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PROJECT OF LAW ON RELIGIOUS FREEDOM

JOSE DE SOUSA E BRITO

I. PRINCIPLES

1. ARTICLE 1

(FREEDOM OF CONSCIENCE, RELIGION AND WORSHIP)

Freedom of conscience, religion and worship is inviolable and guaranteed to all in accordance with the Constitution, the Universal Declaration of Human Rights, the applicable international law and this law.

2. ARTICLE 2

(PRINCIPLE OF EQUALITY)

1. No one can be favoured, bettered, aggrieved, persecuted, deprived of any right or exempt from any duty owing to their convictions or religious practice.
2. The State shall not discriminate against any church or religious community as compared with others.

3. ARTICLE 3
(PRINCIPLE OF SEPARATION)

Churches and other religious communities are separated from the State and are free to organise themselves and in the exercise of their activities and worship.

4. ARTICLE 4
(PRINCIPLE OF THE NON-DENOMINATIONAL STATE)

1. The State does not adopt any religion, nor even it pronounces on religious questions.
2. The State cannot plan education and culture according to any religious directives.
3. State education shall not be denominational.

5. ARTICLE 5
(LEGAL FORCE)

1. Freedom of conscience, religion and worship allows only for the necessary restrictions in order to safeguard constitutionally protected rights or interests.
2. Freedom of conscience, religion and worship does not authorise criminal practice;
3. The limitations of the right to conscientious objection demarcate the permitted conduct for objector.
4. The law can regulate, whenever necessary, the exercise of freedom of conscience, religion and worship, without prejudice to the existence of this right.
5. The declaration of a state of siege or a state of emergency cannot in any event affect freedom of conscience and religion.

6. ARTICLE 6
(PRINCIPLE OF TOLERANCE)

The conflicts between the freedom of conscience, religion and worship of one person and that of another or others shall be resolved with tolerance, so as to respect as much as possible the freedom of each one.

II. INDIVIDUAL RIGHTS OF RELIGIOUS FREEDOM

1. ARTICLE 7
(MEANING OF FREEDOM OF CONSCIENCE, RELIGION AND WORSHIP)

Freedom of conscience, religion and worship includes the right to:

- a) Have, not have and to cease to have a religion;
- b) Choose freely one's own religious beliefs, change beliefs and abandon those which one had;
- c) Inform others and be informed oneself about religion, to study and teach religion;
- d) Profess one's own religious beliefs, procure new believers in one's faith, express and divulge freely, using words, images or any other means, one's thoughts or religious matters;
- e) Produce scientific, literary and artistic works on the subject of religion;
- f) Meet, appear in public and associate with others in agreement with one's own convictions on religious matters, without limitations other than those laid down in Articles 45 and 46 of the Constitution;
- g) Practise or not practise the acts of worship private or public, peculiar to the professed religion;
- h) Act or not act in accordance with the norms of the professed religion.
- i) Choose for one's children names from the list of names of the professed religion.

2. ARTICLE 8
(NEGATIVE MEANING OF RELIGIOUS FREEDOM)

1. No one can:
 - a) Be obliged to profess a religious belief, practise or attend acts of worship, receive ministerial offices or propaganda on the subject of religion;
 - b) Be coerced into taking part, remaining in or leaving a religious association, church or religious community, without prejudice to the respective rules on affiliation and exclusion of members.
 - c) Be asked by any authority about one's convictions or religious practice, except for the collection of statistical data which is not individually identifiable, nor be discriminated against if one refuses to respond.
 - d) Be obliged to take a religious oath.
2. The information cannot be used for the processing of data referring to personal convictions or religious faith, except when dealing with the processing of statistical data which is not individually identifiable.

3. ARTICLE 9
(RIGHT TO RELIGIOUS PARTICIPATION)

Freedom of religion and worship includes the right, in accordance with the respective ministers of religion and according to the norms of the church or religious community chosen, to:

- a) Belong to the church or religious community that one chooses, participate in the internal life and religious rites practised in common and receive the ministerial offices that one requests;
- b) Celebrate marriage and be interred according to the rites of one's own religion;
- c) Commemorate publicly the religious festivals of one's own religion.

4. ARTICLE 10
(RELIGIOUS EDUCATION OF MINORS)

1. Parents have the right to educate their children in harmony with their own convictions on religious matters, with respect for the moral and physical integrity of the children and without prejudice to their health.
2. Minors, from the age of 16 years, have the right to make their own choices relating to freedom of conscience, religion and worship.

