



II. INTERVIEWS WITH EXPERTS

BACKGROUND OF THE EXPERT SURVEY

The Estonian Institute of Human Rights commissioned a survey of experts from market research company Turu-uuringute AS. The experts included representatives of various churches and other religious societies as well as people who are involved in the field of religion (non-profit associations, media and government representatives, theologians and legal scholars).

The purpose of the survey was to determine:

- how experts view the freedom of religion situation in Estonia and problems in guaranteeing freedom of religion (including problems stemming from government and society);
- how representatives of religious societies view their relations with the authorities, including legal acts, and what are their proposals for changes;
- what changes have occurred over the last 20 years with regard to the extent of freedom of religion;
- Experts' comments on the results of the survey of the population.

The method used to gather survey material was an in-depth interview. A total of 17 experts were interviewed.

The participants were included based on a target sample derived from a list provided by the Estonian Institute of Human Rights. The following were represented in the survey as experts:

- 5 religious societies belonging to the Estonian Council of Churches (ECC);
- 4 religious societies (one Christian and three non-Christian organizations) that do not belong to the Estonian Council of Churches;
- Estonian Ministry of the Interior;
- Estonian Ministry of Justice;
- 2 universities (expert with a doctorate in law, expert with a doctorate of theology);
- a teacher of religion as a school subject;
- 3 representatives from non-profit associations and the media.

Respondents were first contacted by a preliminary e-mail. A specific interview time was agreed with each respondent individually.

The interviews were conducted from June to November 2013. The average length of an interview was about 45 minutes.



Typically for a qualitative interview, the results do not necessarily apply to all Estonian religious societies or experts in a specialized field; rather they give an overview of the spectrum of the respondents' opinions and assessments.

The instructions for conducting the in-depth interviews are annexed to this report (see annex 2).



RESULTS

1 Status of freedom of religion in Estonia

Question: Does Estonia have problems in the field of freedom of religion and if so, what are the problems?

Religious societies belonging to the Estonian Council of Churches

The ECC member churches are quite satisfied with the status of freedom of religion in Estonia. People's freedom of religion is, in general, well-guaranteed, and there is no religious persecution. Nevertheless, a few problems were identified where the situation could be improved. It was noted that various incidents in society have arisen where someone is excluded or their rights are violated, or certain resources are allocated selectively on the basis of worldview.

Representative of one church: *The aspect that causes concern for me is the topic of how certain European laws of a very anti-Christian nature will start affecting Estonian legislation and people's freedom of religion. /.../ Many of these laws could come into conflict with Christianity.*

Representative of another church: *Religious freedom doesn't just mean that a person can practise their religion – it also means they are allowed to live according to the values in which they believe, without anyone preventing them from doing so. That also means that the state recognizes the essence of a church as a phenomenon and does so in accordance with the church's identity without trying to equate it with a non-profit association.*

Representative of the third religious society: *There are few societies in Europe as free as Estonia. I see no problems in terms of legislation. Because everyone – people who say they are believers and those who say they are not believers – has the right to organize and take action in society. It may instead be a matter of education or lack of education – some truths are truer than others.*

The younger generation – without realizing it, and often using ideological forms – propagates the same ideology that Soviet atheist propaganda used back in the day. Perhaps it is in a different form when our young journalists and ideologues have tried to deal with it. But the question is about how educated they are, not so much about the legislation in force in society.

On the issue of freedom of religion, lack of education can be seen as the problem. It is believed proper and natural to speak out against religion in the public media but



counterreactions from adherents of a religion are seen as religious propaganda and restriction of their rights.

The positive background of the current status of Estonian religious freedom is the fact that we have never had a state church. There is a national church, which also had a very strong role between the world wars, but it was not a state church. And because of that, many people in Western countries are positively surprised at how various religious institutions work together and furthermore, that there are no religious restrictions in society.

