

REPORT ON SLOVAKIA'S LAW ON RELIGION



A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe

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ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

Slovakia's Law on Religion: Registration Requirements Need Reform

The OSCE participating States commit to “grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them” and to “respect the right of these religious communities to establish and maintain freely accessible places of worship or assembly.”

-- 1989 Vienna Concluding Document

OVERVIEW – SLOVAKIA TODAY

Since the ouster of the Meciar regime in 1998, Slovakia has made a remarkable transition to democracy. Once described as “the black hole of Europe,” Slovakia officially became a member of NATO on March 29, 2004 and joined the European Union on May 1, 2004. Most recently, Bratislava hosted the joint summit held by U.S. President George W. Bush and Russian President Vladimir Putin. Moreover, Slovakia has become a voice for fundamental freedoms in its own right. For example, Slovak leaders speak out for dissidents in Cuba, the Slovak Government participates in an emerging democracy caucus at the U.N., and Slovak non-governmental experts have helped independent activists in countries such as Serbia and Montenegro, Ukraine and Belarus promote democratic reform.

At the same time, the United States has continued to raise a number of longstanding concerns with Slovakia. The most serious human rights problems in Slovakia are those experienced by members of the Romani minority, who face profound discrimination in most walks of life as well as racially motivated violence. Moreover, when the U.N. Development Program released its 2003 report on Roma in Central Europe, it was observed that “most of the region’s Roma endure living conditions closer to those of Sub-Saharan Africa than to Europe.”

The United States has also raised the cases arising from the criminalization of defamation in Slovakia. As a result of court and legislative actions, however, several problematic articles of the penal code have already been struck down or repealed in recent years. At present, the parliament is considering, as part of a larger overhaul of the penal code, repealing the two remaining articles which continue to criminalize defamation.

The Slovak law concerning religion is also problematic, as it contains the most demanding registration scheme in the entire OSCE region.

REGISTRATION OF CHURCHES AND RELIGIOUS COMMUNITIES

The United States has repeatedly expressed concern, particularly at [OSCE meetings](#), about Slovakia’s excessively burdensome registration requirements. The 1991 Act on Freedom of Religious Faith and Status of Churches and Religious Societies (No. 308/1991) provides the overall framework for the enjoyment and protection of religious freedoms, as well as addresses registration and religious entity legal status. Notably, the Act did not establish numerical thresholds for registration. However, the Slovak National Council in 1992 issued regulations

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(Act on the Registration of Churches and Religious Associations – No. 192/1992) addressing this question, declaring that an applicant group must submit a petition with the signatures of 20,000 adult permanent residents stating they share the beliefs of the community.

The 20,000-person threshold is the highest numerical threshold for registration of any of the 55 participating States of the OSCE. In an effort to elaborate their concerns regarding the current framework for registration of religious groups, six members of the U.S Helsinki Commission [wrote](#) to Slovak Minister of Culture Rudolf Chmel on December 20, 2004.

Sixteen religious groups are currently registered and therefore eligible for preferential treatment. The 1991 law listed 14 of these groups as recognized religious communities, in effect grandfathering them in as registered communities – they were exempted from the registration requirement by virtue of having been recognized by the hard-line, atheistic communist regime ousted by the Velvet Revolution. Although a Muslim community existed and was officially recognized in Czechoslovakia before World War II, it was stripped of its registration after the communist takeover, and the 1991 law did not restore recognition. The Nazarene community also existed before 1991, but had not been registered by the communist regime, nor did the 1991 law provide official status. (Since the adoption of the 1991 law, the Jehovah's Witnesses have met the 20,000 person threshold and registered, and subsequent amendments to the 1991 law expanded the list to include them. Reportedly, the New Apostolic Church was also registered in 2001.)

Of the 14 religious groups exempted from the registration requirements, reportedly only five of them (the Roman Catholic Church, the Greek Catholic Church, the Evangelical Church of the Augsburg Confession in Slovakia, the Reformed Christian Church in Slovakia, and the Orthodox Church in Slovakia) could claim 20,000 or more members. This has contributed to the perception that the law is arbitrary and discriminatory, putting newer or smaller religious communities at a disadvantage and perpetuating a hierarchy of religious organizations.

UNCERTAIN STATUS – CONCRETE PROBLEMS

The high numerical threshold is problematic in several ways, particularly impairing the ability of members of smaller religious groups to practice fully their faiths. Religious organizations are increasingly organizing at a congregational level, which is well within their rights, and it is typically the congregation that builds and owns facilities. Once a group exceeds 10-15 adult members, it becomes progressively more difficult to manage their affairs without registration and legal status. The denial of registration can therefore seriously hinder their ability to practice and manifest their faith in community with others. Governmental conferral of registration should be a tool to facilitate greater enjoyment of religious liberties, not limit the range of religious activity.