5. ARTICLE 11
(CONSCIENTIOUS OBJECTION)

1. Freedom of conscience includes the right to object to compliance with a law which goes against the imperative dictates of one's own conscience within the limitations of the rights and duties imposed by the Constitution and under the terms of any law which might govern the exercise of the conscientious objection.
2. The dictates of the conscience which are considered to be imperative are those the violation of which involves a serious attack on one's moral integrity.
3. Conscientious objectors to military service, without the exception of those who also invoke a conscientious objection to civil service, have the right to a civil service system which respects, to the extent that this is compatible with the principle of equality, the dictates of their conscience.

6. ARTICLE 12
(MINISTERIAL OFFICE IN SPECIAL SITUATIONS)

1. Being a member of the armed forces, security forces or police, offering military or civil service, internment in health, educational or welfare institutes or establishments or similar, detention in prison or other places of detention do not impede the exercise of religious freedom and, particularly, the right to ministerial office and the practice of acts of worship.
2. Vital restrictions for operational or security reasons can only be imposed by way of prior consultation provided this is possible, with the respective minister of religion.

3. The State shall create adequate conditions for the exercise of ministerial office in the State institutions referred to in no. 1.

7. ARTICLE 13
(EXEMPTION FROM WORK, LESSONS AND EXAMINATIONS FOR
RELIGIOUS REASONS)

1. The employees and agents of the State and other public entities, as well as contract worker, have the right to on request, suspend work on the day of weekly rest, on the days of festivals and during the hourly periods that are prescribed for them by the denomination that they profess, under the following conditions:
 - a) They shall work according to a flexitime scheme;
 - b) They shall be members of a church or registered religious community which has sent to the Minister for Justice during the previous year a list of the above mentioned days and hourly periods for the current year;
 - c) There shall be full compensation for the respective work period.
2. Under the conditions laid down in subparagraph b) of the above point, exempt from attendance at lessons on the holy days of the week devoted to rest and worship by the respective religious denominations are state or private education students who profess same, the conditions of normal school use remaining intact.
3. If the date for appraisal testing of students coincides with the day devoted to rest or worship by the respective religious denominations, these tests can be carried out at a second calling, or at a later calling, on a day on which the same objection does not arise.

8. ARTICLE 14
(MINISTERS OF RELIGION)

1. Ministers of religion are those persons considered to be such according to the norms of the respective church or religious community.
2. The status of minister of religion is certified by the competent bodies of the respective church or religious community, which also accredit the respective ministers for the practice of certain acts.

3. Authentication of the certificates and credentials mentioned in the above point falls to the register of religious corporate bodies.

9. ARTICLE 15
(RIGHTS OF MINISTERS OF RELIGION)

1. Ministers of religion have the freedom to carry out their ministry.
2. Ministers of religion cannot be asked by magistrates or other authorities about facts and matters of which they have had knowledge by reason of their ministry.
3. The exercise of the ministry is considered a professional activity of the minister of religion when it gives him a means of support, sufficient evidence of which for the purposes of authorisation of residence to foreign ministers of religion being its guarantee by the respective church or religious community.
4. Ministers of religion of churches and other registered religious communities have the right to the services of the general social security system under the terms of the law, their being compulsorily registered by the church or religious community to which they belong, unless their religious activity is of a secondary nature and the exercise of the principal, non-religious activity requires compulsory registration in the social security scheme.
5. For the purposes of the two previous points, the ministers of religion, members of holy institutions and other persons who exercise religious activities professionally and who, as such, are certified by the church or religious community to which they belong, shall be compared with the ministers of religion.

10. ARTICLE 16
(MILITARY SERVICE OF MINISTERS OF RELIGION)

1. The military obligations of students of the training establishments for ministers of religion, members of the holy institutions, as well as ministers of religion of churches and other registered religious communities, are fulfilled in ministerial office in the health services and in the social activities of the Armed Forces, in the event that they do not express any desire to join the actual service itself.

2. Attendance at training courses for ministers of religion of a church or registered religious community is ground for release of the tests for classification and selection for military service, as well as postponement of incorporation.
3. The right to conscientious objection to military service in general terms is intact.