Representatives of religious societies cited the following by keyword and field:

- *Education: The state has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms, which states that, in fulfilling any of the education and instruction functions imposed on it, the state must honour the right of parents to provide their children such education and teaching as is in conformity with their own religious and philosophical convictions. And we have not managed to do so in our society. General educational schools do not offer confessional religious instruction, which is theoretically an expectation for Estonians who are Christians. Or the expectation of parents of other religious communities – the state does not offer education in conformity with their religious or world views. No real alternatives have been created, although the recent advent of private schools does now provide this to some extent. But here the state has acted in a discriminatory manner, considering schools established in the form of non-profit associations or foundations to be companies and assessing income tax on them. This is clear discrimination compared to those who study at conventional schools. Our state does not adhere to the human rights protection rule that education be provided in accordance with the parents' religious convictions. This has not been guaranteed and this can be considered a clear case of discrimination.*
- *Restoration of houses of worship and financing thereof. Under the Heritage Protection Act, the state has placed restrictions on a wide range of houses of worship, which are used as the instruments or resources for organizing sacral rites, which the Constitution considers part of freedom of religion. By placing additional monetary obligations on the congregations and the faithful in the form of restrictions on these resources, the result is essentially that the religious are discriminated against.*
- *The different treatment accorded to Orthodox churches by the state, which started, according to the interviewee, with the "schism" between Estonia's Orthodox churches in the early 1990s, and has decreased after the registration of the Moscow Patriarchate Estonian Orthodox Church, but can still be felt in some form to this day.*
- *A planned amendment to Section 151 of the Penal Code, pertaining to hate speech. If one is required to start calling a sin a virtue or one cannot call a sin a sin, and a*



criminal punishment is impending for calling it a sin, this is a clear sign of a restriction of freedom of religion.

Religious societies that do not belong to the Estonian Council of Churches

It was predominantly stated that the freedom of religion situation in Estonia is good.

Representative of one religious society: That means that no one has special privileges, and legislation is in balance. There is no state church, no group is considered special; all religious societies are equal. In other words, everyone has the right to operate, the legislation is very liberal, no complicated procedures are required for registration. The advantages we expect from the state are all in existence – i.e., the legislative side. And as to how people view the various groups, this is different all over the world and in Estonia this aspect is relatively normal.

Representative of another religious society: The Lutheran church acts as if it is the Estonian state church. Although it is not a state church before the law, our government contributes to this tendency. Second: all Christian churches have a preferred status, the ones that are members of the ECC. They are all included in dialogue, but not the others. We have an organization called the Religious Societies Roundtable. All of Estonia's non-ECC religious societies are included. There was also a possibility of taking our views into consideration, perhaps we were too inactive. With the help of the roundtable though, we were able to block a plan to make non-confessional religious studies a compulsory subject. Another important point is that Estonia's legislation on matters of religion stems from the good old European average, which does not recognize religions besides its own, which are different by their very nature. Thus we are worse off. For instance, we have no houses of worship and thus we cannot get property tax exemptions on that basis.

Representative of a third religious society: I don't see Estonia as having problems with freedom of religion. It's more like there was a major overdose, they wanted to teach confessional religious studies in schools and an opinion had to be expressed against it. I think that the era of confessional religious instruction in the educational system is over. Now other things are taught, different religions are introduced. But at first it was found that the Christian Lutheran direction had to be implemented, and one-dimensional confessional religious studies implemented in schools. Such a structure does not enjoy popular support in Estonia, as it would be out of the question to cultivate Lutheran teaching in the Russian-language education system. Thus other people would have had to have taught confessional Russian Orthodox instruction, as there is a lack of the relevant education workers in Estonia. They would have had to import them from Russia. Actually, this was extremely deserving of criticism. The pressure persisted for many years. The matter has now faded away. It shouldn't be up to the education system to deal with such types of confessional religious instruction, because that's something that should take place at the level of Church schools. People made disgruntled statements in the meantime, that even in nursery schools, religious



instruction was given. These are the risks one has to be cautious about. Yet there are no restrictions. On the contrary – we have democracy and freedom.

