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LATVIA: New plans to abolish "discriminatory" legal provision

By Felix Corley, Forum 18

Justice Minister Aivars Aksenoks will support a proposal to abolish a clause in Latvia's religion law that bans the registration of more than one association of any one denomination, his spokesman told Forum 18 News Service. "I absolutely agree that allowing only one church for any one confession is against the principles of religious freedom," head of the Justice Ministry's Religious Affairs Board Ringolds Balodis – who intends to submit the proposal by 10 June - told Forum 18. Without registration as a religious association, communities find it difficult to own property, do not enjoy tax-exempt status and cannot set up training establishments. The Confessional Lutheran Church and the Autonomous True Orthodox Church have been the main victims of this clause.

Justice Minister Aivars Aksenoks will support a proposal to abolish a clause in Latvia's religion law that bans the registration of more than one association of any one denomination, his official spokesman told Forum 18 News Service from the capital Riga on 26 May. "The minister of justice says the law will be changed." Ringolds Balodis, the head of the Justice Ministry's Religious Affairs Board, told Forum 18 that he intends to send his proposal to the minister by 10 June. "I absolutely agree that allowing only one church for any one confession is against the principles of religious freedom and the separation of church and state," Balodis declared from Riga on 22 May. Ina Druviete, chair of the human rights committee of the Saeima (parliament) which – if the justice ministry approves it - will spearhead the amendment in parliament, agreed it was time for this clause to be abolished. "I hope there will soon be a positive resolution of this issue," she told Forum 18 from Riga on 22 May.

Article 7, part 3 of the 1995 religion law declares: "Congregations of the same denomination may establish only one religious association (Church) in the country." The two Churches that have been spearheading the campaign against this clause are the Confessional Lutheran Church and the Autonomous True Orthodox Church in Latvia, which are both considering legal challenges to what they agree is a "discriminatory" provision which has prevented their registration as religious associations (see F18News 30 April 2003).

Balodis cited opposition to abolishing this article from political parties close to the Latvian Evangelical Lutheran Church and from the Russian Orthodox Church in Latvia.

Druviete – whose attention to the issue was sparked by Forum 18's article – said she had met Balodis in early May to discuss the issue. She said she hoped the justice ministry would soon send the amendment – which she said would be confined to abolishing Article 7 part 3 of the law – to her committee. "The committee will discuss it, then it will have to go through three readings in parliament," she told Forum 18. "I can't predict the result." She said it was unlikely parliament would handle the issue before the summer recess begins on 21 June, but hoped parliament would have adopted the amendment this year.

"I have a tendency to support the abolition of the clause, but I am only one vote out of nine on the committee and one vote out of 100 in parliament," she added.

Without registration as a religious association, religious communities find it difficult to own property, face public suspicion, do not enjoy tax-exempt status and cannot set up training establishments in the name of the religious community. The Autocephalous Orthodox Church – which has 14 parishes - has been denied not only registration as an association, but all forms of registration. However, the Confessional Lutheran Church – which has 11 congregations - has been able to register as a "new religious movement", a lesser status requiring registration to be renewed every year for the first ten years.

Gundars Bakulis, head of the Confessional Lutheran Church, welcomed moves to abolish the clause. "I think it is a result of your inquiry," he told Forum 18 from Riga on 21 May, "and also that they learned that we are preparing the documents to bring our case to Latvia's Constitutional Court and eventually to the European Court of Human Rights in Strasbourg if we are turned down in Latvia."

However, he complained that even if this clause were abolished "we still could not register [as an association] since the 10 year registration limitation does not allow us to". With their tenth congregation gaining lower level registration last year, they would only

now be able to begin the ten-year process which would culminate in registering an association.

Bakulis complained that his Church was discriminated against compared with "traditional" denominations. "Our rights are limited in the area of owning or purchasing a church property, establishing a seminary or tax exemptions," he told Forum 18. "Legally we cannot even put a sign at our church doors indicating that this is a Confessional Lutheran church. We cannot defend the interests of our church in the courts." Nor can the church conduct marriages recognised by civil law.

John Warwick Montgomery, a British-based lawyer who won a challenge at the European Court of Human Rights to the denial of registration by the Moldovan authorities of the Bessarabian Orthodox Church, said any such restrictions are counter to the European convention on human rights. "The European Court of Human Rights, in my unanimously successful Bessarabian Church case, settled that registration must NOT be employed in a discriminatory manner to restrict the civil rights of a church body," he told Forum 18 on 23 May. "All churches must be able to own property and go to court in their own corporate names. If Church A can legally establish a seminary, so can Church B!"

Opposition to abolishing this clause of the religion law is set to come from the Latvian Orthodox Church under the Moscow Patriarchate, which bitterly opposes the rival Autonomous True Orthodox Church. "This amendment could lead to discord within the Church," the secretary of the synod, Fr Aleksandr, warned Forum 18 from Riga on 23 May. "Of course we would protest." However, he said that any campaign his Church conducts would be restrained. "We've already given our view that this change wouldn't be good. But we don't pressure the state. The church and the state are separate."

Archbishop Janis Vanags, head of the Evangelical Lutheran Church, was more measured. "The Lutheran outlook hardly supports the point of view that there can exist only one association of any one denomination," he told Forum 18 on 26 May. "This is the real world. We have to accept it." He said he "personally" had no objection to the registration of the Confessional Lutheran Church, but expressed concern that the similarity of names with his Church might cause "confusion". He argued that the amended law should prevent such "deception".

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