11. ARTICLE 17
(EXEMPTION FROM JURY SERVICE)

Ministers of religion, members of holy institutions and other persons who carry out the religious activities of the church or other registered religious communities professionally can ask for exemption from jury service.

12. ARTICLE 18
(RELIGIOUS MARRIAGE CEREMONY)

1. A religious marriage ceremony conducted by the minister of religion of a church or registered religious community settled in the country is recognised for civil purposes. The minister of religion shall have Portuguese nationality or, if a foreigner, have authorisation of temporary or permanent residence in Portugal.
2. Those who intend to contract a religious marriage ceremony shall declare it, in person or by proxy, with the request for inclusion of the respective published documents in the repository of the competent civil register, indicating the minister of religion accredited for the act. The marriage declaration can also be made by the minister of religion, by way of a request signed by same.
3. Once the marriage has been authorised, the registrar passes on the marriage certificate, under the terms of Articles 146 and 147 of the Code of the Civil Register, with the necessary adjustments. The certificate is only passed on if the registrar is certain that the betrothed have knowledge of Articles 1577, 1600, 1671 and 1672 of the Civil Code. The certificate must make mention of this fact, as well as the name and accreditation of the minister of religion. The certificate is returned informally to the minister of religion, who is also informed of subsequently known impediments.

4. The presence of the following people is indispensable for the celebration of the marriage:
 - a) The contracting parties, or one of these and the proxy of the other;
 - b) The minister of religion;
 - c) Two witnesses
5. Immediately after the marriage ceremony, the minister of religion makes a record in duplicate in the church register or that of the religious community and sends the duplicate record to the competent repository, within the time limit of three days, in order that it can be transcribed into the marriage records register.
6. The registrar shall carry out the transcription of the duplicate within the time limit of two days and inform the minister of religion of same up to the end of the day following that on which it was done.

III. COLLECTIVE RIGHT TO RELIGIOUS FREEDOM

1. ARTICLE 19 (CHURCHES AND RELIGIOUS COMMUNITIES)

Churches and other religious communities are organised and enduring social communities in which believers can achieve all the religious objectives offered to them by the respective denomination.

2. ARTICLE 20 (RELIGIOUS OBJECTIVES)

1. Irrespective of whether they are offered as religious objectives by the denomination, for the purposes of determination under the legal system, the following shall be considered:
 - a) Religious objectives are those of the exercise of worship or rites, care of souls, training of ministers of religion, missionary work and dissemination of the professed denomination and religious education;

- b) Amongst the objectives that are other than religious are those of relief and acts of charity, education and culture, as well as those for commercial or lucrative gain.
- 2. Activities with non-religious objectives of the churches and religious communities are governed by the legal system and, in particular, the tax system for this type of activity.

3. ARTICLE 21
(FREEDOM TO ORGANISE CHURCHES AND
RELIGIOUS COMMUNITIES)

- 1. Churches and other religious communities are free to organise themselves, being able to arrange with complete autonomy:
 - a) The formation, composition, competence and operation of their organs;
 - b) The appointment, activities and powers of their representatives, ministers, missionaries and religious agents;
 - c) The religious rights and duties of believers, without prejudice to the religious freedom of same.
 - d) The adherence or participation in the establishment of inter-denominational federations or associations, with their head-office in the country or abroad.
- 2. Clauses to safeguard religious identity and the special character of the professed denomination are allowed.
- 3. Registered churches and other registered religious communities can autonomously establish or recognise either churches or religious communities of local or regional scope, consecrated life institutes and other institutes with the character of associations or foundations, for the exercise or support of their religious activities.

4. ARTICLE 22
(FREEDOM TO CARRY OUT RELIGIOUS ACTIVITIES
AND TO WORSHIP)

Churches and other religious communities are free to carry out their religious activities and to worship, being able, namely, without interference from the State or third parties, to:

- a) Carry out acts of worship, private or public, without prejudice to police and traffic requirements
- b) Establish places of worship or meeting for religious purposes;
- c) Teach according to the format and through the persons authorised by it the doctrine of the professed denomination,
- d) Disseminate the professed denomination and procure new believers for it;
- e) Minister to the needs of its own members;
- f) Communicate and publish documents or matters of religion and worship;
- g) Make contact with and communicate with the organisations of the same or other denominations in the national territories or abroad;
- h) Appoint and train their ministers;
- i) Establish seminaries or any other training or religious education establishment.

