



ADF INTERNATIONAL

*ECOSOC Special Consultative Status (2010)*

UNIVERSAL PERIODIC REVIEW – SECOND CYCLE

**Submission to the 24th session of the  
Human Rights Council's Universal Periodic Review Working Group**

**February 2016, Geneva, Switzerland**

**LATVIA**

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## Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Fundamental Rights Agency of the European Union, the Organization for Security and Co-operation in Europe, and the Organization of American States.
2. This report focuses on issues surrounding the registration of religious groups and associations, the approval of foreign missionaries, and restrictions on free speech.

### (a) Background

3. Latvia has a population of over 2 million people and is ethnically diverse. 61.1 percent of people in Latvia are ethnically Latvian, 26.2 percent Russian, 3.5 percent Belarusian, 2.3 percent Ukrainian, 2.2 percent Polish, 1.3 percent Lithuanian, and 3.4 percent other. 22.7 percent of the population is Catholic, 19.6 percent Lutheran, and 15.3 percent Orthodox. There are also small numbers of Baptists, Pentecostals, and other evangelical Protestant groups. There are also a number of non-Christian religious groups. The Jewish population is somewhere between 6,000 and 11,000. There may be almost 10,000 Muslims as well as smaller groups of Jehovah’s Witnesses, Hare Krishnas, and Buddhists.
4. There is some regionalization of religious groups: Catholics tend to live in the eastern part of the country, while Orthodox tend to live in major cities.
5. Latvian law protects religious freedom in general and does not establish a state religion. Article 99 of the Constitution states: “Everyone has the right to freedom of thought, conscience and religion. The church shall be separate from the State.” Additionally, in 1995, Latvia adopted the “Law on Religious Organisations,” which was designed to “to guarantee the inhabitants of Latvia with the right to religious freedom.”<sup>1</sup> Under the law, this right specifically includes the right of Latvian inhabitants “to freely express their opinion towards religion, individually or together with others, to turn to any religion or not turn to any of them, freely change their religion or other faith, perform religious activities as well as express their religious conviction, observing the existing legislative enactments in force” (2.1).
6. Latvian law also generally protects freedom of speech. Article 100 of the Constitution states: “Everyone has the right to freedom of expression, which includes the right to freely receive, keep and distribute information and to express his or her views. Censorship is prohibited.”
7. However, as detailed below, the general freedom afforded to both religion and speech is being challenged in practice.

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<sup>1</sup> *Law on Religious Organisations*, section 2.1 (1995, amended 2008), consolidated and translated by Tulkošanas Valsts valodas centrs; hereafter referenced in the text by section and sub-section.

## **(b) Registration of Religious Groups**

8. As with many other European countries, Latvia operates a multi-tiered approach when dealing with religious organizations.<sup>2</sup>
9. The Law on Religious Organisations offers special privileges and rights to religious groups that register with the state. Registration is not required for religious groups, but it offers significant privileges, including the legal entity status required for financial transactions and property ownership, tax benefits for donors, and the option to hold religious services in public places. While there may be nothing inherently objectionable about the general practice of registering religious groups or providing privileges to some religious groups and not others, the specifics of the law raise some significant concerns.
10. Registration under this law can be particularly burdensome for new religious groups and associations: for the first ten years of registered existence, according to section 8.4 of the Law, a group must re-register each year. Section 7.2 states that a religious association can be registered only after ten religious groups that wish to join together into an association have completed the ten-year probationary period. This law could easily have the effect of discouraging or preventing new religious organisations and associations from forming. At the very least, it makes it more difficult for new religious organisations to grow. For religious traditions that emphasize church planting and missionary work, the Law on Religious Organisations may represent a serious obstacle.
11. The government has the prerogative to refuse registration to religious groups. Section 8.2 states,

