

STATE AND RELIGIOUS ASSOCIATIONS IN ESTONIA

Ringo Ringvee

*Advisor of the Department of Religious Affairs at the Ministry of Internal Affairs
of Estonia*

RESUMEN.

El artículo se centra en la legislación referente a la libertad y las confesiones religiosas en Estonia. Desde el restablecimiento de su independencia en 1991, la legislación estona sobre confesiones religiosas se ha considerado en un contexto internacional como realmente liberal. Los principios de libertad de religión o creencias quedan plasmados en la legislación vigente, y pueden asimismo constatarse en la práctica. Junto con el examen de las diferentes disposiciones legales reguladoras de las actividades religiosas, el artículo toma en consideración también temas a menudo controvertidos, como la cuestión de la religión en las instituciones públicas, y la cooperación del Estado con las confesiones religiosas.

El artículo da un breve repaso a la historia religiosa de Estonia, desde sus primeros días hasta hoy. Se pone especial énfasis en el siglo XX y en los cambios legales operados en este periodo de tiempo, especialmente durante la época postsoviética, en que se ha establecido el vigente marco legal en materia de confesiones religiosas.

El artículo aporta asimismo una perspectiva comparada de la legislación religiosa en los otros países bálticos, Letonia y Lituania, en cuanto que ello sirve para explicar el particular modelo de relaciones entre el Estado y las confesiones religiosas en Estonia.

ABSTRACT.

The article focuses on the legislative acts concerning religion and religious associations in Estonia. Since reestablishing its independence in 1991 the Estonian legislation on religious associations is considered rather liberal in the international context. The principles of freedom of religion or belief are stipulated in different legal acts as well as followed in practice. Besides examining the different legal acts regulating the religious activities, the article takes also a look

to the often controversial issues concerning religion in public institutions and the cooperation between the State and religious associations.

The article gives also a short overview of the religious history of Estonia from the earliest days until today. The emphasis is on the 20th century and the legislative changes during that period, especially on the post-Soviet period when the current legislative framework for religious associations was established.

The article gives also a comparative perspective on the religious legislation in the other Baltic countries, in Latvia and in Lithuania, as it helps to explain the particular model for the relations between the State and religious associations in Estonia.

Palabras Clave. Libertad religiosa. Libertad de Conciencia. Estonia.

Key Words. Religious freedom. Freedom of conscience. Estonia.

Summary. 1. Introduction. 2. Historical Background. 3. State and Religion in Estonia 1991-2006. 3.1. The Constitution of the Republic of Estonia. 3.2. Churches and Congregations Act. 3.3. 2002 Churches and Congregations Act. 3.4. Other Legal Acts Related to Religion. 4. Comparing the State and Religious Associations. 5. Conclusion.

1. INTRODUCTION.

The paper focuses on the issues of religious freedom and legislation in Estonia since the 1990s with a light comparative perspective to the same issues in the other two Baltic countries – Latvia and Lithuania.¹ These three countries share a recent common history as part of the Soviet Union from 1940 to 1991, and all of them are part of the so-called Post-socialist or Post-soviet countries. However, at the same time they are unique in many aspects due to their cultural differences. These differences

¹ In Estonia, the legal framework for religious associations is given by the Churches and Congregations Act (*Riigi Teataja* RT I 2002, 61, 375...RT I 2005, 39, 308)); in Latvia, by the Law on Religious Organizations (*Latvias Vestnesis* 26.09.1995, No. 146; *Zinjotais* No. 21, 1995); and in Lithuania, by the Law on Religious Communities and Associations (*Valstybes zinios*, 1995, No.89-1985; 1997, No.66-1618; 2000, No.40-1115).

are reflected in these countries in legislation concerning religious organizations.

2. HISTORICAL BACKGROUND.

The religious history of the present day Estonia is full of changes. The territory of the present day Estonia was nominally Christianized in the 13th century by the Catholic Church with the help of Teutonic Order. According to the researchers, however, the impact of Christianity on the indigenous people became visible during the 15th century, as it could be traced through the change of personal names that became predominantly Christian during that period. The Christian worldview became dominant, however, as late as by the end 18th century.²

The Lutheran Reformation reached Estonia 1523/1524, and took hold among the urban population. During the period of Swedish (1558-1710) rule the church life was organized following the Swedish model of Lutheran state-church.

The Great Northern war (1700-1721) had devastating results for Estonia. While politically Estonia became part of the Russian Empire, the population paid a heavy toll due to the results of the war and the following epidemics and famine. The German-Baltic aristocracy got certain privileges due to their capitulation in 1710 to the Russian forces. These privileges included also the new right in conducting the church life – the newly formed Consistory of the Lutheran Church chose it's head from the local aristocracy.

In 1729 the first preachers of the Herrnhut movement came to Estonia. The Herrnhut movement gained support among the indigenous population as well as among some of the Baltic-

² H.Palli "Mida kõnelevad isikunimed eestlaste usust XIII-XVI sajandil" (What Do the Surnames Tell Us about the Religion of Estonians During the 13th to 16th Centuries") - in *Religiooni ja ateismi ajaloost Eestis (On the History of Religion and Atheism in Estonia – in Estonian)* Tallinn: Eesti Riiklik Kirjastus 1961, pp 108-127), 127.

German aristocracy. The Herrnhut movement is considered also as the first Christian missionary movement which brought the Christian faith close to the indigenous people by stressing the simple faith of the heart. It should be mentioned also that this lay movement was the first one where the indigenous people had the opportunity to become lay preachers while the vast majority of the clergy both in Lutheran and Orthodox churches remained foreigners until the first decades of 20th century.

However, the Russian authorities banned the movement in 1743, as the religious revival was accompanied with peasant upheavals. The ban was removed in 1763. The impact of the local Herrnhut movement could not be overestimated. The movement and its leader Count Nicolaus von Zinzendorff initiated the first full Bible publication in Estonian in 1739. The Herrnhut movement had also impact in forming Estonian national identity and establishing new cultural forms of self-expression. The Herrnhut movement is also considered responsible of breaking the pre-Christian tradition in the 18th century.

The late 19th century was characterized by the politics of Russification in which the Russian Orthodox Church has a crucial role. The missionary activities which had started already in the 1840's culminated with the building the Orthodox Cathedral to the Toompea Hill in 1900. There were two periods during the 19th century when Estonians shifted their church memberships from the Lutheran to the Orthodox Church. The reasons for those movements during the 1840s and 1880s were economical and political – there were hopes for land grants for the members of the Orthodox state-church, and by joining to the “Czar’s Church” there were hopes to get protection against the Baltic-German landlords.