5. ARTICLE 23
(RELIGIOUS EDUCATION IN PUBLIC SCHOOLS)

1. Churches and other religious communities or, in their turn, representative organisations of believers residing on national territory, once registered, by themselves, or jointly, when they decide to set up a single denomination for the purpose or agree on a common program, can ask the Minister for Education that they be allowed to provide religious education in the official schools of 2nd and 3rd levels of primary and secondary teaching as indicated by them.
2. The holding of classes on the religious education of a certain denomination or program depends on whether there is in each official school the minimum number of pupils who, have expressly and positively shown the desire to attend religious instruction in the registration document by the person in charge of education or by themselves, being older than 16 years.
3. Teachers shall be appointed or contracted, transferred and excluded from the teaching of religious instruction by the State, in agreement

with the church representatives, communities or representative organisations. Teaching will never be ministered by a person who is not considered capable by the said representatives.

4. It falls to the churches and other religious communities to train teachers, draw up programmes and approve the didactic material, in harmony with the general guidelines of the educational system.

6. ARTICLE 24
(TIMES OF RELIGIOUS BROADCASTS)

1. As part of public television and radio services, the churches and other registered religious communities are guaranteed, individually through the respective representative organisation, or jointly when they decide to take part as a single denomination, a time for broadcasting, set globally for all, in order to pursue their religious objectives.
2. The attribution and distribution of the broadcasting time mentioned in the previous point takes account of the representativeness of the respective denominations and the principle of tolerance, by way of agreements between the Religious Denomination Broadcast Time Committee and the incumbent companies of the public television and radio services.
3. The Religious Denomination Broadcast Time Committee is composed of representatives of the Catholic Church and churches and religious communities settled in the country or federations in which those are integrated, appointed for three years by joint ruling of the Ministry of Justice and the Ministry responsible for these public services after a hearing of the Committee of Religious Freedom.

7. ARTICLE 25
(RELIGIOUS SLAUGHTER)

The religious slaughter of animals shall comply with the applicable legal provisions concerning protection of animals.

8. ARTICLE 26
(NON-RELIGIOUS ACTIVITIES OF CHURCHES AND
OTHER RELIGIOUS COMMUNITIES)

Churches and other religious communities can also carry out non-religious activities which are instrumental, consequential or complementary to their religious activities, namely:

- a) To create special schools and co-operatives;
- b) To do charitable work for believers, any persons or animals;
- c) To promote their own cultural expressions or education and culture in general;
- d) To use the appropriate means of social communication in the pursuit of their activities.

9. ARTICLE 27
(RIGHT TO BE HEARD REGARDING TOWN PLANNING)

Churches and other registered religious communities have the right to be heard with respect to decisions relating to the effect on space for religious purposes in the town planning of those areas in which they have an organised social presence.

10. ARTICLE 28
(USE FOR RELIGIOUS PURPOSES OF PROPERTY
INTENDED FOR OTHER PURPOSES)

1. If there is agreement with the owner, or the majority of joint owners, use for religious purposes of property or a parcel of land intended for other purposes cannot be the basis of an objection, nor of the application of penalties, by the administrative or autonomous authorities, in that a suitable alternative to implementation of these objectives does not exist. The right of expropriation for public use remains intact.
2. The rights and actions of owners under civil law are not affected.

11. ARTICLE 29
(RELIGIOUS PROPERTY)

1. Places of worship, buildings, annexes or worship objects cannot be demolished or used for another purpose except with the prior agreement of the church or the religious community, or by expropriation for public use or by requisition, in case of urgent public need, except if demolition turns out to be necessary because of ruin or danger to public health.
2. In cases of expropriation for public use or requisition or demolition the church or the religious community shall be heard whenever possible. It has also the right to be previously heard on the event of execution of works necessary to correct unsuitable health or security conditions and in case of classification as of cultural value.
3. In any case, it is not allowed to acquire or make a non-religious use except if the goods have been deprived of their religious nature by the respective church or religious community.

12. ARTICLE 30
(TAX-FREE CONTRIBUTIONS)

1. Churches and other religious communities can freely, without being subject to any tax:
 - a) Receive contributions from believers for the exercise of worship and rites, as well as donations for the implementation of their religious purposes, of a regular or casual nature;
 - b) Make public collections, specifically within or with access to places of worship, as well as in the buildings or places that belong to them;
 - c) Distribute free of charge publications with statements, notices or instructions on religious matters and display them in places of worship.
2. Not included in the exemption of the previous point is the cost of training, therapy or spiritual counselling offered entrepreneurially.

