

# REPUBLIC OF LITHUANIA

## LAW ON RELIGIOUS COMMUNITIES AND ASSOCIATIONS

4 October 1995 – No I-1057

(As last amended on 22 December 2009 – No XI-601)

Vilnius

### **Article 1. Purpose of the Law**

This Law shall establish the legal relations between religious communities and associations and the State of Lithuania, and implement the human right to freedom of religion embedded in the Constitution of the Republic of Lithuania, other laws and international documents and agreements.

### **Article 2. Right to Freedom of Religion**

There shall be no state religion in Lithuania.

Every individual within the Republic of Lithuania shall have the right to freely adopt any religion or faith, also to change his choice and, either individually or with others, in private or in public, to profess it, perform religious rites, practise faith, and provide instruction thereof.

No one may coerce another person into or be subject to coercion to adopt or profess any religion or faith.

An individual's freedom to profess and propagate religion or faith may not be restricted otherwise than by law and only when such restrictions are necessary to guarantee the security of society, public order, people's health and morality, as well as other fundamental rights and freedoms of individuals.

Parents and guardians shall have the liberty to ensure the religious and moral education of their children and foster-children in conformity with their own convictions.

Commission of a crime or non-compliance with laws may not be justified by the religion or faith professed by an individual.

Believers shall have the right to freely join religious communities and associations, as well as to establish religious organizations.

Every individual may, by reason of his religious convictions, choose alternative (labour) service in lieu of compulsory military service.

### **Article 3. Equality of People Regardless of their Religion**

All individuals, regardless of religion they profess, their religious convictions or their relationship with religion, shall be equal before the law. It shall be prohibited to, directly or indirectly, restrict their rights and freedoms, or to apply privileges.

An individual's religion shall not be indicated in documents issued by state institutions and organizations.

#### **Article 4. Religious Communities, Associations and Centres**

A religious community shall be a group of individuals seeking to implement the objectives of the same religion. It may be a local subdivision of a respective religious association.

Religious associations shall be unions of churches and equivalent religious organizations, namely, communities, seeking to implement the objectives of the same religion. An association shall be comprised of at least two religious communities under common leadership.

Religious centres shall be higher governing bodies of religious associations.

#### **Article 5. Traditional Religious Communities and Associations of Lithuania**

The State shall recognize nine traditional religious communities and associations existing in Lithuania, which comprise a part of Lithuania's historical, spiritual and social heritage: Roman Catholic, Greek Catholic, Evangelical Lutheran, Evangelical Reformed, Russian Orthodox, Old Believer, Judaist, Sunni Muslim and Karaite.

#### **Article 6. Recognition of Other Religious Associations**

Other (non-traditional) religious associations may be granted state recognition as being a part of Lithuania's historical, spiritual and social heritage if they are backed by society and instruction and rites thereof are not contrary to laws and morality. State recognition shall denote the State's backing of the spiritual, cultural and social heritage of religious associations.

State recognition shall be granted by the Seimas of the Republic of Lithuania. Religious associations may request state recognition after the lapse of at least 25 years from the date of their initial registration in Lithuania. If the request is denied, it may be resubmitted after the lapse of 10 years from the day the request was denied.

The issue of recognition shall be dealt with by the Seimas upon receiving a conclusion from the Ministry of Justice.

The initial registration specified in paragraph 2 of this Article shall be considered valid provided that the religious association has lawfully functioned (was registered) in Lithuania after 16 February 1918.

## **Article 7. Basis Principles of Relations between the State and Religious Communities and Associations**

Religious communities and associations shall not exercise the functions of the State, while the State shall not exercise the functions of religious communities and associations.

Religious communities and associations shall have the right to freely organize based on their hierarchic and institutional structure, and manage their inner life according to their canons, statutes and other norms.

All religious communities and associations having legal personality may obtain state support for culture, education and charity in accordance with the procedure established by laws.

## **Article 8. Freedom to Perform Religious Rites**

Religious rites and cult ceremonies shall be freely performed at cult premises and in their vicinity, in the homes and flats of citizens, funeral parlours, cemeteries and crematoriums.

At the request of believers, religious rites shall be performed in hospitals, social care facilities and places of detention. The time of performance of rites and cult ceremonies and other conditions shall be co-ordinated with the authorities of the aforementioned institutions. The authorities of these institutions shall provide opportunities for the performance of religious rites.

At the request of believers, the command of military units shall provide opportunities for the performance of religious rites in accordance with the procedure established by statutes.

At the request of student believes and their parents, the rites of traditional and other state- recognized religious communities and associations, which are not contrary to the concept of secular school, may be performed in state educational and training establishments; participation therein shall be based on free choice.