From the late 19th century new religious movements entered to the Estonian religious scene. From 1876 to 1882 there was a religious awakening in Estonia which started from the Swedish-Estonian population and spread to the ethnic Estonian population. The first Baptist congregation was established in 1884, and until

1940 the Baptists remained the fastest growing religious community in Estonia. The Seventh Day Adventists entered to the Estonian religious scene in 1897, Methodists in 1908, Pentecostals 1909.³

In February 24th, 1918 Estonia was declared an independent state. In the Constitution, adopted in 1920, the principles of freedom of religion and conscience were implemented. In its Article 11 the 1920 Constitution stated that in the Republic of Estonia there is “freedom of religion and conscience. [...] The right to practice religion is unhindered unless it is contrary to public order and morals. The creed or worldview can not be considered as an excuse for committing a crime nor for eluding from the obligations of a citizen. There is no state religion in Estonia.”⁴

In 1925 the first legal act concerning specifically religious associations was adopted. According to the Religious Societies and Their Associations Act all religious associations despite their membership numbers and time of existence were treated on the same ground. The registration of religious associations took place at the Ministry of Internal Affairs. The reasons for refusal to register a religious community as a legal entity were the following – if the statute was not in accordance with the requirements, or if the teachings or practices of a religious association were against the criminal code.⁵

In 1934 a new legal act, Churches and Religious Societies Act replaced the previous legal norm.⁶ The new Act started to use the term “church” besides the former “religious society” and “union of religious societies”. The most remarkable changes reflected the general change in Europe’s political climate. From now on the Ministry of Interiors had the right to ban religious associations if their activities might consider as a threat to the

³ For Estonian religious history in general see www.estonica.org

⁴ *Riigi Teataja (State Gazette)* RT 1920, 113/114, 243.

⁵ *Riigi Teataja* 1925, 183/184.

⁶ *Riigi Teataja* RT 1934, 107, 840.

state.⁷ The President got the right to demand exchange of the candidates for the leadership of the church or union of religious associations if he considered the candidate not suitable for his post.⁸ The Minister of Interiors got the right to demand to discharge a clergy who did not do their duties, and the right to forbid cleric to act his duties if it is necessary for the state or public order.⁹

The Constitution from 1937 gave right to grant religious associations with membership more than 100 000 members to operate under public law. There were two churches with such membership numbers – the Estonian Evangelical Lutheran Church and the Estonian Apostolic-Orthodox Church. In addition to this the Minister of Interiors got also the right to become involved in the church politics of churches which operated under the public law. This right, however, was used only once when in 1939 the Consistory of the EELC applied to the Minister of Interiors for suspending the acting bishop of the EELC from his post.

By 1940 the Molotov-Ribbentrop Pact by which the Europe was divided between the interest spheres of Nazi Germany and Soviet Russia had become reality. As Estonia with other Baltic countries belonged to the Soviet interest sphere so the Soviet regime was implemented officially on June 21st 1940. One month later, on July 21st 1940 Estonia, Latvia, and Lithuania were officially incorporated to the Soviet Union as Soviet Socialist Republics.

The changes in Baltic political life and society affected religious life in Estonia, as the official ideology of the Soviet Union was Marxist atheism. Consequently, Soviet policies focused on abolishing religion from the lives of the people in the

⁷ The § 4(2) of the Churches and Religious Societies Act (CRSA) was used in 1935 for banning Jehovah's Witnesses activities in Estonia.

⁸ CRSA § 18.

⁹ CRSA § 19.

Soviet Union, and Soviet officials began interfering with the life of religious communities also in Estonia. In 1940, some religious organizations were banned by Soviet officials¹⁰, the theological faculty at the University of Tartu was closed, and atheist organizations were formed.¹¹ The remaining religious associations were affected by the application of a 1926 Criminal Law of the Federation of the Soviet Socialist Republics of Russia, which rescinded the legal entity status of these religious associations. As a result, these associations lost their ability to own property, including church-buildings.¹² This meant that the religious associations had to pay rent for the use of their buildings of worship, and the rent was calculated in cubic meters.

During the period of the German occupation from 1941 to 1944, religious life was liberalized to some extent. Nonetheless, the theological faculty at the University of Tartu was not reopened. As a result, the Estonian Evangelical Lutheran Church established its own institution of higher theological education.

In 1945, when Estonia again became part of the Soviet Union, the Commissioner of the Council for Religious Affairs

¹⁰ For example the Salvation Army, Herrnhut (Moravian) Brethren, the YMCA/YWCA, the organization of local heathens ("The Grove"/"Hiis"), and others. The Soviet government offered as reasons for disbanding these religious groups that either the center of the organization was situated outside of the Soviet Union (e.g., The Salvation Army) or that the organization was characterized as "nationalist" (e.g., "The Grove"). Furthermore, several priests of the Roman Catholic Church were also expelled from the Soviet Estonia.

¹¹ In 1940 the Estonian Communist Party started to organize the local charters of the League of Militant Antireligionists. In addition to this League several circles were organized to promote the Soviet Atheist ideology. In January 1941 the first issue of a journal "The Atheist" was published. (Lembit Raid *Vabamõtlejate ringidest massilise ateismini (From the Circles of Free Thinkers to the Mass Scale Atheism* – in Estonian) Tallinn: Eesti Raamat 1978, 136-146.

¹² The "nationalization" of church buildings was completed with the decree "On the Establishing of Prayer Houses of Religious Cults" (*ENSV Teataja (Estonian SSR Gazette)* 1944, No.1, Art.172) and by "The Provisional Directive on Organizing the Activities of Religious Communities from 1945" (*ENSV Teataja (Estonian SSR Gazette)* 1945, No. 28, Art.439). The "Provisional Directive" was replaced in 1977 by Statute of Religious Communities (*Eesti NSV Teataja (Estonian SSR Gazette)* 13.03.1977. Nr 19 (591), 222).

was established. This local branch of the Council for Religious Affairs of the Council of People's Commissars of the Soviet Union in Moscow had a crucial role in diminishing the importance of religious organizations in Soviet Estonia.