Representative of a fourth religious society: A benevolent and calm attitude is taken toward all faiths. /.../ But there are things that could be better. /.../ Young people look for work and get job offers at different companies, institutes. They accept and go and work there. We observe Sabbath every Friday night, a time when no work is to be done. Night falls early in winter and no work can be done until sunrise. People have to stop working at 14:00 in order to be home before sundown on Friday, no later because they have to prepare for Sabbath. It is a little problematic, because people looking for work are told by their employer: sorry, but you can't get every Friday off work. Sometimes it's possible to come to an agreement, but sometimes the work is such that it isn't possible. But I don't have any suggestions for amending legislation on this subject.

Experts from specific areas of specialization and sectors

According to representatives from ministries, Estonia currently has no known problems related to freedom of religion, and no currently salient examples were cited in this regard.

The legal scholar with a doctorate in law and expert in law of religion noted that there are no particular problems in Estonia. *If I had to highlight a problem, I would say that we need to deal with preventing problems. The problems that have arisen in Europe will at some point reach Estonia, and thus we need to start dealing with these issues already now. And perhaps we have certain problems with certain religious societies being treated more equally than others. At the same time, their importance and relative importance in society is greater and it may be that it should not be viewed as a problem.*

Expert with a doctorate in theology, University of Tartu faculty member: *We aren't seeing major violations, but there are few isolated cases we hear of occasionally where the principles of freedom of religion have been overstepped. More indirectly, what seems to be problematic is that the basis for all kinds of freedom is information, and here the question arises: if people don't have much information about religion, to what extent if at all, can we speak of freedom of religion? Look at, say, the education systems of many Nordic countries, where religious education is included in schools' curricula on the grounds that it is the foundation for freedom of religion. We don't have that.*

An example of a violation: A specific case where a teacher was fired several years ago over religious convictions. Not because the teacher was unprofessional in teaching or somehow biased in their instruction, but because they preferred a teacher with a non-religious background. This is a very clear violation of freedom of religion. The administration of this school came under pressure from parents who expressed the opinion at a meeting that a teacher should not come from a religious background. It's clear that people have their fears,



but instead of the administration dealing with the fears and trying to resolve them with all parties included, they went the path of least resistance and simply fired the teacher.

The religious studies teacher said that freedom of religion issues were much more salient years ago than they are now. The teacher, too, touched on the topic of religion education. *I also see a problem in how freedom of religion is exercised – when certain decisions about religion are made, young people have less information, less balanced information. But education in this area in Estonia is deficient. We have an unsystematic religious education or it's is full of gaps, and this curtails religion-related choices made by young people.*

Other experts

A media expert likewise said that Estonia does not have major problems with freedom of religion. *Estonia is a very free country, if we look at what people can say and how they can say it. Certainly Estonia doesn't have a problem with freedom of religion, but certainly there is a quite critical attitude toward churches, and religion in general; and people may find it hard in certain situations to say they are the members of a church. They may deny it as churches are quite widely ostracized in society. Thus it may be hard to say who is a Christian or member of another confession. The media, for instance, takes a critical view of Christians.*

A non-profit association representative (Council of Gay Christians) said that the question of the status of the Estonian Council of Churches in Estonia has not been discussed or thought through. *The Estonian state currently supports the ECC and the ECC member churches financially. The views of the churches therein are not in conformity with the principles of the Estonian state or perhaps even the Constitution. An example is matters of hiring and firing. My view is that if the state gives money to some NON-PROFIT ASSOCIATION, churches included, they should follow equal treatment principles followed by the state. But they don't – this is a problem.*

A respondent with religion-critical views said that Estonia does not have major problems with freedom of religion and everyone can profess his or her religion. The respondent did identify some specific problematic examples:

- Satanists were denied registration of their religious society.
- People connected with the Council of Gay Christians were fired from EELC positions.
- The Churches and Congregations Act is Christian in its language – for instance the words “church” and “congregation” themselves are not considered appropriate by native religionists. Estonia has other religious traditions that are not taken into account.
- The attitude from officials that religion is a kind of starting position, and secondly, the disparaging attitude toward atheists from the religious (i.e., “people who have no faith in God do not have any moral convictions or ethics”).
- It is disturbing that the religion representative at the Independence Day parade can speak and call people to join in prayer. This is forcing a religious ritual on people.