Religious rites may also be performed in other public locations if those rites are not in violation of public order, people's health and morality, or the rights and freedoms of other individuals.

Religious communities and associations having legal personality may have their own denominational cemeteries or their own territory within common cemeteries in accordance with the procedure set forth by a municipality. The procedure for burial in denominational cemeteries or the territory allotted to the denomination within the cemetery shall be established by the respective religious community or association.

A complaint regarding the refusal to grant permission for or hindering the performance of religious rites may be filed with a higher governing authority or the court.

## **Article 9. Religious Instruction**

Religious instruction may be provided in houses of prayer, state and non-state educational and training establishments, as well as other premises and locations.

Religious instruction of traditional and other state-recognized religious communities and associations may be provided in state educational establishments at the request of parents (guardians, custodians).

The State shall recognize religious instruction of traditional and other state-recognized religious communities and associations in denominational educational establishments (Sunday schools of such denominations or other instruction groups) upon registration of religious education programmes with the Ministry of Education and Science and submission thereto of documents attesting to teacher qualifications, as well as a request by the spiritual authorities of the respective religious community or association.

Pupils who are wards of the State shall be provided religious instruction according to the religion professed by their family or relatives.

The procedure for religious instruction in state educational and training establishments shall be regulated by laws on education.

#### **Article 10. Formalization of Legal Personality of Traditional Religious Communities and Associations**

Traditional religious communities and associations having legal personality shall inform thereof the Ministry of Justice.

Newly established (re-established) traditional religious communities and associations shall acquire legal personality upon written notification of their establishment (re-establishment) issued to the Ministry of Justice by their authorities and upon determination of the continuity of traditions of a specific community or association, taking into account its canons, statutes and other norms.

Legal persons established by traditional religious communities, associations and centres in accordance with their canons, statutes or other norms shall acquire legal personality upon written notification issued by their authorities to the Ministry of Justice and upon its formalization by the latter in accordance with the procedure prescribed by laws.

Such legal persons shall have the right to engage in the activities of their community, association or centre provided for in this Law, as well as activities provided for in the articles of association of such legal persons.

#### **Article 11. Granting of Legal Personality to Other Religious Communities and Associations**

Other religious communities and associations shall acquire legal personality upon registration of their articles of association or corresponding documents.

Religious communities may be registered provided they unite at least 15 members, namely adult citizens of the Republic of Lithuania.

Religious associations may be registered provided they unite at least two religious communities. Religious communities and centres which are part of the structure of a registered religious association shall acquire legal personality upon their recognition by the authorities of the associations and written notification thereof issued to the Ministry of Justice.

In order to register the articles of association or a corresponding document of a religious community or association, an application, the minutes of the statutory meeting of the religious community or association and a list of members thereof shall be submitted.

The following must be indicated in the articles of association or a corresponding document of a religious community or association submitted for registration:

- 1) the name of the religious community or association;
- 2) the procedure for changing the registered office of the religious community or association;
- 3) the principles of the professed religious instruction, directions of activities and objectives;
- 4) the organizational structure and authorities of the religious community or association;
- 5) the procedure for the management, use and disposal of the assets belonging to the religious community or association;
- 6) the procedure for the liquidation of the religious community or association and distribution of the remaining assets following liquidation.

The articles of association or a corresponding document of a religious community or association shall be registered by the Ministry of Justice not later than within six months of its submission.

Where the articles of association or a corresponding document of a religious community or association does not include all the data specified in paragraph 5 of this Article, the Ministry of Justice shall, within 15 days from its receipt, return the aforementioned document to the community or association which has submitted it, specifying what shortcoming should be eliminated. The time limit for the registration of the amended articles of association or a corresponding document shall be calculated anew.

## **Article 12. Refusal to Register the Articles of Association or a Corresponding Document of a Religious Community or Association**

The articles of associations or a corresponding document of a religious community or association shall not be registered if:

- 1) the data specified in Article 11 of this Law are not included therein;
- 2) the activities of the religious community or association violate human rights and freedoms or public order;
- 3) the articles of association or a corresponding document of a religious community or association of the same name have already been registered.

Upon refusal to register the articles of association or a corresponding document of a religious community or association, the applicants shall be notified thereof in writing not later than within five days from the adoption of the decision, with the reasons for refusal specified.

Refusal to register the articles of association or a corresponding document of a religious community or association may be appealed against in court.

## **Article 13. Property Rights of Religious Communities, Associations and Centres**

Religious communities, associations and centres may hold by the right of ownership houses of prayer, residential houses and other buildings and structures, production, social and charity facilities, as well as other assets necessary for the activities of the religious communities and associations.