In 1945, the Baptist, Evangelical Christian, Free Church, and Pentecostal congregations were united by the Soviet authorities, and were incorporated into the Union of Baptists and Evangelical Christians in the Soviet Union. Likewise in 1945, the Estonian Apostolic Orthodox Church, which had gained independence from the Patriarch of Moscow Tikhon in 1920 and had belonged to the jurisdiction of the Patriarchate of Constantinople as an autonomous church from 1923 onward, was disestablished by the authorities of the Russian Orthodox Church and a diocese of the Russian Orthodox Church was formed instead. In addition, from 1946 to 1982, all religious publications were banned.¹³ Furthermore, all religious activity was discouraged and repressed.¹⁴ From the 1960s onward, the main

¹³ Only one exception was made to this ban: in 1956, the Estonian Evangelical Lutheran Church (EELC) was allowed to publish an EELC yearbook. However, this exception must be seen within the context of the Soviet Union's propaganda: to suggest to the rest of the world that it was possible to publish religious materials in the Soviet Union. Beginning in 1982, the EELC's annual almanacs were published on a more regular basis until the 1990s.

¹⁴ The allowed religious associations' Sunday schools were closed in 1940. Religious services were allowed only in prescribed locations. The Soviet mass media was used to give a grotesque picture of religion in general and especially of believers in religion and religious specialists. Discrimination and repression of actively religious people did not affect only the family members of the clergy. Religiously active students were expelled from the universities. Nevertheless, although this policy of denying entrance in Soviet universities to people with religious affiliations was implemented by Soviet officials, it was not considered "the official" policy of the Soviet State. So, for example, in his letter from July 22, 1976, the Commissioner for Religious Affairs in the Estonia Soviet Socialist Republic (SSR) wrote to the Educational Minister that the practice not to accept people with religious affiliation to the institutions of higher education is against the principles of the Soviet legal system. (*Archive of the Commissioner for Religious Affairs in the Estonian SSR at the Archive of the Ministry of Internal Affairs of Estonia* (hereinafter *Archive of the Commissioner for Religious Affairs*), Box 5, File No. 201.

target of the Marxist atheist propaganda was the generation born after the Second World War. During that period many new Soviet rites of passage were introduced including Soviet marriage rites and new rites for the Soviet youth to enter the age of adulthood. Consequently, from the 1960s onward, the adherence of individuals to religious associations began to fade.¹⁵

At the end of the 1980s, a religious revival took place in Estonia as it did in many Eastern European countries where religious life had been discouraged and repressed by the Communist system.¹⁶ In 1990, the Commissioner's office was dissolved. The independence of Estonia was restored officially in 1991.¹⁷

Several changes concerning the life on religious associations started to take place in the late 1980s and early 1990s when the Soviet regulations on religious associations were

¹⁵ According to the statistics given by the religious associations to the Soviet authorities, the rapid change of the baptismal rates in the largest religious community –Estonian Evangelical Lutheran Church– show 5,726 persons baptized in 1959. In 1969, however, the number was only 990. More dramatic was the change in the numbers of confirmations –from 6,418 in 1959 to 452 in 1969–, in the numbers of church weddings – from 2,780 in 1959 to 239 in 1969. Also the numbers of donators decreased – from 173,770 donating members in 1959 to 97,356 in 1969 respectively. (*Archive of the Commissioner for Religious Affairs, The Statistics of the EELC*, File 12; *Archive of the Commissioner for Religious Affairs, The Statistics of the EELC 1947-1960*, File No. 9).

¹⁶ The baptismal rates show some growth in the Estonian Evangelical Lutheran Church in the 1980s – from 853 in 1982 to 1371 in 1986 (*Archive of the Commissioner for Religious Affairs – The Reports of the Activities of the Churches in the ESSR 1981-1988*, Box 4, File No. 3 (1983) and File No. 3 (1987)). However, the rapid growth both in baptismal and confirmation rates coincides with the national reawakening in 1988 and 1989. 4,364 persons were baptized in 1988 and 12,391 people were baptized into the EELC in 1989. (*Archive of the Commissioner for Religious Affairs – The Reports of the Activities of the Churches in the ESSR 1989-1990*, Box 5, File No. 3 (1989); *Archive of the Commissioner for Religious Affairs – The Reports of the Activities of the Churches in the ESSR 1989-1990*, File No. 3 (1990)). Although there was also a growth of religious services among other denominations, the enormous popularity of the Lutheran Church was seen as the most visible sign of the revival of religious institutions among Estonians.

¹⁷ *Riigi Teataja* 1991, 29, 338.

gradually abolished. In 1989 Estonian SSR legislative act „On Civic Societies” was implemented on the registration of religious associations.¹⁸ In 1990 the institution of the Commissioner of Religious Affairs was abolished in Estonia, and the coordination of relations between the State and religious associations was shifted to the Ministry of Culture where in 1991 the Office of Religious Affairs was established. At the same time drafting of a new legislative act regulating the status of religious associations started. The Churches and Congregations Act was adopted in 1993. In 1993 the coordination of the relations between the State and religious associations was shifted from the Ministry of Culture to the Ministry of Interiors.¹⁹ Since 2003 the Department of Religious Affairs at the Ministry of Internal Affairs belongs to the area of government of the Minister for Regional Affairs.

In September 1st 2006 nine churches with 381 congregations, nine unions of congregations with 145 congregations, and 68 independent or single congregations were registered at the Register of Religious Associations. The majority of these represent different Christian traditions, while also the Jewish, Muslim, Buddhist, Baha’i, Hindu and Native religious associations are present in Estonia. At the same time, some religious communities active in Estonia were not registered in the Register as religious associations, but have registered themselves as regular non-profit associations.²⁰ The whole picture of the

¹⁸ *ENSV Ülemnõukogu ja Valitsuse Teataja (Gazette of the Estonian SSR Supreme Soviet and Government) ÜVT* 1989, 18, 255 <<https://www.riigiteataja.ee/ert/act.jsp?id=30670>>; *Riigi Teataja* RT 1990, 1, 14 <<https://www.riigiteataja.ee/ert/act.jsp?id=30707>>

¹⁹ This shift should be seen in the historical perspective – from 1919 until the Soviet occupation in 1940 the Ministry of Internal Affairs was the ministry responsible for the church-state relations.

²⁰ For example, the Friends of Western Buddhist Order in Estonia has established itself as a regular non-profit organization. In similar manner the Unification Movement has established itself besides a religious association through two non-profit organizations: the Family Federation for World Peace and Unification and the Collegiate Association for the Research of the Principle.

Estonian religious field is more colorful than the official statistics may reveal because some religious groups have not established themselves as legal entities.

