in the community by-laws.

14 §**Obligation of members to pay fees**

A member who has resigned from a religious community is obliged to pay the community a fee based on the community by-laws which has fallen due before the resignation. The community by-laws can lay down that a member is obliged to pay the community a fee which is based on the community by-laws and is directed at the calendar year during which the member has resigned, and which has been decided on before the resignation.

15 §**Registering authority**

Decisions concerning the registration of a religious community are taken by and the Register of religious communities is maintained by the National Board of Patents and Registration.

16 §**Registration of a religious community**

A religious community must be entered in the Register if it has been established in compliance with this Act, the by-laws and administration of the community observe the provisions of this Act, and the name of the community clearly differs from the names of the communities previously entered in the Register and is not misleading. When the community has been entered in the Register of religious communities, the National Board of Patents and Registration notifies this fact to the Population Register Centre which records the information of the joining of the founders in the community in the population information system. The notification shall be accompanied by the information referred to in Section 4(3) on the founding members.

17 §**Judicial effects of registration**

A registered religious community and its registered local community may acquire rights and make commitments and appear as a party in a court of law and before other authorities. Members of a religious community are not personally liable for the commitments of the community.

18 §**Notification of establishment**

Notification for registration of a religious community is filed in writing with the National Board of Patents and Registration. The notification must be accompanied by the charter referred to in Section 9 and the community by-laws. Local by-laws, if any, shall be attached to the notification. The notification shall contain the full names, addresses, municipalities of residence and personal identity codes of the chairperson of the Committee and of those authorised to sign for the community, as well as any restrictions to the signing rights according to Section 36 of the Associations Act. If the person has no Finnish personal identity code, his or her date of birth is indicated.

The chairperson of the Executive Committee must sign the notification and assure that the information given therein is correct, that the Committee meets the requirements stated in Section 12(1) and that the persons authorised to sign for the community are legally competent.

19 §**Notification of establishment of a local community**

Notification for registration of a local community is filed in writing with the National Board of Patents and Registration. The notification must be accompanied by the local by-laws, if any. The notification shall contain the full names, addresses, municipalities of residence and personal identity codes of the chairperson of the Committee of the local community and of those authorised to sign for the local community as well as any restrictions to the signing rights according to Section 36 of the Associations Act. If the person has no Finnish personal identity code, his or her date of birth is indicated. The chairperson of the community must sign the notification and give the assurance referred to in Section 18(3).

As regards the entering into the Register of a local community, the provisions of Section 16(1) on the entering into register of a religious community apply *mutatis mutandis*.

20 §**Notification of amendment or dissolution**

Notification of amendment or dissolution

A written notification (notification of amendment) is filed with the National Board of Patents and Registration of an amendment to the by-laws of a registered religious community or the local by-laws of a registered local community as well as of a change of the chairperson of the Committee or any person authorised to sign for the community or a registered local community.

The notification of amendment concerning amended community or local by-laws must be accompanied by the amended community or local by-laws. The amendment of the community or local by-laws enters into force on being recorded in the Register of religious communities.

The change in the person authorised to sign for the community is deemed to have become known to outsiders when the National Board of Patents and Registration has entered the amendment into the Register of religious communities, except if it appears that the outsider has neither had nor been obliged to have knowledge of the amendment. Prior to being entered into Register, the change can only be referred to against a person who is shown to have had knowledge thereof.

The chairperson of the Committee of the community or the liquidator must give a notification (notification of dissolution) of the dissolution of the community or registered local community, indicating the names of the persons who have acted as liquidators as well as the fact that the liquidation acts have been completed.

The provisions on entering into register of a religious community of Section 16(1) apply mutatis mutandis to the entering into register of a notification of amendment or dissolution. The provisions on notification of establishment of Section 18 apply mutatis mutandis to the filing and signing thereof and to the issuing of the related assurance.

21 §

Preliminary examination

On request of the community or its founders the National Board of Patents and Registration may carry out a preliminary examination of the community by-laws or an amendment to it, if the size of the community, significance of the amendment to the community by-laws or other similar reason justifies it. The decision given in the preliminary examination is binding, unless the community has changed the by-laws that were subjected to the preliminary examination. The decision is in force for two years since being issued.

Notifications of establishment and amendment notifications must indicate the decision concerning the preliminary examination and the parts of the community by-laws which have been amended after the preliminary examination.

The decision not to carry out a preliminary examination may not be appealed against.

22 §

Data to be entered in the Register of religious communities

The Register of religious communities comprises the notifications and related annexes referred to in this Act and the list kept of the religious communities and registered local communities.