Religious communities, associations and centres shall manage, use and dispose of the assets owned by the right of ownership in accordance with the laws of the Republic of Lithuania.

## **Article 14. Educational, Charity and Benevolent Activities of Religious Communities, Associations and Centres**

Religious communities, associations and centres shall have the right to establish and have general education schools and other training, educational and cultural establishments, as well as establishments for the education and training of clergy and religion instructors in accordance with the procedure established by laws and other regulatory enactments.

Educational establishments of traditional and other religious communities, associations and centres having legal personality and schools of such religious communities, associations and centres providing the education level established by the State shall receive financial and other support from the state and municipal budgets in accordance with the procedure established by laws and other regulatory enactments.

Educational and training establishments of traditional religious communities and associations providing general education of the national standard shall be funded and maintained in accordance with the procedure established by the Government or an institution authorized by it, allocating the same amount of the budget funds as allocated to state or municipal educational establishments of the corresponding type (level). The amount of funding shall be determined taking into account the amount of expenses provided for one child, a pupil of state or municipal educational establishments of the corresponding type (level).

All religious communities, associations and centres may engage in charity, participate in benevolent activities and establish medical institutions as well as charitable institutions and organizations.

#### **Article 15. Economic and Publishing Activities of Religious Communities, Associations and Centres**

Religious communities, associations and centres shall have the right to engage in publishing, production and economic activities, establish mass media, charity foundations and other organizations in accordance with the procedure established by laws.

#### **Article 16. Taxation of Religious Communities, Associations and Centres and Individuals Employed Therein**

The income of religious communities, associations and centres (higher governing bodies), and enterprises (organizations) established by them, as well as the income of the clergy, servers at religious rites and service staff of religious communities, associations and centres (higher governing bodies) shall be subject to taxation in accordance with the procedure set forth in tax legislation of the Republic of Lithuania.

#### **Article 17. Legal Regulation of Work of Individuals Employed by Religious Communities, Associations and Centres**

Religious communities, associations and centres shall have the right to employ individuals with whom employment contracts are concluded in accordance with the procedure established by laws of the Republic of Lithuania.

The clergy may be maintained from the funds of a religious community or association in accordance with its established procedure or may receive maintenance directly from believers in return for religious services rendered.

## **Article 18. Social Welfare and Social Insurance of Employees of Religious Communities, Associations and Centres**

Rights to social insurance and other rights and guarantees established by laws of the Republic of Lithuania shall apply to individuals employed under an employment contract by religious communities, associations or centres, their establishments, enterprises or organizations.

For this purpose, religious communities, associations and centres shall make the same compulsory contributions from their income to the State Social Insurance Fund as state enterprises, establishments and organizations.

The clergy and other individuals employed by religious communities, associations or centres without employment contracts may make their own contributions to the State Social Insurance Fund in accordance with the procedure set forth by laws.

## **Article 19. International Cooperation among Religious Communities and Associations**

Religious communities and associations shall have the right to independently establish and maintain international relations and contacts, participate in the activities of international organizations and their bodies, exchange information, receive religious necessities, literature and charity from foreign states, international organizations and private individuals.

Religious communities and associations may send their members to other states for training, organize clergy and pilgrim journeys abroad, as well as, in other ways, cooperate with religious organizations located abroad.

## **Article 20. Suspension or Termination of Activities of a Religious Community, Association or Centre**

Where a religious community, association or centre fails to act in accordance with the registered articles of associations or corresponding documents or where their activities violate the Constitution or this Law, the Ministry of Justice shall issue a written notification thereof to the religious community, association or centre which has violated the laws and shall indicate the time limit during which the violations must be eliminated. In the event of failure to eliminate the violations, the Ministry of Justice may apply to court regarding the suspension of activities of a religious community, association or centre.

The activities of a religious community, association or centre may be suspended by a court decision for a period not exceeding six months. In the event of failure to eliminate the violation specified by the court within that period of time, their activities may be terminated by a court decision.

The activities of a religious community, association or centre may also be terminated by their own decision. The activities of a religious community, association or centre may be terminated by a decision of its higher governing body.

Following termination of activities of a religious community, association or centre, the remaining assets shall be transferred to a successor specified in their articles of association or a corresponding document. Where a successor is not specified or does not exist, the assets shall be taken over by the State.

#### **Article 21. Implementation of the Law**

This Law shall be implemented in accordance with the Law of the Republic of Lithuania on the Procedure for the Implementation of the Law on Religious Communities and Associations of the Republic of Lithuania.