- The ECC receives money from the state budget, but their goals include Christian proselytizing and ecumenical work. This is really the churches' own business – the government should not interfere with either moral support or budgetary funding.
- Religious and ideological education is energetically implemented at some municipal schools.

2 Estonia's situation compared to other countries

The view that Estonia's situation was not better or worse than in other countries was predominant, but a number of different aspects were highlighted.

Representatives of ECC-affiliated religious societies cited the following aspects pertaining to church-state mutual relations:

The fact that the state and church are separate can be interpreted in a very different manner. For example, nearly all countries in Europe currently say that the state and church are separate, but this can be interpreted in a very different manner. For instance, in France separation of church and state has existed for the last two centuries. But that simply means that the state and church are opposites, especially that the state is the opposite to the church. For instance, one may not wear any religious symbols, no matter whether you are a Christian or Muslim. I think it doesn't mean directly that freedom of religion is being violated but it means there are problems. In the future, we have to think about how it will take root and how cooperation and mutual respect will shape up between state and the religious sphere. That means that the state would also recognize that the religious sphere is not purely personal and intimate, but that certain external aspects have to be factored in.

If the state and certain religions or churches are very closely connected to each other, this may cause difficulties for other religions. Not that one church would persecute another, but in the sense that sometimes the state can give a church an exclusive position that is not justified. It is said that a certain people must be from this religion – as if it were in people's genes.

Scandinavia and Britain still have state churches. At the same time, it can be said that the state church cannot comply with certain standards of freedom; as it is at a too unified level, it forces certain state-sanctioned ideologies on people. Religion should be more of an initiative stemming from people themselves, how they self-organize. At the same time, the traditions of these state churches have endured so long in society that if someone did start to change them by force, and turn churches into NON-PROFIT ASSOCIATIONS – as has in effect occurred in Estonia – then such a move would quite conceivably be seen as a huge restriction on freedom of religion. Although we sense that our solution is a pretty good one, I think that it would require legal analysis, and sociological and cultural study.



In the following, one ECC member church representative talked about attitudes among people and the media.

It doesn't pertain to the relationship with the state, but rather people-to-people relations, because Estonia is one of the world's leading atheist countries – and it is visible. If you go around a city, hospital or campus dressed as a priest in Finland or England, the attitudes are normal, priests and clerical clothing is accepted as normal, everyday or benevolent. Unfortunately if someone goes around in the cloth here, one can sense scrutiny, or even a disparaging or hostile attitude. This is quite different than anywhere in the West or Scandinavia.

The other issue is of course the press – again, it doesn't depend on legislation, but rather the personalities of the journalists and editors and their attitudes. The printed press in Estonia writes of religious and church affairs 95% from a negative angle. They mock, poke fun at the church or look for negative stories from international religious matters – and the positive stories account for maybe one percent. But positive events such as the consecration of a church, where a church takes part in social programmes or provides care at a retirement home and so on, the press is completely silent on that. And it's interesting that the Russian-language Postimees daily is more positive, writes positively about events in church life. This probably shows that journalists have freedom, they aren't pressured by editors and owners. It is up to the journalists to decide. The Russian-language Delfi and the Russian-language Aktuaalne Kaamera paint an objective picture of the church and don't focus on negative aspects or look for miscues and transgressions in the lives of people of the church.

The fourth ECC-affiliated church representative noted topics related to minorities and majorities.