Prior to the registration of a religious organisation or institution thereof, the registration institution shall request an opinion from the Ministry of Justice regarding the conformity of the objective of operation and tasks indicated in the articles of association (constitution, by-law) of the religious organisations or the institutions thereof with regulatory enactments, as well as regarding whether or not the activities (teachings) of the religious organisation may threaten human rights, the democratic structure of the State, public safety, welfare and morals.
12. Although it may be legitimate for the government to refuse to provide certain forms of public support to some religious groups, critical privileges are denied to non-registered religious groups in Latvia. As mentioned above, non-registered groups cannot own property, engage in financial transactions, hold public religious services, or host foreign missionaries. Non-registered groups are not even allowed to set up their own schools for training for clergy, as stated in section 13.2: “Only registered religious associations (churches) or dioceses have the right to establish teaching institutions for ecclesiastics, monasteries, missions and deaconate institutions.” Because the government selectively chooses who can be registered, the groups that

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<sup>2</sup> In addition to the Law on Religious Organisations, special laws govern each of the “traditional” religious denominations, namely: the Lutheran Church Act, the Orthodox Church Act, the Baptist Parishes Act, the Pomor Old-Believer Church Act, the Seventh-day Adventist Church Act, the Methodist Church Act, the Jewish Communities Act. Latvia also has a Concordat with the Holy See that covers the status of the Roman Catholic Church.

are not registered may unfairly miss out on the benefits of registration, including owning property and establishing seminaries.

13. Another problematic aspect of the registration requirement is that the Latvian government does not permit the registration of multiple religious organisations of a single denomination or faith. Only the Latvian Orthodox Church, for example, can register with the word “Orthodox” in its name.<sup>3</sup> Moreover, no splinter groups can register, and there is a history of such groups being denied, including a Jewish congregation, the Latvian Free Orthodox Church, and an Old Believers group. A 2003 proposal from the Religious Affairs Administration would have abolished this restriction, but the Latvian Ecclesiastical Council elected not to endorse the proposal, claiming that it was ill conceived in the proposed form.<sup>4</sup>
14. By refusing to register splinter groups or multiple groups within the same denomination, the government is effectively determining which of several groups of a particular religion is the most worthy of public respect and support. In general, it is not clear that governments have the theological authority or insight to make such determinations legitimately or wisely. Moreover, in Latvia’s case, the government is making these determinations by default. That is, the law simply prevents the registration of newer groups that are part of already registered denominations. In doing so, the Latvian government is putting major obstacles in the way of the establishment and growth of a potentially vast number of religious groups and associations. Purporting to grant privileges and rights to certain religious groups, the registration requirement currently acts as a bar against religious freedom.
15. The Law on Religious Organisations, then, gives the Latvian government an undue level of control over the religious life of Latvia. Section 2.1 of the law guarantees Latvians the right to “perform religious activities as well as express their religious conviction, observing the existing legislative enactments in force.” Yet the way the law is written makes it so that the existing legislative enactments infringe significantly on the ability of citizens to perform religious activities, preventing non-registered religious groups from hosting missionaries or opening schools for training.

### **(c) Foreign Missionaries**

16. The Law on Religious Organisations places strong and possibly objectionable restrictions on foreign missionaries. Foreign missionaries can only hold public meetings and evangelize if invited by a registered religious organisation. Section 14.4 states, “Foreign clergymen or missionaries may only be invited by religious organisations for the performance of religious activities in the Republic of Latvia organising them residence permits in accordance with the procedures specified by law.”
17. This requirement is more restrictive than it at first appears, given the difficulty of obtaining registration for splinter groups or religious associations that already have

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<sup>3</sup> US STATE DEP’T, LATVIA 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT, available at <http://www.state.gov/documents/organisation/222445.pdf>.

<sup>4</sup> US STATE DEP’T, LATVIA 2002 INTERNATIONAL RELIGIOUS FREEDOM REPORT, available at <http://www.state.gov/j/drl/rls/irf/2002/13944.htm>

sister associations registered as the single permitted representatives of their denominations. In this respect, rather than furthering or protecting religious freedom, the Law on Religious Organisations functions as a means for restricting missionary work in Latvia and preventing citizens from exposure to certain religious ideas.

#### **(d) Restrictions on Free Speech**

18. Latvian law places illegitimate and troublesome restrictions on freedom of speech. Three sections of the Latvian criminal code detail how some forms of speech are criminally punishable. These criminally punishable forms do not simply include incitement to violence.