The registration requirement is especially significant in Slovakia because non-registered religious groups are:

- denied legal personality as a religious organization;

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- prohibited from building a house of worship, such as a church or mosque;
- not permitted to teach religion at state schools;
- refused access to co-religionists in the armed forces, hospitals or other social or health care facilities, and prisons;
- denied state recognition of marriage ceremonies;
- denied state recognition of priest-penitent confidentiality;
- not eligible to receive state subsidies for the wages and education of their clergy; and
- excluded from the exemption to pay taxes and import custom fees.

Non-registered religious groups are estimated to range from 30 (Department of State International Religious Freedom Report 2004) to 50 (Slovak Ministry of Culture). Some religious groups have registered as “civic associations,” but that status does not allow the organization to enjoy the aforementioned rights and benefits. Authorities in Bratislava continue to block the building of a mosque because of the lack of registration as a religious group. One Muslim representative has described the inability of his community to build a house of worship as “humiliating.”

Although many Slovak officials have argued that smaller religious groups can worship freely without official registration, this legal ambiguity can and does lead to problems. In 2001, for example, a Protestant congregation known as Christian Fellowship was told by Interior Ministry officials that, as a registered *civic* organization, they were precluded from engaging in religious activities, and they would lose that status if they rented facilities for religious purposes.

LACK OF PROGRESS

The Slovak Ministry of Culture has indicated that registration issues are linked to state funding of registered groups. Currently, registered religious organizations receive government subsidies for clergy and office expenses, with funding levels determined by the number of clergy and not members. In effect, this system requires non-member taxpayers to finance the religious practices of other faiths. The Ministry of Culture has suggested that there is no plan to make religious groups financially independent from the state and, therefore, Slovakia will not liberalize conditions for recognition. Moreover, the Ministry has argued that recognizing additional religious groups would increase the financial burden on the state.

These arguments demonstrate the Slovak Government’s vested interest in limiting the recognition of additional religious groups. In fact, it would be possible to provide many of the benefits of recognition to groups that are currently unregistered, without impacting the state budget. For instance, recognizing marriages of unregistered religious groups or allowing access to co-religionists in hospital or prisons would create no additional burden on public finances. As is customary practice in several participating States, funding concerns could be separated from registration needs by allowing taxpayers to determine individually whether their tax contributions will support any religious group, and if so, empower them to select a specific recipient community.

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Some observers have suggested that a two-tier system, similar to ones in [Austria](#) and the [Czech Republic](#), might address some of these concerns. Those systems, however, have also been criticized for turning the government's neutral role as a facilitator for religious freedom into one that favors large, established groups while discriminating against others.

CONCLUSION

The general trend in the OSCE region is either to have no numerical threshold for registration or to set one at a minimal level. France, the Netherlands, Italy, Germany, Bulgaria, and Slovenia, for example, do not use membership thresholds in granting registration. Others have very limited requirements; the threshold is ten in Ukraine and 100 in both Poland and Hungary. While establishing a numerical threshold is not *per se* a violation of OSCE commitments, the requirements should be *de minimus* in nature. The current registration regime, with its incredibly demanding requirement of 20,000 persons, effectively bars groups from obtaining registered status and is out of step with European norms and Slovakia's OSCE commitments.

Due to the discriminatory nature of the current legal structure, new religious communities or groups unable to meet the burdensome numerical requirements are denied rights and privileges afforded to recognized religious groups. At the 2003 OSCE Maastricht Ministerial Council, Slovakia and all other participating States pledged to "ensure and facilitate" the free practice of religion or belief "alone or in community with others . . . through transparent and non-discriminatory laws, regulations, practices and policies." In light of this and other OSCE commitments, it is hoped Slovakia will amend the registration system and eliminate the numerical threshold.

Related Materials on Religious Freedom:

- Press release: Helsinki Commission Co-Chairman Praises Czech President for Veto of Restrictive Religion Law
(http://www.csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=209&ContentType=P)
- Report: Bulgarian Law On Religions: Problematic Law Out of Step with OSCE Commitments
(http://www.csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=204&ContentType=R)
- Report: Bosnia And Herzegovina's Draft Religion Law: Draft Text Fails to Meet OSCE Commitments on Religious Freedom
(http://www.csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=207&ContentType=R)

Other Materials on Slovakia:

- Press release: Helsinki Commissioners Urge Slovakia to Institute Sterilization Safeguards, Criticize Slovak Government's Investigation of Past Abuse (http://www.csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=333&ContentType=P)
- Report: Coerced Sterilization of Romani Women in Slovakia (http://www.csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=202&ContentType=R)
- CSCE Digest: Criminal Defamation and “Insult” Laws: A Summary of Free Speech Developments in Slovakia (http://www.csce.gov/index.cfm?FuseAction=UserGroups.Home&ContentRecord_id=18&ContentType=G)
- State Department annual report on International Religious Freedom: (<http://www.state.gov/g/drl/rls/irf/>)

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