The Nordics have the sort of democracy where certain groups – but not all groups – have greater rights on certain topics. Take for instance a very hot question – same-sex marriage. The Finnish and Swedish state institutions have accepted it, the largest churches have done so as well, and if certain church institutions do not accept it, they have been put under some pressure, not to say threat of judicial action. That means that they don't have the right to say "we don't think so." Such tendencies exist in the European Union in general as well. Such a risk for democracy is quite real. Certain individual topics become more important than the broader right of all social groups to decide on their world view and their activities. A typical anecdotal example in Europe is when one Christian church says that they don't accept same-sex marriage, to which it is replied that they are narrow-minded. But if the Islamic community says the same, they are told: we have a political problem, we have to reach agreements somehow with the Islamic community. I say that somewhat ironically, but it shows how majority democracy becomes minority democracy, where a certain layer in society starts deciding what others can think or believe.

Representatives of non-ECC religious societies said that the situation of freedom of religion in Estonia is good compared to that of other countries.



There are attitudes where one hears the complaint of persecution but actually it is not substantiated by anything. Undoubtedly the activities of various anti-religion figures in Europe have upset people. One camp says: "People don't go around with their heads covered in our country." Then it turns out that some may do it and others may not. This sort of mixing peoples does not work in Europe.

Compared to Finland, the situation is excellent. In Finland, people are born into the church, although it has recently been made easier to leave the church.

In Germany and Austria, the Jehovah's Witnesses had a 10-year-long court battle for equal legal status under public law. Estonia is very balanced and liberal. If we look at Latvia and Lithuania for a comparison, registration is fairly complex in Latvia, not just for Jehovah's Witnesses, but for others as well. A 10-year probationary period was required, which was very strange. Compared to all this, it could be said that Estonia's situation is good.

Representative of the Ministry of the Interior: *Historical particularities come into play here. Certain countries have more prejudices against religions than in Estonia. These different indexes – on freedom of the press or freedom of religion – have given Estonia a very positive position, placing Estonia in the vanguard of freedom. The requirements for registering a religious society in Estonia are minimal. Twelve people are needed to establish or found a religious society. Some countries require 100 or more. Looking at Estonia in the broader European context, there is no reason to complain. We have not had cases of religious persecution and such cases have not gone to court.*

Representative of the Ministry of Justice: *It's a little better in Europe – the social situation is different, not better regulated. /.../ As to neighbouring countries, Finland and Sweden are countries with the tradition of a state church, which also give other religions total autonomy. So the example of a state church as a potential restrictor of freedom of religion actually doesn't lead to any violation of freedom of religion.*

Expert with doctorate in law, expert on the law of religion: *We are in a very calm situation here. If we look at what is going on elsewhere and what sorts of problems have arisen for years, we are not really dealing with them. It would be necessary to anticipate the problems before they arise, though. We lack the readiness currently. For example, in the education system, much could be done before things turn critical. It seems that Estonians remain calm as long as no one comes knocking at their door clearly representing a different culture. We think we are open-minded but actually it seems that Estonia is not such an open society as we like to say.*

The expert with a doctorate in theology, University of Tartu faculty member brought up the aspect of education:

We aren't very different on the legislative level, the difference is more evident on the level of knowledge. And the other aspect is people's attitudes. A recent survey found that on the question of whether Estonian school menus should take into consideration religious convictions or not, Estonian inhabitants felt strongly that they should not – that this was a private matter and their own problem if people had specific religious dietary preferences. In



other western European countries that took part in the study, attitudes were strongly that schools should naturally consider this in putting their lunch menus together.

One aspect is that they were not aware and the other side is such general attitudes that since religion is a private matter, what does it have to do with the legal side of things? I think that thanks to this aspect, these individual cases of violations would not have reached the courts, as all parties and bystanders also had an entrenched view that it was a personal matter.

The perspective of education was also emphasized in the responses from the upper secondary school **religious studies teacher**.

Religious education in European countries is certainly more systematic and more intensive. Take Finland for instance, where religious studies is taught at all levels from elementary school to the end of upper secondary school. It's the same in England, Germany or any other European country. In general I don't see Estonia as standing out as having more or less freedom of religion than other countries in Europe. Perhaps the only problem is that same question of education.

3 Changes in the last 20 years

All of the respondents considered the changes connected with freedom of religion in the last 20 years to be positive. The representatives of different religious societies and other respondents naturally stressed different aspects.