The Constitution of the Estonian Republic from 1992 stipulates the principles of freedom of religion and belief, and the Article 40 also stipulates the principle of institutional separation of the State and religious associations („There is no state church.”). This however, has not been interpreted as excluding the cooperation between the governmental institutions and religious associations in the areas where the common interests are. The religious associations in Estonia are self-financing associations, and none of the religious associations gets direct financial support for their religious activities. However, there are certain areas like social rehabilitation, social care, and restorations of sacral buildings with historical and/or cultural value where the subsidies are granted. There are also some tax exemptions for registered religious associations, and while the salary of the clergy is paid by the religious associations, the chaplains in prisons and in defense forces get their salary from the state.

The only religious organization that gets annual subsidy directly from the State budget is the ecumenical non-profit organization Estonian Council of Churches (ECC).²¹ The ECC was founded in 1989, and has been since then the main partner to the State for cooperation in different areas. In 2002 the Estonian Government signed the Protocol of Common Interests with the ECC.²² Currently the member churches of the ECC are the Estonian Evangelical Lutheran Church, the Estonian Apostolic Orthodox Church, the Estonian Orthodox Church of Moscow Patriarchate, the Roman Catholic Church, the United Methodist

²¹ Estonian Council of Churches website www.ekn.ee. In 2006 the ECC got 5,9 million kroons (approximately 378 200 Euros) from the state budget. *Riigi Teataja* RT I 27.12.2005, 69, 535 ; <
<http://www.riigiteataja.ee/ert/act.jsp?id=969308>>

²² Protocol of Common Interests (Ühishuvide protokoll – in Estonian) <
http://www.ekn.ee/dokumendid/vv_ekn_yhishuvi_17.10.02.pdf>

Church in Estonia, the Estonian Christian Pentecostal Church, the Union of Evangelical Christian and Baptist Churches of Estonia, the Estonian Conference of the Seventh-day Adventist Church, the Estonian, the Charismatic Episcopal Church of Estonia, and the Estonian Congregation St. Gregory of the Armenian Apostolic Church.

In 1995 a joint commission between the Estonian Government and the Estonian Evangelical Lutheran Church was established. One of the most important areas of common interests between the Government and the EELC is related to the preservation of cultural and architectural values. The outcome of this cooperation was the adoption of the State program „Preservation and Development of Churches” for the years 2004-2013 in 2003. The common interests of the State and a religious association initiated the establishment of a draft committee for the State program for the protection of Groves and other natural sacred objects in 2005. The draft committee included besides of governmental representatives, the specialist in archeology and ethnography as well as representatives from the House of Taara and Native Religions.²³

3. STATE AND RELIGION IN ESTONIA 1991-2006.

As mentioned above the relations between the State and religious associations are based on the principle of institutional separation. The principles of freedom of religion and belief are stipulated in the Estonian Constitution as well as in other legal acts. The most important of these in the case of religious associations is the Churches and Congregations Act (CCA). The first CCA was adopted in 1993, and was replaced by a new version in 2002.

²³ Administrative Order of the Minister of Culture No 49, 11.02.2005. <http://www.kul.ee/_dokreg/_2005/ministrikk05/Kultuuriv/050210_hiite_tooryh m.doc>

3. 1. THE CONSTITUTION OF THE REPUBLIC OF ESTONIA.

On the issues of freedom of religion or belief the Constitution of the Estonian Republic from 1992 follows on the one hand the Constitutional traditions of Estonia, and on the other hand the international norms and treaties. The issues of freedom of religion, belief, and conscience are stipulated in several articles in the Constitution. One of the most fundamental on these is the §40.

Everyone has freedom of conscience, religion and thought. Everyone may freely belong to churches and religious societies. There is no state church. Everyone has the freedom to exercise his or her religion, both alone and in community with others, in public or in private, unless this is detrimental to public order, health or morals.²⁴

And §41 adds:

Everyone has the right to remain faithful to his or her opinions and beliefs. No one shall be compelled to change them. Beliefs shall not excuse a violation of the law. No one shall be held legally responsible because of his or her beliefs.

The other articles related to religion are §§42, 45, 47, 48. The Constitution forbids governmental and municipal agencies and their officials gather and store data concerning the beliefs of persons without their free will. People have freedom of speech and association. The Constitution also stipulates the right to form non-profit associations which is important in this context here as the religious associations are a specific form of non-profit associations. Article 12 of the Constitution forbids discrimination based on religion or belief. Article 29 stipulates possibility of

²⁴ Peeter Roosma (2002, 296) has said in the Commentaries on the Estonian Constitution that the noted on märkinud EV Põhiseaduse kommenteeritud väljaandes, et Põhiseaduses tuleb sisustada mõisteid usk ja usutalitus avaralt, et vältida vähetuntud või uute usundite diskrimineerimist. Sarnaselt on ÜRO Inimõiguste komitee kommenteerinud Inimõiguste ülddeklaratsiooni artiklit 18 (General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18): . 30/07/93. CCPR/C/21/Rev.1/Add.4, General Comment No.22; <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?Opendocument)>

alternative service in Defense Forces.²⁵ Among certain other rights the Article 130 of the Constitution considers the rights stipulated in Articles 12, 40, and 41 shall not be restricted even in the case of emergency or in a state of war.

According to the Article 9 of the Constitution the basic freedoms are guaranteed also to the legal persons if these are in accordance with their general aims. Religious associations get their legal capacity as legal entities on the basis of Churches and Congregations Act.

3. 2. CHURCHES AND CONGREGATIONS ACT.

During the late 1980s the religious associations waited for a new Soviet legislative act to replace the 1977 Statute of Religious Communities. The drafting of a new legislative framework for religious associations started already in 1990. Despite of the pressures from the Evangelical Lutheran Church for a special status as legal person in private law, the Churches and Congregations Act adopted in 1993 did not follow the general trend of other post-Soviet societies, or general European tradition of multi-tiered system of legal recognition of religious associations. All religious associations were treated equally before the law with no respect to their membership numbers or historical presence.²⁶

The 1993 Churches and Congregations Act established the liberal politics of religion for the following years in Estonia. This kind of approach to religious associations had different reasons. After reestablishing its independence in 1991 Estonia chose the road of radical liberal reforms both in economics and social life, and these reforms had its effect also in the field of religion. The

²⁵ The substitution of compulsory service with alternative service is regulated by the Defense Forces Service Act (RT I-2000, 28, 167...RT I 2004, 88, 599; <<https://www.riigiteataja.ee/ert/act.jsp?id=832165>>).

