Slovakia’s New Religious Registration Law is a Step in the Wrong Direction

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SLOVAKIA’S NEW RELIGIOUS REGISTRATION LAW IS A STEP IN THE WRONG DIRECTION

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In 2008, I was awarded a summer internship by the University of Chicago Human Rights Program to explore the issue of religious freedom, especially as it relates to government regulation of religion in Slovakia. During my internship, I conducted relevant research, participated in consultations and conducted interviews with important actors representing religious communities and the government, and subsequently published my findings in Slovak and English. I concluded that there was a certain incongruity between declared and actual religious freedom as evinced by the law governing the registration of churches and religious societies at the time. This incongruity, I believed, compromised freedom of religion in Slovakia by discriminating against religious groups that have fewer than 20,000 members.

The truism that things can always get worse was confirmed last November when the Slovak Parliament passed a bill that was proposed by the six members of the Slovak National Party (SNS) and imposes even more stringent registration requirements on churches and religious societies that seek to be registered with and thus recognized by the government.

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President Andrej Kiska vetoed the bill, arguing that “the amendment inappropriately interferes with the fundamental rights and freedoms guaranteed by the constitution.” But in January, the Slovak Parliament overrode his veto, with two-thirds of members voting to pass the bill. As a result, the new religious registration law came into effect on March 1, 2017.

The new legislation mandates that religious groups seeking government recognition must provide, *inter alia*, evidence of having 50,000 adult members, an increase from the previous 20,000 member requirement that had been in place since 2007. No religious community has been able to register since the older measure was passed. The religious registration law specifies that each member of the religious group seeking to be registered must be a citizen who permanently resides in the Slovak Republic and must provide his or her personal identity number and home address. Furthermore, he or she must submit an “honest declaration” attesting their membership, knowledge of the religious group’s basic articles of faith and doctrines, awareness of the rights and responsibilities associated with their membership, and support of the proposal for the group’s registration.

Slovakia, which has a population of only 5.4 million people, has the strictest registration requirements for religious groups in the European Union and possibly even among all 57 participating countries of the Organization for Security and Co-operation in Europe. Other and more populous European countries have symbolic or significantly lower membership requirements for registration. The declared justification for the new registration law is that the policy “eliminates speculative registrations” that could manipulate the state for financial benefits. However, there is little rationale that justifies this reason for changing the law. The Department of Religious Affairs of the Ministry of Culture, which is responsible for the registration of churches and religious societies in Slovakia, found that only one group ever falsified its
membership claims; this agency should remain able to identify other possibly fraudulent registration attempts in the future.

Presently, there are 18 churches and religious societies registered in Slovakia: the Apostolic Church, Bahá'í Faith, Brethren Church, Brotherly Union of Baptists, Central Union of Jewish Religious Communities, Church of Jesus Christ of the Latter-day Saints, Church of the Seventh-day Adventists, Czechoslovak Hussite Church, Evangelical (Lutheran) Church of the Augsburg Confession, Evangelical Methodist Church, Greek Catholic Church, Christian Congregations, New Apostolic Church, Old Catholic Church, Orthodox Church, Reformed Christian Church, Religious Society of Jehovah’s Witnesses, and Roman Catholic Church. The majority of the currently registered religious groups had been registered and performed their functions under state control during the communist era and automatically kept their registration status after 1989. Based on the 2011 census, only four currently registered groups meet the new member requirement, and half of the currently registered churches and religious societies have fewer than 5,000 members.

It is important to note that while Slovakia has the tightest registration requirements in the region, it also provides some of the most generous benefits for registered groups. These groups are legal entities and as such can build places of worship, officiate state-recognized wedding ceremonies, own property, teach religion at public schools, commission hospital and military chaplains, etc. Although the government has no right to determine who and how many people can perform a clerical function within these registered groups, it is obligated to pay their salaries unless the religious group is not interested in receiving such funds. Fortunately, this hidden legislative loophole has not been abused by any of the registered religious groups. In addition to receiving clergy salaries, registered religious groups are eligible to receive subsidies for their
headquarter operations, apply for government grants, establish government-funded religious schools, and take advantage of various tax benefits.

It is understandable that the government wants to limit the number of registered churches as their numbers directly affect the state budget, but at the same time, it is highly problematic that non-registered churches are denied all of the aforementioned rights and benefits and are often perceived as illegitimate “sects” by the public. The new law, in my opinion, violates the collective aspect of religious freedom by erecting barriers to religious groups’ registration and performance of their basic functions. In fact, members of the unregistered religious groups have been relegated to second-class citizen status. Supporters of the new law, on the other hand, argue that members of these groups can still freely practice their faith in both private and public settings without any government interference.

Prime Minister Robert Fico and Speaker of Parliament Andrej Danko’s past comments, recent parliamentary discussions, and the fact that Slovakia does not have any problem with “speculative registrations” make one conclude that the new law was primarily passed to prevent Muslims from being able to register in the near or distant future. An estimated 5,000 Muslims live in Slovakia, which is the only country in the European Union that does not have a mosque. As Mohamad Safwan Hasna, head of the Islamic Foundation in Slovakia, said regarding the passage of the higher numerical requirement: “Today is a sad day for religious freedom in Slovakia. The passage of the anti-Muslim law not only goes against the spirit of the times but legally disadvantages and organizationally complicates the lives of Muslims living in Slovakia. It is also regrettable that registered churches and religious societies have not defended the rights of the Muslim community and wasted the opportunity to engage in a moral act.” Muslims are well-
integrated in Slovak society and there have not been any reported problems with this religious community that would prevent it from being registered.

The new religious registration law is a step in the wrong direction because individual and collective religious freedom is a central pillar of any free and democratic society and should not be compromised by arbitrary discrimination. Muslims and other religious groups with fewer members who are prevented from registering cannot fully exercise their religious freedom (the “forum externum” aspect), a fact that should not leave indifferent democratically-minded people of all faiths and none. Slovakia should change its anachronistic and unfair system of differentiating between registered (privileged) and non-registered (discriminated) religious groups, especially when this differentiation is based on an arbitrary and unrealistic 50,000 member requirement, and it should also change the model of financing churches and religious societies because the two are inextricably linked.

Only a handful of Slovak Christian leaders have expressed objections against the discriminatory government policy and the flimsy (to say the least) reasoning by legislators. The primary reason for this, if we do not count the self-interest and the potential loss of government bestowed privileges, is the fear about the “Islamization of Europe.” Christians should certainly not be oblivious to the problem Jean Bethke Elshtain described in her First Things article “While Europe Slept,” while also bearing in mind another thoughtful article in the same journal, “Muslims, Our Natural Allies,” written by Robert P. George, the former Chairman of the U.S. Commission on International Religious Freedom.