13. ARTICLE 31
(TAX BENEFITS)

1. Registered religious corporate bodies are exempt from:

Any tax or general, regional or local contribution, on

- a) Places of worship or other property or parts of same directly intended for implementation of religious objectives;
- b) Installations of direct and exclusive support for activities with religious purposes;
- c) Seminaries or any establishments actually intended for the training of ministers of religion or religious education;
- d) Outbuildings or annexes of the property described in subparagraphs a) to d) for use by special social welfare institutions;
- e) Gardens and parks of the property described in subparagraphs a) to e) provided they are not intended for profit purposes.

Property transfer tax and inheritance tax and tax on bequests with respect to:

- a) Acquisitions of goods for religious purposes;
 - b) Deeds of incorporation of foundations, once registered as religious corporate bodies:
2. Individuals can, for the purposes of tax on the income of individuals, decrease the net income and, up to the amount determined by the respective Code, the value of the donations, in cash or in kind, that they have granted to the registered religious corporate bodies.
 3. An amount equivalent to 0.5% of the tax on the income of individuals, settled on the basis of annual statements, can be intended by the taxpayer for religious objectives or acts of charity, a church or religious community settled in the country, which they shall indicate in the income tax return, provided that the church or religious community has requested the tax benefit.
 4. Items intended, under the terms of the previous point, for church and religious communities are delivered to same or their representative organisations which shall present the Inland Revenue with an annual report on the destination of the received amounts.
 5. The taxpayer who does not use the faculty under 3 can assign the equivalent amount to a corporate body of public utility having charitable or humanitarian objectives.

IV. STATUTE OF CHURCHES AND RELIGIOUS COMMUNITIES

1. ARTICLE 32

(LEGAL PERSONALITY OF RELIGIOUS CORPORATE BODIES)

The following can acquire legal personality through registration in the register of religious corporate bodies which is created by the Ministry of Justice:

- a) Churches and other religious communities of national scope or, in their turn, representative organisations of believers residing on national territory;
- b) Churches and other religious communities of regional or local scope;
- c) Holy institutions and other institutions with the character of associations or foundations, established or recognised by the corporate bodies mentioned in subparagraphs a) and b) in the pursuit of their religious purposes;
- d) Federations or associations of corporate bodies mentioned in the previous subparagraphs.

2. ARTICLE 33

(REQUIREMENTS FOR INCLUSION IN THE REGISTER)

1. The application for registration is addressed to the Minister for Justice and prepared with the statutes and other documents that are allowed to be registered:
 - a) The name, which must be distinguishable from any other religious corporate body existing in Portugal;
 - b) The constitution, institution or establishment in Portugal of the organisation corresponding to the church or religious community or the deed of constitution of association or establishment and eventually, also that of recognition of the religious corporate body;
 - c) The registered head-office in Portugal;
 - d) The religious purposes;
 - e) The goods or services that complete or shall complete the estate;

- f) The rules governing formation, composition, competence and operation of their organs;
- g) The provisions on the dissolution of the corporate body;
- h) The method of appointment and the powers of their representatives;
- i) Identification of the incumbents of the bodies with their functions and of the representatives, and specification of the competence of the latter.

3. ARTICLE 34

(REGISTRATION OF CHURCHES OR RELIGIOUS COMMUNITIES)

Registration of churches or religious communities of national scope, or regional or local scope when they have not been created or recognised by the above, is also prepared with documentary evidence of :

- a) The general principles of the doctrine and a general description of the religious practice and acts of worship and, especially, the rights and duties of believers to jobs relating to the church or religious community, a summary of all these elements having to be submitted;
- b) Its existence in Portugal, with particular emphasis on the facts which bear witness to the organised social presence, religious practice and length of time in Portugal.

4. ARTICLE 35

(REGISTRATION OF THE REPRESENTATIVE ORGANISATION OF BELIEVERS RESIDENT IN NATIONAL TERRITORY)

- 1. Churches and religious communities of supranational scope can set up a representative organisation of believers resident in the national territory, which shall require its own registration in the register, instead of registration on the part of the church or religious community existing on national territory.
- 2. Registration is subject to the same conditions as the registration of churches or religious communities of national scope.