²⁶ *Riigi Teataja* RT I 1993, 30, 510; 1994, 28, 425. <https://www.riigiteataja.ee/ert/act.jsp?id=28498>

principle of free market was introduced to Estonian religious sphere, and it did fit seemingly well to the generally individualistic Estonians. On the other hand, the general liberal framework of the early 1990s in the World's politics in general had its effect on the drafting process. And also the secularization processes in the Estonian society during the Soviet period should be noted. In Estonia religion and religious identification has not been so much related to the national identity as for example in Catholic Lithuania although both sharing the same recent history under the Soviet regime.

In 1996 the Parliament adopted the Non-Profit Associations Act. Due to the adoption of this legal Act the Ministry of Internal Affairs was obliged by the Government's decision to prepare a draft of a new Churches and Congregations Act (hereinafter CCA) by September 1st 1996.²⁷ The reasons for drafting a new CCA were the changes in other legal acts, and the separation of legislative and executive powers. The drafting committee included also representatives from the registered religious associations. The drafting of the new CCA was a long process, and the Justice Committee of the Parliament received draft version was in 2001. Finally on Feb 12th, 2002 the CCA was signed by the President and it entered into force on July 1st, 2002.²⁸ The religious associations previously in the Estonian Register of Churches and Congregations had to reregister themselves to the Register of Religious Associations by the July 1st, 2004.²⁹

One of the fundamental changes that came with the new CCA was the shift of the register and registration of religious

²⁷ Minutes of the Government of the Republic of Estonia No 41; 23.05.1996. Item of the agenda No 10 (1). *Archive of the Department of Religious Affairs at the Ministry of Internal Affairs*; Folder: Correspondence 1996.

²⁸ *Riigi Teataja* RT I 2002, 24, 135. The amendments to the CCA RT I 2002, 61, 375; RT I 2004, 14, 91; RT I 2004, 54, 39. <<https://www.riigiteataja.ee/ert/act.jsp?id=781231>>

²⁹ The period of reregistration was prolonged until January 1st 2005 (RTI, 09.07.2004, 54, 391).

associations from the Ministry of Internal Affairs to the registrar departments of the county courts where the Register of Religious Associations became part of the Register of Non-Profit Associations and Foundations.

3. 3. 2002 CHURCHES AND CONGREGATIONS ACT.

In Estonian legal context the religious associations registered at the Register of Religious Associations are legal persons under private law. Religious association is specific non-profit association to whom the Non-Profit Associations Act (*lex generalis*) is applied if the Churches and Congregations Act (*lex specialis*) does not regulate otherwise.

Chapter 1 of the CCA stipulates the general provisions for the religious associations as well as explains the purpose of the Act in the realization of freedom of religion or belief.

According to the CCA §2 religious association is an association of natural persons, followers of one religious tradition. According to the § 3 the main activities of religious association should be manifestation of religion, and not economical profit.

The CCA gives legal definitions of four types of religious associations – churches, congregations, associations of congregations, and monasteries.³⁰ The inclusion of legal

³⁰ In §2(2) of the CCA “church” is defined as an association of at least three voluntarily joined congregations which has an episcopal structure and is doctrinally related to three ecumenical creeds or is divided into at least three congregations and which operates on the basis of its statutes, is managed by an elected or appointed management board, “congregation” is defined as a voluntary association of natural persons who profess the same faith, which operates on the basis of its statutes, is managed by an elected or appointed management board, according to the definition an “association of congregations” is an association of at least three voluntarily joined congregations which profess the same faith and which operates on the basis of its statutes, is managed by an elected or appointed management board, and a monastery is a voluntary communal association of natural persons who profess the same faith, which operates on the basis of the

definitions has been criticized from the Estonian legal experts as unnecessary or problematic, although the legislators have seen their role in the CCA as educational.³¹

In 2004 the problems related to these terms became evident when the House of Taara and Native Religions was going to reregister itself according to the new requirements of the CCA. According to the CCA (§7(1)) the religious associations should use one of the four terms mentioned in their official name. In 2004 the mandatory use of these terms in the official name was considered a violation of freedom of religion by the House of Taara and Native Religions. Their address on the issue to the Chancellor of Justice was followed by amendment that restored the principle from 1993 CCA that allowed also the use of historical names.

Chapter 2 of the CCA subsumes the issues related to the freedom of religion of individuals according to the principles stipulated in the Constitution. According to CCA §10 persons over fifteen years of age may join or leave the membership of a religious association independently while children younger than fifteen years of age belong to a religious association according to the decisions of their parents or guardian.

The framework for religious activities in medical, educational, social welfare, and custodial institutions as well as in Defense Forces and in National Defense League are established by the CCA § 9. The individual religious freedom are guaranteed in these institutions as far as it does not violate public order, health, morals, or the rules established in these institutions or the rights of others staying or serving in these institutions. The religious associations may perform religious rites in these

statutes of the corresponding church or independent statutes, and is managed by an elected or appointed superior of the monastery.

³¹ See for example Merilin Kiviorg "Church and State in Estonia" – in Silvio Ferrari and W.Cole Durham, jr. (Eds.) *Law and Religion in Post-Communist Europe. Law and Religious Studies 1*. Leuven-Paris-Dudley, MA: Peeters, 2003, pp 99-120.

institutions with the permission of the owner or the head of the institution.

Chapter 3 regulates the foundation, registration and dissolution of religious associations.

According to the §13 the religious association applying for the registration must have at least 12 members over the age of eighteen with active legal capacity. For the registration of a religious association the board of religious association has to present to the county court an application with notarially certified signatures of the board members, memorandum of association, authorized statute of the association, and other required supplements.³²

According to the §12(1) the Statute should include the following data – 1) the name and location of the association; 2) its objective and doctrinal base; 3) the obligatory religious rites; 4) the structure of management and supervisory bodies of the association; 5) the procedure for the election or appointment of the members of the management board, and restrictions on the right of representation³³; 6) the status and hierarchical structure of

³² The exception in these requirements is made only to these religious associations whose juridical status is regulated by international agreements. According to an amendment from 2004 (RT I 2004, 54, 391) these religious associations shall present instead of the statute and memorandum the text of the international agreement (§13(3')). This amendment affected only the registration of the congregations and orders of the Roman Catholic Church whose juridical status in Estonia is regulated by the agreement between the Estonian Government and the Holy See from 1999 (*Riigi Teataja* RT II, 22.04.1999, 7, 47; <<https://www.riigiteataja.ee/ert/act.jsp?id=79173>>

³³ The member of the management board must be a person with the right to vote in the local government council elections (CCA §23(2)). This means that the member of the management board should not be Estonian citizen. The right to vote on the local elections is regulated by §5 of the Local Government Council Election Act (RT I 2002, 36, 220... RT I 2005, 25, 194). According to this Act this right includes besides Estonian citizens the citizens of the European Union who live in the municipality and whose address is entered to population register. This right applies also to the citizens of non-EU countries who reside in Estonia on the basis of a permanent residence permit, and have legally resided in the territory of the municipality for at least 5 years (§5(2)). Same requirements concern the clergy

the clergy, and the professional vestments of their clergy; 7) the procedure for the formation, use and disposal of assets; 8) the bases and procedure for the adoption and amendment of the statutes; 9) the bases and procedure for termination of activities; 10) the conditions of and procedure for membership in the religious association and for leaving and exclusion from the religious association; 11) the rights and obligations of the members of the association or the procedure for the establishment of obligations for members.

