

Eritrea: Proclamation No. 73/1995 of 1995, Proclamation to legally standardize and articulate religious institutions and activities

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A Proclamation to legally standardize and articulate religious institutions and activities

- **Understanding** that every Eritrean national's right of freedom of thought, conscience and belief is guaranteed and respected by the law;
- **Understanding** that Government as a political entity, and religion as spiritual entity are separate entities;
- **Believing** that religious activities are carried out in accordance with and respects the law of the nation and particularly preserves the peace, stability, and unity of the people and the country;
- **Believing** that religious activities are not spread with seduction but with understanding and belief;
- **Understanding** the Government's will in regulating the relation among government and religion and religious institutions, and policies that deals with religious institutions should be formulated in accordance with the law;

Thus this Proclamation is issued to legally standardize and articulate religious institutions and activities:

Art. 1. Short title

This proclamation can be quoted as "**Proclamation No 73/1995 to legally standardize and articulate religious institutions and activities**"

Art. 2. Government and religion are two different entities

1. In Eritrea, government as a political party and religions and religious institutions as spiritual entities, are separate entities and government should not interfere with religious activities and religion, and religious institutions should not intervene in politics.
2. Religions and religious institutions must not undertake any political activities with or against the government by launching political campaign, preaches against government politics, or issue publications and broadcast on any political issue.
3. Religions and religious institutions shall not represent or advocate for any foreign government or political party.

Art. 3. Freedom of religion and religious entities

1. Religions and religious entities have the right to undertake spiritual teachings, preaching and launch campaigns without interfering in politics.
2. Publications issued by religious entities and religious broadcasting campaign are not regulated by the law of press.
3. Religions and religious institutions, which do not comply with the law, and interferes directly or indirectly with government politic through campaigns and mobilizations and creates public unrest or cause hostility or offence among different religions or nationals, are legally liable.

Art. 4. Foreign relations made by religion and religious institutions

1. Any relations that religions and religious institutions make with the outside world shall only be spiritual and should be free from political and narrow material gain and should not affect directly or indirectly the peace, stability, security and unity of the nation and its citizens.

2. Religions and religious activities shall only hire foreign employees, in dealing with non-spiritual activities, upon a prior notice and consent of the government.

Art. 5. Cooperation and collaboration among Government, and religion and religious activities

1. Government and religions and religious institutions can collaborate on launching campaigns on moral and ethics.
2. Government can provide supports to religions and religious activities provided that their request is justified.

Art. 6. Developmental Programs, Social Services and Aid Activities

1. Except few, all social and developmental plans and social services are the tasks of the government and the people, and if religions and religious institutions are willing and able to support developmental plans and social services, they can do so with out involving in the planning and implementation of the programs.
2. Religions and religious institutions shall not act as agents of foreign governments and government institutions in providing aids and social services.

Art. 7. Sources of religions and religious institutions income and its administration

1. All religions and religious institutions shall only have the following sources income:
 - a) Contribution made by the believers/followers
 - b) Governmental support
2. Foreign sources of income of religions and religious institutions shall be subject to scrutiny before approval by the government.
3. If the foreign income is in terms of currency, a bank account shall be opened supported by all necessary documentation and will be subjected to government audit and shall be reported to the government at the end of every fiscal year. If the foreign source is in kind there shall be a similar documentation and bank account and its use shall properly be audited and reported to the government.

Art. 8. Religion and Religious Institutions Activities

- 1) With out the prejudice to the provision of this Proclamation, religions and religious institutions shall only undertake legal action corresponding to their spiritual nature.
- 2) Religions and religious institutions shall only undertake their spiritual activities on existing local sources, offering from their congregation or followers, and shall not be dependent on external aid.
- 3) Religions and religious institutions shall only support and assist the poor, hand caped, orphans, needy and the vulnerable and other disadvantaged from the congregation or members of the church's offering. Other wise their assistance and support should be known to the government and if allowed shall be done/administered in accordance with the government's directives and procedures.
- 4) All activities of religions and religious institutions shall have transparency and accountability.

Art. 9. Establishment of a Department that regulates the activities of religions and religious institutions

1. Pursuant to this Proclamation a Department of Religious Affairs, within the Ministry of Internal Affairs, shall be established to regulate religious activities and institutions.
2. Any interaction of religions and religious institutions, with regards to the rules and regulations of this proclamation, request for support and documentation, with the government shall be made through the department cited in article 9.1 hereof.
3. The department under article 9.1, pursuant to this proclamation, regulates the implementation of this proclamation by the religions and religious institutions and report to Ministry of Internal Affairs and has the responsibility of implementing directives issued by the Ministry of Internal Affairs.
4. The department under article 9.1. has the power to issue directives and regulations for the implementation of the Proclamation.

Art. 10. Registration

In accordance with the Department of Religious Affairs directives, religions and religious institution's movable and immovable property, bank account and other documentation certifying their deposit, shall register with in two month starting from the entry in to force of this proclamation. Registration shall also be made at the beginning of the first month of each year.

Art. 11. Penalty

1. A religious institution which violates the rules and regulations of this proclamation shall be penalized by Provisional Penal Code up on confirmation of the violation.
2. If the violation committed is not other than, by means of publications and broadcasting through the media, the author of the publication or the director of the broadcast, shall pay fine of not exceeding ten thousand Nakfa (10,000.00) or will be imprisoned for two year or will be penalized by both.
3. In case of theft or breach of trust or misuse of property etc., the offender will be penalized by the provisional penal code of the government of Eritrea.

Art 12. Entry into Force

This Proclamation shall enter into force on the date of its publication in the Gazette of Eritrean Laws.

Asmara, 15 July 1995