5. ARTICLE 36
(CHURCHES AND RELIGIOUS COMMUNITIES
SETTLED IN THE COUNTRY)

1. Churches and religious communities registered with a guarantee of duration are considered as settled in the country, the qualification being witnessed by the Minister for Justice, in view of the number of believers and the history of its existence in Portugal, after a hearing of the Committee of Religious Freedom.
2. The certificate cannot be requested before there have been 30 years of organised social presence in the country, unless it is a case of a church or religious community established abroad more than 60 years ago. The certificate is entered in the register.
3. The application for the certificate shall be prepared with the evidence of the facts on which it is based, in harmony with the provision in Article 26.

6. ARTICLE 37
(SUPPLEMENTARY INSTRUCTIONS)

1. If the application for registration or the certificate are inadequately prepared, the applicant shall be invited to make up for the deficiencies within sixty days.
2. With a view to the provision of clarifications or additional evidence, the applicant can also be invited to attend a hearing of the Board of Religious Freedom, specifying the subject matter and order of the hearing.
3. All these invitations shall be made within ninety days of the entry of the application for registration.

7. ARTICLE 38
(REJECTION OF REGISTRATION)

Registration can only be rejected through:

- a) Lack of legal requirements;
- b) Falsification of documents;

- c) Violation of the constitutional limits of religious freedom.

8. ARTICLE 39
(MANDATORY REGISTRATION)

1. Registration becomes mandatory once a year has passed since the delivery of the application for registration, provided that notification of rejection of registration has not been sent by registered letter to the applicant in the meantime.
2. The period referred to in no. 2, in the case of registration of churches or religious communities or of the respective representative organisation, is delayed by the period for the provision of deficient information or the hearing referred to in Article 26.

9. ARTICLE 40
(MODIFICATION OF THE ELEMENTS OR
CIRCUMSTANCES OF THE ENTRY)

Modifications of the elements of the entry of the religious corporate body, or the circumstances on which it is based, shall be communicated to the register.

10. ARTICLE 41
(DISSOLUTION OF RELIGIOUS CORPORATE BODIES)

1. Religious corporate bodies are dissolved as a consequence of:
 - a) Deliberation of their representative organs;
 - b) Expiration of the time limit, if they have been set up temporarily;
 - c) Verification of some other extinguishing cause laid down in the deed of constitution or in their internal regulations;
 - d) Judicial decision, for the causes of judicial dissolution of civic associations.
2. Dissolution of a religious corporate body involves the cancellation of the entry in the respective register.

11. ARTICLE 42
(CAPACITY OF RELIGIOUS CORPORATE BODIES)

The capacity of religious corporate bodies embraces all the rights and obligations necessary or suitable to the pursuit of their purposes.

12. ARTICLE 43
(PRIVATE CORPORATE BODIES WITH RELIGIOUS OBJECTIVES)

Associations and foundations with religious objectives can also acquire a legal personality under the terms laid down in the Civil Code for private corporate bodies, their then being subject to the respective regulations, except with regard to their activity with religious objectives.

V. AGREEMENTS BETWEEN RELIGIOUS CORPORATE BODIES
AND THE STATE

1. ARTICLE 44
(AGREEMENTS BETWEEN CHURCHES OR RELIGIOUS
COMMUNITIES AND THE STATE)

Churches or religious communities settled in the country or federations in which these are integrated can propose the conclusion of agreements with the State on matters of common interest.

2. ARTICLE 45
(PROCEDURE FOR CONCLUSION OF AGREEMENTS)

1. The agreement proposal is submitted through an application requesting the opening of negotiations addressed to the Minister for Justice, accompanied by supporting documentation for verification of the guarantees and compliance mentioned in subparagraph a) of article 46.
2. Having heard the Committee of Religious Freedom on the agreement proposal the Minister for Justice can:
 - a) Rightly refuse to negotiate the agreement;
 - b) Appoint a negotiating committee, composed of representatives of the Ministries concerned and an equal number of Portuguese citizens

nominated by the church or religious community, with the task of drawing up a draft agreement or a report on the reasons for its impracticability. The Chairman of the Committee is appointed by the Minister.

3. ARTICLE 46
(BASES OF REFUSAL TO NEGOTIATE THE AGREEMENT)

The following are bases for refusal to negotiate the agreement:

- a) It is not certain that the internal rules or the religious practice of the church or religious community comply with the regulations of the Portuguese legal system;
- b) Five years have not passed since the refusal of a previous proposal;
- c) The ratification of a new law in order to meet the practical objectives of the proposal is not necessary;
- d) The basic content of the proposal does not merit approval.