The representatives of ECC-affiliated religious societies cited, among other aspects, the broader spread of non-confessional religious studies in schools and introducing chaplain service at various state institutions. It was also recalled that people belonging to churches were active during the so-called national renaissance in the late 1980s and early 1990s and the regulations that were set forth in the early 1990s for churches and congregations gave broad opportunities.

Gradually deepening tendencies were noted, as a result of which there is decreasing consideration given to the particularities of churches in jurisprudence and legislative drafting, even though the original framework for activity was created by the state precisely on the basis of this principle.

Representatives of non-ECC religious societies noted the growth in people's awareness on religion matters and freedom of religion topics, but also broader possibilities for activity (such as establishing new houses of worship). An aspect highlighted was that society has become more tolerant of various religions.

The representative of the Ministry of the Interior noted that the thirst for sensationalism has decreased, including from the perspective of journalists. *But it can also rightly be said: there are fewer negative stereotypes, this is one particularity. We have*



grown much more used to plurality and diversity in society and this also pertains to religion. On the other hand, it means that interest in religion has actually abated in some sense, it is no longer such a hot topic as it was 20 years ago, when it was new and interesting. Thus many problems have also been resolved. There are no longer aspects of "sharing the market"; no one feels like, "they are coming and doing something with/to our people." These matters have settled into their own groove over time and everyone has calmed down.

The expert with a doctorate in law and expert on the law of religion: noted at the outset that the fact that the courts and not the central government is responsible for registering religious societies and giving them legal status is a sign of democratic society and that this change was certainly noteworthy.

A very great change in society was, for instance, the fact that in the early 1990s there was a storm and a big urge to join all sorts of religious societies. This has certainly diminished now and the lukewarm atmosphere toward religion has returned. People's attitudes in Estonia have changed again. Another thing that has happened is that the phobia of new religions has fortunately disappeared. I'm referring to the Jehovah's Witnesses. A more lenient attitude is now taken toward them and there is no great opposition. All these tendencies are very typical of Eastern and Central Europe especially. But western Europe has not been untouched by this either. They had about the same tendencies. And all sorts of anti-sectarian groups arose. But we didn't have any such groups in Estonia, so that again shows our tolerance in a different sense. We didn't develop such organized associations that would have tried to work counter to religious societies. We don't have and haven't had legal problems with most religious sects. Thus the people presumably don't have any reason to think anything against them.

The expert with a doctorate in theology and University of Tartu faculty member noted some significant changes in the last 20 years regarding religious studies. *Greater clarity has dawned as to what this subject is and what forms it is in. In the beginning, whatever subject was being taught, it was a subject that some people fought against energetically and others fought for it energetically. Now, with the last law, two different subjects have been distinguished, one that espouses a certain religion, confessional religious studies, and the other one being comparative world religion. And distinguishing the two in legislation has made this discussion much clearer for the public as well.*

As a generalization, **the religious studies teacher** noted that understanding and tolerance have increased whereas as late as in the 1990s there was much opposition – us and them. *It seems that little by little the search for opposition has quietly disappeared. Perhaps there is not as much focus placed on looking for enemies. I remember how critical Christians were to Jehovah's Witnesses. The whole attitude has now become greatly improved. I also remember how for instance the native religionists drew a clear opposition to all brands of Christianity or religious studies.*

In an interview, he described a case that reached the level of the Chancellor of Justice. One citizen of a town lodged a complaint with the Chancellor of Justice a few years ago regarding the fact that non-confessional religious studies are an inseparable part of the humanities in



school curricula. The decision of the official that time was that non-confessional religious studies must not be taught as a part of the curriculum. A couple years later, though, the Education Act and the Basic Schools and Upper Secondary Schools Act were amended and now non-confessional religious studies can once again be taught as a part of the curriculum.