According to the §14(2) of the CCA registrar shall not register a religious association if the Statute of the association or other required documents are not in compliance with the requirements of the CCA or if the activities of the religious association damage public order, health, morality or the rights and freedoms of others.

Chapter 4 of the CCA regulates the maintenance of the Register of Religious Associations while in Chapter 5 set the requirements for ministers of religion as well as to the management board of the religious association. The only requirement from the State to the minister of religion as well as to the member of the board is that these persons must have the right to vote in local government elections. Article 22 of the CCA gives protection to the confessional secret. The principle that information revealed during private confession or pastoral conversation should not be revealed to the third party is stipulated also in the Code of Criminal Procedure³⁴, in the Code of Civil

of religious association (CCA §20(1)). According to the §20(2) of the CCA the religious association may invite clergy from abroad in accordance with the Aliens Act (*Riigi Teataja* RT I 1993, 44, 637...RT I 2006, 26, 191). <<https://www.riigiteataja.ee/ert/act.jsp?id=1036437>>

³⁴ *Riigi Teataja* RT I 2003, 27,166...RT I 2004, 54, 387. However, the minister of religion does not have the right to the right to refuse to give testimony if their testimony is requested by the suspect or accused.(§72(3)). <<https://www.riigiteataja.ee/ert/act.jsp?id=780297>>

Procedure³⁵ and the Taxation Act³⁶. Chapter 6 provides the regulations concerning the assets of a religious association.

3. 4. OTHER LEGAL ACTS RELATED TO RELIGION.³⁷

Although the State does not support religious associations directly there are several financial benefits for religious associations registered in accordance with the CCA. The Income Tax Act (§11(2)) considers these associations to be associations exempted from the income tax.³⁸ The Land Tax Act § 4 exempts the land under the places of worship from taxation.³⁹

Several legal acts forbid discrimination on religious grounds. So does the Employment Contracts Act §10(1). At the same time the Employment Contracts Act §7(8) is not implemented on persons conducting religious services in a religious organization (i.e. religious association) if the fundamental document of such organisation does not require entry into an employment contract with these persons. The Employment Contracts Act §10¹ (5) allows also suitable working and rest time regime which satisfies the religious requirements of an employee.⁴⁰

The Gender Equality Act is not implemented on manifestation of religion neither on religious personnel of

³⁵ *Riigi Teataja* RT I 1998, 43-45, 666...RT I 2004, 46, 329.

<<https://www.riigiteataja.ee/ert/act.jsp?id=769593>>

³⁶ *Riigi Teataja* RT I 2002, 26, 150...RT I 2004, 84, 569

<<https://www.riigiteataja.ee/ert/act.jsp?id=828323>>

³⁷ The majority of Estonian legal acts are available in English translation from the web-site www.legaltext.ee

³⁸ *Riigi Teataja* RT I 1999, 101, 903...RT I 2004, 89, 604

<<https://www.riigiteataja.ee/ert/act.jsp?id=833697>>

³⁹ *Riigi Teataja* RT I 1993, 24, 428...RT I 2004, 84, 572.

<<https://www.riigiteataja.ee/ert/act.jsp?id=828909>>

⁴⁰ *Riigi Teataja* RT 1992, 15/16, 241...RT I 2004, 86, 584;

<<https://www.riigiteataja.ee/ert/act.jsp?id=830458>>

religious associations registered at the Register of Religious Associations.⁴¹

Incitement to hatred, violence or discrimination on account of race, religion, nationality or sexual orientation, political ideas or economical or social status is forbidden by § 151 of the Penal Code if the incitement has caused risk to person's life, health or property. Granting special privileges or restricting the rights of a person on religious grounds is forbidden in § 152.⁴²

In § 154 of the Penal Code the cases when someone's membership in religious association is restricted for any other reason than the morals, rights of other people, health or public order are impose a penalty from fine to one year in prison. The same is imposed on restricting the manifestation of religion. The same penalty applies when someone is forced to join or to be a member of a religious association.

In December 2001 the Estonian Government issued a regulation by which the Ministry of Internal Affairs may authorize religious ministers from registered religious associations to conduct marriages with civil validity. This may be obtained by the clergy after the training and attestation by the Ministry of Internal Affairs and the registrar offices, and after the application from the religious association, registered religious associations.⁴³ Although fulfilling in this case the duties of the Vital Statistic Office, this right to contract marriages does not require the Estonian citizenship of the clergy; although it requires the ability to fulfill the required documents in Estonian. The clergy with the authorization to contract marriages with civil validity may refuse to contract a marriage if the persons being married do not meet the requirements set for marriage by the

⁴¹ *Riigi Teataja* RT I, 2004, 27, 181.

<<https://www.riigiteataja.ee/ert/act.jsp?id=738642>>

⁴² *Riigi Teataja* RT I 61, 364...RT I 2004, 88, 600;

<<https://www.riigiteataja.ee/ert/act.jsp?id=73045>>

⁴³ *Riigi Teataja* RT I 2001, 82, 492

<<https://www.riigiteataja.ee/ert/act.jsp?id=27275>>

religious association.⁴⁴ In the year 2005 there were 139 clergypersons from 15 different religious associations with that authorization.

In accordance with the EU Council Directive 93/119/EC on the protection of animals at the time of slaughtering or killing the Government's Regulation from 2001 amended the Animal Protection Act regulating the slaughtering of animals for religious reasons.⁴⁵

In April 18th, 2005 the Regulation No 79 of the Government of the Republic of Estonia amended the previous regulation concerning the photos on identification documents.⁴⁶ This change is interesting in the European context in general. According to this regulation a person has the right on religious grounds to submit a photo with a head covering for identification documents. However, the face from mandible to upper forehead should be uncovered. This applies both to Muslim women as well as to the Christian nuns but also to the followers of other traditions to whom the head covering is mandatory.