4. ARTICLE 47
(CONCLUSION OF THE AGREEMENT)

1. Once approved by the Council of Ministers, the agreement is signed by the Prime Minister and by the competent Ministers on account of the subject matter, on the part of the Government, and by the representatives of the church or religious community on behalf of same.
2. The agreement shall only enter into force after its ratification by law by the Assembly of the Republic.

5. ARTICLE 48
(BILL FOR RATIFICATION OF THE AGREEMENT)

The agreement is submitted to the Assembly of the Republic with the bill which ratifies it.

6. ARTICLE 49
(AMENDMENTS TO THE AGREEMENT)

Up to the moment of deliberation of the Assembly of the Republic which ratifies the agreement, this can be amended by agreement of the parties, any amendment having to be immediately communicated to the Assembly of the Republic.

7. ARTICLE 50
(OTHER AGREEMENTS)

Religious corporate bodies can conclude other agreements with the State, the autonomous districts and counties for the achievement of their purposes, which do not involve the ratification of a law.

VI. COMMITTEE OF RELIGIOUS FREEDOM

1. ARTICLE 51
(COMMITTEE OF RELIGIOUS FREEDOM)

The Committee of Religious Freedom is set up as an independent advisory body of the Ministry of Justice.

2. ARTICLE 52
(FUNCTIONS)

1. The Committee has functions covering examinations, information, opinions and proposals on all matters relating to the application of the Law on Religious Freedom, with the development, improvement and any revision of this Law and, in general, with the law concerning religions in Portugal.
2. The Committee also has the function of scientific investigation of churches, religious communities or movements in Portugal.

3. ARTICLE 53
(COMPETENCE)

1. In the exercise of its functions it falls namely to the Committee to:

- a) Issue an opinion on the draft agreements between churches or religious communities and the State;
 - b) Issue an opinion on the settlement in the country of churches or religious communities;
 - c) Issue an opinion on the composition of the Religious Denominations Broadcast Time Committee;
 - d) Issue opinions on the registration of churches or religious communities requested by the registry department of religious corporate bodies;
 - e) Examine the development of religious movement in Portugal and, in particular, collect and update information on new religious movements, provide the necessary information to the departments, institutions and persons interested and publish an annual report on the matter;
 - f) Produce studies, information, opinions and proposals as entrusted to it by law, by the Ministry of Justice or on its own initiative.
2. The Committee draws up its own internal regulations.

4. ARTICLE 54

(CO-OPERATION OF DEPARTMENTS AND PUBLIC BODIES)

In the exercise of its functions, the Committee has the right to the co-operation of departments and other public bodies.

5. ARTICLE 55

(COMPOSITION AND OPERATION)

1. The Committee is composed of persons grouped at equal level in the following three subparagraphs:
 - a) The chairman and four members appointed by each of the following Ministries: Justice, Finance, Internal Administration and Welfare and Social Security;
 - b) Two members appointed by the Portuguese Episcopal Conference and three members appointed by the Ministry of Justice from amongst the persons indicated by the non-Catholic churches or religious communities settled in the country and by the federations in which

these are integrated, taking into consideration the representativeness of each one and the principle of tolerance;

- c) Five persons of recognised scientific competence in the areas relating to the functions of the Committee appointed by the Ministry of Justice, so that the pluralism and neutrality of the State be guaranteed;
2. When the question of appraisal makes reference to Ministries other than those given in subparagraph a) of the point above, it can take part in the sessions relating to the respective vote of the Ministry in question, without the right to vote.
3. The mandate of Committee members is three years and can be renewed.
4. The Committee members have the right to produce a dissenting vote on the opinions referred to in subparagraphs a), b), c) and d) of Article 51 when they have taken part in the deliberation approving them.
5. The Committee can function in plenary or as a permanent committee

6. ARTICLE 56 (CHAIRMAN)

1. The chairman is appointed by the Council of Ministers under the Minister for Justice's proposal for renewable periods of three years from amongst jurists of acknowledged competence.
2. The functions of chairman are considered to be those of scientific investigation of a legal nature and can be carried out jointly with full-time teaching.

7. ARTICLE 57 (SERVICES)

The rules about the work of the Committee and of the services supporting it and the legal status of its personnel shall be determined by the Government.