A media expert said that society itself has changed, become freer, more tolerant, more multidimensional. *It has become better. The question is only whether churches have been able to take advantage of it. They have not remained in step with the times. As to freedom, things are sufficiently in place – typically for a democracy.*

A non-profit representative (Council of Gay Christians) noted among the changes of the past 20 years that *people are more aware of the fact that Estonia has no state church and when school or class groups go to church they increasingly ask whether parents want this and the same is true for confessional religious instruction. Although to my knowledge it has never been forced, things were not so proper in the early days of the Republic of Estonia.*

A completely different question is of course chaplaincy. Once again, the question comes up: why only ECC member churches? Why don't other religious institutions have access on an equal footing? This brings up a major question in my opinion.

4 Organizational problems faced by churches and congregations

In general, experts said relations between religious societies and the state were good. Some problems were mentioned, which varied widely from one religious society to the next. Some of the cases or disputes highlighted as problems took place years ago.

One ECC member church representative said that although the Equal Treatment Act clearly made exceptions for religious societies, the gender equality and equal treatment commissioner submitted an inquiry to the church in connection with the firing of a cleric. *The commissioner felt that she had the right to essentially suspect us. But she could do this only on the assumption that such a violation was even possible. We proceeded from the assumptions that laws do not envision a possibility of such a violation, that this is our guaranteed freedom. Did the commissioner not know this or did she try to implement a restriction, to interpret the law?*

As another example, the representative of the same church noted that when it was decided to legislatively transform churches into non-profit organizations in Estonia, a very strong position was enshrined in the Churches and Congregations Act that based on their historical



traditions, churches could retain a special status in the Non-Profit Associations Act. *As time goes on, it seems that the consideration of these particularities is too much for government agencies to manage. They forget, it's as if they have never heard of such a law like the Churches and Congregations Act existing. Officials try, on the basis of the Non-Profit Associations Act, to force churches into the framework of unified NON-PROFIT ASSOCIATIONS. That means that these religious nuances are taken into less and less consideration.*

Third, the respondent said that they are dealing with disputes related to a taxation topic – income from business and whether business income for a non-profit association constitutes business activity or not? *Is it subject to taxation or not? If the purpose of the non-profit is charity, what is charity? Is religious activity charity? In the case of education, where the activities of church-run private schools has been construed by the Tax Board as business activity. With such unifications and failure to give due consideration to the particularities of church activities taking place in the course of it, it seems to a certain extent that these freedoms will start to be restricted or limited.*

The **representative from a second ECC member church** also cited the abovementioned problems involving failure to consider the particularities of religious societies and the state's attempts to implement regulations governing ordinary non-profits. *I see that there is already a trend in this direction, that Brussels wants to force churches into very technocratic frameworks and that this could at some point start threatening our freedom of religion. At the moment, churches and congregations are already treated as non-profit associations and the special nature of each church is not taken into consideration.*

The **representative of a third ECC member church** cited the so-called church schism as an organizational problem. [this refers to the two Orthodox churches operating in Estonia – editor's note] – *events that according to the respondent can be considered a violation by the state of the Churches and Congregations Act. Stripping a church of all of its material possessions prompted disputes up to 2002, at which point a compromise was reached on ownership matters – the churches remained state property, but they were given to the congregations to use on the basis of the right of superficies. But in the long term, the situation is not satisfactory for the church as it puts an additional burden on congregations and it is always safer to be the owner of a church and congregation building.*

The **representative of a non-ECC religious society** said that there are currently no major organizational problems. The respondent mentioned earlier problems that are now resolved, concerns in connection with refusal to perform military service (the solution was that a rescue platoon was formed as a civilian unit), issues related to refusing blood transfusions (here, too, solutions exist for adults and children) and aspects related to proselytizing (everyone has the right to disseminate their principles).

A **representative of a second non-ECC religious society** noted, in connection with historical sacred worship places, that years ago they succeeded in amending the law and a natural sacred places development plan was adopted, but the implementation term ran out and no new development plan has been adopted. *In addition, a disproportional situation can*



be seen – churches and cloisters have been given more resources, although there are more historical sacred places in Estonia than there are churches.