In Estonia the presence of religion in public institutions has often considered problematical. The Chaplaincy Service in Defense Forces and in Prisons, as well as religious education in public schools has been often criticized for being vehicle for religious indoctrination by the Christian denominations in general or the Evangelical Lutheran Church in particular.⁴⁷ Although the non-Christian religious associations are represented only by one Muslim chaplain in Defense Forces, the situation reflects in some extent also the reality of Estonian society where approximately 98% of the followers of some religious tradition are Christians.

⁴⁴ *Riigi Teataja* RT I 1994, 75, 1326...RT I 2004, 22, 148.

<<https://www.riigiteataja.ee/ert/act.jsp?id=733408>>

⁴⁵ *Riigi Teataja* RT I, 2001, 3, 4...RT I 2006, 21, 162.

⁴⁶ *Riigi Teataja* RT I, 28.04.2005, 22, 155

⁴⁷ <<http://www.maavald.ee/koda.html?rubriik=36&id=141&op=lugu>>

The Education Act §4(4) states that the religious education in public schools shall be voluntary.⁴⁸ According to the Basic Schools and Upper Secondary Schools Act §3(4) the religious education shall be non-confessional, and the school is required to teach religious studies if there are at least 15 student of the same study age.⁴⁹ The curriculum of the subject is approved by the Ministry of Education.⁵⁰ The teachers of religion in public schools must have both pedagogical as well as religious training.

However, as mentioned above, the religious education in public schools has been a controversial issue in Estonia. In April 2001 the representatives of the House of Taara and Native Religions, the Baha'i Congregation, local branch of the ISKCON, 2 Buddhist Congregations, as well as representatives from the Jewish Organizations and Associations and the Estonian Islamic Congregation formed an informal body called the Roundtable of Religious Associations. The reason for forming such an informal association was a proposal that religious education should be a compulsory subject in public schools. The representatives of aforementioned non-Christian traditions criticized the draft-version of curriculum as being unbiased and too Christian centered. Partly due to the active response from the Roundtable the idea of compulsory religious education in public schools was postponed, and the proposed curriculum went for a rework that has been continued up to this day.

Due to the accusations that religious education is an instrument for religious indoctrination by the Christian churches the Chancellor of Justice has taken the stand by noting that a subject where the history and doctrines of religions are treated does not create Constitutional problems. According to the

⁴⁸ *Riigi Teataja* RT 1992, 12, 192 ...RT I 2004, 75, 524

<<https://www.riigiteataja.ee/ert/act.jsp?id=816786>>

⁴⁹ *Riigi Teataja* RT I 1993, 63, 892...RT I 2004, 56, 404

<<https://www.riigiteataja.ee/ert/act.jsp?id=784125>>

⁵⁰ *Valikained ja –kursused põhikoolile ja gümnaasiumile* (Elective subjects and courses for the Basic Schools and Upper Secondary Schools – in Estonian) . Tallinn: Haridusministeerium, 1997.

Chancellor's opinion the State should not guarantee absolutely equal representation of all religions of the world, although the Christianity should not be prevailing either. According to the Chancellor religious education as a compulsory subject would be possible only in the situation when the State can guarantee balanced education in state and municipal schools.⁵¹

Denominational religious education is provided by the religious communities in their own environment. According to the Private Schools Act, religious associations may establish their own schools.⁵² Today, there are two denominational schools: The Primary School of Word of Life Congregation, and The Roman Catholic Primary School both situated in Tartu.

The manifestation and practicing of religion in prisons and detention houses are regulated by the Imprisonment Act, Internal Rules of the Detention Houses, and by Internal Rules of the Police Detention House. According to the Imprisonment Act (§26(1), §27(2), §62) the inmate has the right to meet with religious minister and the prison administration has to guarantee the possibility for it.⁵³ However, according to the Internal Rules of the Police Detention House § 50 this right could be limited in the cases of persons in detention houses taken into custody pending trial when the investigator, prosecutor, or court forbids it in the interest of investigation.⁵⁴ Inmates have the right for two religious books and for religious symbols.⁵⁵ If possible then the administration should also take into account the dietary

⁵¹ *Õiguskantsleri 2003.-2004.aasta tegevuse ülevaade (The Overview of the Activities of the Chancellor of Justice 2003-2004 – in Estonian)*. Tallinn: Õiguskantsleri Kantslelei, 2004, p. 171. Available on-line from <<http://www.oiguskantsler.ee/files/11.pdf>>

⁵² *Riigi Teataja* RT I 1998, 57, 859.

⁵³ *Riigi Teataja* RT I, 58, 376...RT I 2003, 78, 524.
<<https://www.riigiteataja.ee/ert/act.jsp?id=686312>>

⁵⁴ *Riigi Teataja Lisa* RTL, 27.08.1999, 122, 1670.
<<https://www.riigiteataja.ee/ert/act.jsp?id=91749>>

⁵⁵ Imprisonment Act §58.

regulations described by particular religious tradition.⁵⁶ Imprisoned persons have also the right to specify his or her religious affiliation to the Register of prisoners, detained persons and persons in custody.⁵⁷ Since 1997 there is a chaplain in every prison, and since the year 2000 the work of prison-chaplains is coordinated by Adviser-Head Chaplain at the Department of Prisons of the Ministry of Justice.

The Chaplain Service in the Estonian Defense Forces was re-established in 1994, and the first preparatory courses for chaplains took place in 1995. The chaplaincy in the Defense Forces is supervised by the Chief of Chaplains. The Chaplain in Defense Forces must be Estonian citizen, have a higher theological education, be ordained as minister of religion, have the endorsement from the denomination and completed the Chaplain's Orientation Course as well as orientation course for military training.⁵⁸ According to the Internal Rules of the Defense Forces (§§126-129) the duties of the chaplain include counseling on issues of moral and religion as well as organizing religious services for the conscripts whose religious personnel is not represented in the Chaplain Service.⁵⁹ Today the clergy from Lutheran, Orthodox, Baptist, Methodist, and Muslim religious associations are represented in the Chaplain Service.

⁵⁶ Internal Rules of Detention House. *Riigi Teataja Lisa* RTL¹ 2000, 125, 2009; RTL 2003, 99, 1490.