The data to be entered in the list contains:

- the name of the community and the municipality which is its place of registration;
- the date of arrival and the type of the notification, date of registration and registration number;
- the stipulations of the by-laws on the manner of signing for the community as well as the full name, address, municipality of residence and the personal identity code or date of birth of the chairperson of the Committee and the same information on any other person authorised to sign for the community on his or her own or together with another person;
- preliminary examination of the by-laws and any amendment to it;
- surrendering in bankruptcy of the assets of the community and the termination of the bankruptcy proceedings, any caution issued to the community and a temporary ban on activities, and the liquidators or trustees chosen or appointed for the community;
- the information on registered local communities of the community referred to at items 1 to 3 and 5 of; and
- other data necessary for the maintenance of the register.

23 §

Expert Board

The Ministry of Education and Culture appoints for a term of four years an Expert Board acting in connection with the Ministry with the task of giving the National Board of Patents and Registration its opinion about whether the purpose and forms of activity of a particular religious community are in compliance with the provisions of Section 7. Before registration the National Board of Patents and Registration must ask for the opinion referred to above of the notification of establishment of the religious community, of the amendment notice concerning the purpose and forms of activity of the community as well as of the corresponding requests for a preliminary examination.

The Board consists of three members. One of the members must represent expertise in religions, one social and one judicial expertise. The secretary and presenting official of the Board is an official appointed by the Ministry of Education. The Board may hear non-member experts and ask the community concerned for clarifications needed to clear up the matter.

For rewards and compensations payable to the chairperson, members and

secretary of the Board, the provisions or orders issued on rewards and compensations regarding government committees are applicable.

24 §

Striking off from the Register

The National Board of Patents and Registration strikes off from the Register of religious communities such communities from which the Register has received no notification during the last ten years, unless it is proven that the community continues to carry on its activities.

Before being struck off, the community must be provided an opportunity to be heard.

25 §

Termination of a community and cautioning

The Court of first instance of the registered religious community's place of registration may, on action brought by the Ministry of Education, the Public Prosecutor or a member of the community, declare the community terminated, if the community acts essentially against the law or the purpose laid down in its by-laws.

Where the public interest does not require the termination of the community, the community may be given a caution instead of termination.

26 §

Temporary prohibition of activities

When legal proceedings concerning the termination of a registered religious community have been taken in court, the court may in hearing the matter, at the request of the interested party, temporarily ban the activities of the community, if there is likelihood that the community acts in the manner referred to in Section 25(1). If the court has issued a temporary prohibition of activities, it must every time it handles the issue decide whether or not to maintain the ban in force. A decision concerning a prohibition of activities may not be appealed against separately by complaint.

27 §

Application of the Associations Act

Besides the provisions of this Act, the following provisions of the Associations Act concerning registered associations apply mutatis mutandis to registered religious communities:

- provisions of Section 5 on economic activities;
- provisions of Section 9 on bilingual associations;
- provisions of Sections 14 and 15 on expulsion from an association and on the expulsion procedure;
- provisions of Sections 32 to 34 on voidability and voidness of resolutions and bans on enforcement;
- provisions of Section 36 on persons entitled to sign the name of the association;
- provisions of Section 37 on disqualification;
- provisions of Section 38 on auditing;
- provisions of Section 39 on liability to pay damages;
- provisions of Sections 40 to 42 on dissolution of associations;
- provisions of Section 45 on termination of activities; liquidators;
- provisions of Section 46 on competent court;
- provisions of Section 58 on liability for obligations;
- provisions of Section 60 on obligation of the court to notify;
- provisions of Section 61 on surrendering assets in bankruptcy.

If power of decision in a registered religious community is exercised by the members of the community at meetings, at separate voting events or by mail, or by delegates of the community, the provisions of Section 20(1) and (2), Section 21 and Sections 23 to 31 of the Associations Act also apply mutatis mutandis in respect of the power of decision and taking of decisions, unless otherwise prescribed by the community by-laws.

If the Committee has not within the period prescribed in the community by-laws convened the community meeting or organised any other decision-making procedure laid down in the community by-laws, the provisions of Section 20(3) and Section 22 of the Associations Act are mutatis mutandis applicable to the right of the members of a community to demand the organising of an opportunity to take decisions.

The provisions of subsections 1 and 2 on the by-laws of a registered association are applicable to community by-laws. The provisions of subsections 1 and 2 on the Register of Associations are applicable to the Register of religious communities.