VII. SUPPLEMENTARY AND TEMPORARY PROVISIONS

1. ARTICLE 58

(LEGISLATION APPLICABLE TO THE CATHOLIC CHURCH)

The Concordat between the Holy See and Portugal of 7 May, 1940, the Additional Protocol to same of 15 February, 1975 are kept, as well as the legislation applicable to the Catholic Church, the provisions of this Law relating to churches or religious communities registered or settled in the country not being applicable to same, without prejudice of acceptance by agreement between the State and the Catholic Church of any arrangements.

2. ARTICLE 59

(AMENDMENT OF ARTICLE 1615 OF THE CIVIL CODE)

Article 1615 of the Civil Code shall read as follows:

(Article 1615)

(Publicity and format)

“The celebration of marriage is public and is subject, according to the will of the betrothed:

- a) To the format laid down in this code and in the laws of the civil register;
- b) To a religious format, under the terms of special legislation;”

2. ARTICLE 60

(AMENDMENT OF SUBPARAGRAPH B) OF ART. 1654 OF THE CIVIL CODE)

Subparagraph b) of Article 1654 of the Civil Code shall read as follows:

- “b) The entries of urgent civil marriages or according to a religious format celebrated in Portugal;”

3. ARTICLE 61
(AMENDMENT OF POINT 2 OF ARTICLE 1670 OF
THE CIVIL CODE)

Paragraph 2 of Article 1670 of the Civil Code shall read as follows:

“However, the rights of a third party which are compatible with the rights and duties of a personal nature of married couples and children, remain intact, unless, this being a matter of registration through transcription, this has been done within the seven days subsequent to the celebration.”

4. ARTICLE 62
(LEGISLATION EXPRESSLY REVOKED)

Law no. 4/71 of 21 August and Decree no. 216/72 of 27 June are expressly revoked.

5. ARTICLE 63
(NON-CATHOLIC RELIGIOUS DENOMINATIONS AND RELIGIOUS
ASSOCIATIONS CURRENTLY REGISTERED)

1. Non-Catholic religious denominations and religious associations registered in the corresponding register of the Ministry of Justice maintain their legal personality and capacity, their being subject to this law with respect to their religious activities under the terms of Article 43.
2. These denominations and associations can request their conversion to a religious corporate body under the terms of Articles 33 up to 39 by way of compliance with the respective requirements, within the time limit of three years from the entry into force of this law.
3. If they have not done this, they shall only be registered in the National Register of Corporate Bodies, where the files and documents which shall serve as the basis for the respective registers shall be sent.
4. Once the time limit mentioned in point 2 has expired, the current register of non-Catholic religious denominations and religious associations of the Ministry of Justice is abolished.

6. ARTICLE 64
(SOCIAL SECURITY)

For ministers who benefit from the social security system set up by Regulatory Decree no. 5/83 of 31 January, 1983 and who belong to religious denominations or associations referred to in the previous article, which have not been converted into religious corporate bodies, the respective scheme continues to be applicable.

7. ARTICLE 65
(VAT)

1. Churches and other religious communities settled in the country holy institutions and other institutions with the character of associations established or recognized by them and also federations and associations of them may opt for the ruling of article 1 of Decree no. 20/90 of 13 January as long as it remains in force. Nos. 3 and 4 of article 31 do not apply in such a case.
2. Charitable institutions which required the restitution of VAT during the same year can not benefit of the assignment under article 31, n° 5.

8. ARTICLE 66
(ENTRY INTO FORCE OF THE TAX BENEFITS)

Article 31 enters into force on the date of the beginning of the fiscal year following that of the entry into force of this law.

9. ARTICLE 67
(SETTLEMENT IN THE COUNTRY)

The time of organised social presence in the country necessary for the churches and religious communities to require the certificate under article 36,n°2, is of 24 years in 1999, of 25 years in 2000, of 26 years in 2001, of 27 years in 2002, of 28 years in 2003 and of 29 years in 2004.

10. ARTICLE 68
(TAX LAWS AND CODES)

The Government may introduce into the correspondent tax laws and codes the alterations that follow from this law.

11. ARTICLE 69
(SUPPLEMENTARY LEGISLATION)

The Government shall publish within sixty days the legislation on the register of religious corporate bodies and on the Committee of Religious Freedom necessary for the full application of this law.