⁵⁷ *Riigi Teataja* RT I 2004, 57, 409.

<<https://www.riigiteataja.ee/ert/act.jsp?id=782512>>

⁵⁸ Implementation Guidelines for Chaplains, 22.03.1997. (Kaplanite rakendamise juhend) – in Tõnis Nõmmik "Vaimulikud kaitsejõududes" (Clergy in the Dense Forces – in Estonian), Tartu: Kaitseväe Ühendatud Õppeasutused, 2005, Appendix 4, pp248-251.

⁵⁹ *Riigi Teataja* RT I, 31.12.1998, 115-117, 1888.

<https://www.riigiteataja.ee/ert/act.jsp?id=76700>

4. COMPARING THE STATE AND RELIGIOUS ASSOCIATIONS.

When we take a comparative look at the religious legislation in the Baltic States, after the collapse of the Soviet Union, we notice differences between Estonia, Latvia and Lithuania. These differences come from the different religious histories of these countries and reflect the current religious situation. Lithuania has historically been a Roman-Catholic country. Latvia, on the other hand, has been divided between the Roman-Catholic Church in the Southern part of the country and the Protestant (Lutheran) Church in the northern part. Estonia has been dominantly Lutheran from the seventeenth century onward.

Mary Gautier⁶⁰ has compared Eastern Germany, Hungary, and Poland and noted that secularization was highest in the predominantly Protestant Eastern Germany, which also had the lowest rate of the religious affiliation – approximately 36% of the population. The same could be said about the three Baltic countries. The most secularized of the Baltic countries is Estonia, where according to the census data from the year 2000 less than one third of the population identified themselves with some religious tradition while in Roman-Catholic Lithuania the census from the same year indicated that approximately 85% of the population was religiously affiliated.⁶¹ This reality is reflected also in the legislation on religion.

In Lithuania, where over seventy five percent of the population define themselves as Roman Catholics, the Roman Catholic Church has considerable influence both on society and on the administration of the State that is reflected also in the legislative sphere by the multi-tiered system of recognizing

⁶⁰ See Mary Gautier, Church Attendance and Religious Belief in Postcommunist Societies, 36 *Journal for the Scientific Study of Religion*, 289 (1997).

⁶¹ Statistics are available on-line from the Statistical Office of Estonia www.stat.ee, and from the Lithuanian Department of Statistics www.std.lt.

religious communities.⁶² Article 5 of the Lithuanian Law on Religious Communities and Associations sets the list of nine traditional religions of Lithuania – Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believer, Judaistic, Sunni Muslim and Karaite religions. Besides the traditional religions there exists a category of state-recognized religions as well as the category of registered religious communities. The traditional religions enjoy certain privileges compared to the non-traditional religions, for example – the annual subsidies from the Government, the right to teach religion in the public schools, etc.

While the Latvian legislation does not use the term “traditional religion” certain “traditional” religious organizations have certain privileges.⁶³ An interesting sign of the power of the traditional religions in Latvia is the Article 7(3) of the Law on Religious Associations. According to this Article only one religious association (Church) could be established by congregations of the same denomination by this the splinter group activities are limited. According to the Article 6 of the Law on Religious Organizations the religious education in public schools could be provided if there is at least 10 pupils of the same study age, however, the religious education should be confessional education and could be taught only by Lutheran, Catholic, Orthodox, Old Believers or Baptist denominations. In 2002 the Latvian Government signed an agreement with the Roman-Catholic Church, and consequently amended the Article 7 of the Law on Religious Organization by adding the possibility that the relations between the State and the religious association could be arranged by separate contracts. In 2004 agreements with the religious associations of Lutherans, Orthodox, Old Believers, Baptists, Seventh Day Adventists and Methodists were signed. According to Olga Zeile, the Director of the Board of Religious Affairs in Latvian Republic, these developments mean

⁶² On Lithuania see Donatas Glodenis “Legislation on Religion and the Challenge of Pluralism in Lithuania” <<http://en.religija.lt/showarticle.php?articleID=17>>

⁶³ Law on Religious Organizations § 8 (4).

implementation of multi-tiered system for the recognition of religious associations and consequently require changes in the normative regulation.⁶⁴

In Estonia, all religious associations have been too marginalized in society to make their requests for special treatment justified in the eyes of society at large.⁶⁵ On the other hand it has become evident that some religious associations that have identified themselves with Estonian nationhood and identity (not so much vice versa) would still look for preferential treatment by the State. Although the annual subsidies for the Estonian Council of Churches from the State budget have been seen as discriminating against non-Christian traditions, it should be noted that the non-Christian religious associations have not managed to establish their umbrella organization as a legal entity.⁶⁶ However, it should be noted that the Estonian Council of Churches as well as the Estonian Evangelical Lutheran Church have succeeded to establish themselves as the main partners for the State on the issues concerning religion although this is not reflected in the legislation.

5. CONCLUSION.

When the independence of Estonia was reestablished in 1991, Estonia became an open society as did the other Baltic

⁶⁴ Olga Zeile "State and Church in Latvia"

<<http://www.iclrs.org/papers/Zeile%20Paper%2020050929.pdf>>.

⁶⁵ One example which also shows the different impact of religious associations in the law making system in different Baltic States is the issue of taxation of the salary of the clergy. While in Lithuania the salary of the clergy is tax-free, see *Law on Religious Communities and Associations* [LRCA] § 16 (Valstybes zinios, 1995, No.89-1985; 1997, No.66-1618; 2000, No.40-1115), in Estonia it is not.

⁶⁶ The Roundtable of Religious Associations that was important instrument for the non-Christian religious associations for protecting their interests few years ago did not establish itself as a legal entity, and has been recently inactive. It would be a theoretical speculation, but it seems quite possible that if the non-Christian associations could establish themselves as a legal entity in a similar manner as the Estonian Council of Churches similar subsidies would be possible.

countries. State regulations were minimized in every level of society, including religious life. It could be well said that during the proceedings of the Constitutional Assembly in Estonia there were no fixed concepts about the relationship between the State and religious associations due to the marginalized influence of religious institution in the society at large. The basic idea about the relationship between the State and religious associations was declared in the § 40 of the Constitution: "There is no state church." In practice, this idea got the meaning that no religious association should get any preferential treatment from the State, and all religious associations registered according to the Churches and Congregations Act have the same rights and obligations. And in protecting these principles as well as protecting the Constitutional rights, including the freedom of religion or belief the role of the Office of the Chancellor of Justice cannot be underestimated.