19. Section 78.1 of the Criminal Code states that people can be imprisoned or fined for speech that incites not violence but merely “enmity”:

For a person who commits acts intentionally directed towards instigating national, ethnic or racial hatred or enmity, the applicable sentence is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding sixty times the minimum monthly wage.

20. While violence can be easily defined and identified, enmity is abstract. The government, therefore, has reserved for itself the prerogative to imprison political opponents or others in the society who it considers undesirable merely on the basis of the government’s own determination that a person’s speech acts are intentionally directed toward instigating national, ethnic, or racial enmity. More basically, this law elides the important distinction between speech and action, giving the government the right to determine what can and cannot be said in addition to what can and cannot be done. Regulation of actions and not of speech is foundational to liberal governance.

21. Section 150.1 of the Criminal Code states that people can be imprisoned for up to two years for hurting other people’s feelings:

For a person who commits violation of religious feelings of persons or incitement of hatred in connection with the attitudes of such persons towards religion or atheism, the applicable sentence is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage.

22. This law is in direct violation of the International Covenant on Civil and Political Rights, to which Latvia is a party. The Human Rights Committee, the treaty-monitoring body for the ICCPR, states in paragraph 48 of its General comment No. 34, Article 19: Freedoms of opinion and expression,

Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. [ . . . ] [It would not] be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.

23. It is patently disproportionate to take away someone’s liberty in reprisal for insensitive words that violate feelings of any sort. Moreover, central to both the freedom of speech and the freedom of religion is the liberty to openly and candidly

debate ideas and belief systems of all varieties. The threat of prison sentences (or even fines) for saying the wrong things about a religion directly flouts the possibility of honest debate around religion and, in so doing, seriously undermines religious freedom.

24. Section 156 of the Criminal Code broadens dramatically the range of cases in which offensive speech can warrant criminal punishment. The section states,

For a person who commits intentional defamation or demeaning of the dignity of a person orally, in writing, or by acts, the applicable sentence is community service or a fine not exceeding fifty times the minimum monthly wage.

25. Allowing criminal punishment for “demeaning the dignity of a person” gives the State great latitude to coercively repress speech it deems objectionable. Critical to liberty under the law is that citizens can clearly tell what would count as a violation of law. Only then can citizens live securely, confident that they will not be punished for actions they viewed as legal and unobjectionable. Yet it is not clear what might count as demeaning the dignity of a person. Therefore imposing forced labor or fines for speech that demeans the dignity of a person undermines liberty under the law. A citizen may be expressing firmly held beliefs in a public or private forum and then later find herself facing criminal charges merely because the government has come to the determination that the citizen is on the wrong side of the issue.

26. There is also some evidence that Latvian authorities take steps to restrict the freedom of the press. The non-governmental organization Freedom House reports, “[I]nvestigative journalists and whistleblowers sometimes face criminal charges as a result of their reporting.”<sup>5</sup> For example, in 2013, a journalist accused the Latvian government of bringing charges against him that would not stand up in court merely to discourage him from continuing to report.<sup>6</sup>

### **(e) Recommendations**

27. Given the concerns about freedom of religion and freedom of speech in Latvia, ADF International recommends the following:

- Allow registration of multiple groups of the same denomination or faith;
- Simplify and streamline the process of registration as a religious group or association;
- Reduce restrictions on foreign missionary work in Latvia;
- End criminal punishments for speech that does not directly incite violence;
- Investigate and take action to prevent public intimidation of journalists.

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<sup>5</sup> *Freedom in the World 2014: Latvia*, FREEDOM HOUSE, accessed 3 June 2015, [https://freedomhouse.org/report/freedom-world/2014/latvia#.VW\\_JmWDay5N](https://freedomhouse.org/report/freedom-world/2014/latvia#.VW_JmWDay5N).

<sup>6</sup> *Latvian Authorities ‘Try To Silence’ Journalist with Criminal Charges over Controversial Law Report*, RT NEWS, 18 May 2013, <http://rt.com/news/latvia-journalist-charges-law-480/>.