A non-profit association representative (Gay Christian Council) noted the aspects related to the Equal Treatment Act as being a problem. *At the moment, the religious society and foundations established thereby are not subject to the same legislation that governs state institutions and educational institutions. The Church and Institute of Theology can expel people for their convictions and it is currently considered an internal matter. The problem needs to be regulated by legislation. Such a thing would likely not be possible in the US or elsewhere in Europe. If churches want to operate according to their laws, it would not be correct to receive support from the state.*

5 Recommendations for the state

Question: What recommendations would you give, or what proposals would you make to state institutions so that freedom of religion could be better guaranteed in society (including regulation in the field of religious societies, taxation, education, social affairs and other field)?

The representative of an ECC member church noted that although good cooperation had developed with the state in the process of legislative drafting, timely information is not always available on draft laws to which amendments pertaining to religious societies have been made. *We are interested in government officials notifying us if the matter pertains to us and that they would be our partners. The Ministry of the Interior and its religious affairs department currently handle this, but they do not always manage to keep everyone up to date with everything. This is the case with legal decisions pertaining to the church. We would like to get the opportunity to negotiate on certain matters in advance.*

The representative of a second ECC member church recalled an earlier recommendation – *we would like bishoprics to get legal person status. At the moment, local bishops cannot perform legal acts (such as staff changes) as the entire Church is registered. All registry acts must be conducted through Tallinn. Status as a legal person would ease the situation significantly.* Second, the same respondent mentioned the problem of private schools. *Church-established private schools are not included among non-profit associations with income tax incentives. In addition, there is inequality compared to the business sector – while a start-up receives support from Enterprise Estonia and other sources, a school that starts from zero (no supplies, to say nothing of a building) cannot apply for assistance and in addition, general operating expenses are taxed as well.*

The representative of a third ECC member church considered it necessary that state officials have better knowledge of religion and churches' particularities. *It isn't necessary that they be theologians, but government institutions could still train employees.*



The representatives of two ECC member churches said that the reporting submitted to the state by religious associations is too complex. It requires major expenditures on accountants, which many smaller rural congregations cannot afford. *I myself feel that sometimes these bureaucratic and technocratic demands run counter to the Constitution. If these demands start affecting the internal levels, internal life of a religious society, and seek to be all-controlling, this could be unconstitutional.*

A representative from a non-ECC religious society said that currently some intolerance within religions could be seen in regard to other religious currents or sects, and disparagement as well. *There could be some restriction that prohibits one's own religion from being placed higher than others.*

The representative from a second non-ECC religious society noted that aspects related to voluntary work could be better regulated – the definition of volunteer could be better regulated, including covering volunteer expenses, assistance and maintenance. The respondent mentioned information technology issues, too, which relate to submission of religious societies' annual reports to the government.

The expert with a doctorate in law and expert on law of religion noted that he had conducted an analysis for the Ministry of the Interior's religious affairs department regarding legal acts on religious societies.

In the interview the expert first stressed the necessity of non-confessional religious studies. *I think it lays a good foundation for Estonian children and later on, society figures, to be exposed to different understandings of worldviews, to understand culture – art, history and so on. But besides schools, we also have to deal with training officials, perhaps also training judges.*

The expert then mentioned that regulations on chaplaincy should be adjusted, and that terminology on religious societies should also be adjusted considering that different legal acts use different definitions. The expert said that the Churches and Congregations Act had to be reviewed to see whether it conforms to other legislation and the requirements of the current situation (among other things, it should be considered whether the definitions of religious associations fulfil their purpose and why they are necessary). *There should be unhurried analysis and agreements must be reached, for achieving consensus on certain matters is very important.*

A respondent with views critical of religion stressed that religious societies should be treated equally to all others in the education and social affairs field – not give them advantages for being religious societies. *Competence is important in the case of social services. For example, caregiving is very specific. Providers must be subject to the same competence requirements, no need to prefer church people if a local government orders caregiving service.*



A number of the recommendations and suggestions highlighted by experts are also documented in part IV of this report.

Although this is not a recommendation for the state, it is worth highlighting an idea presented in the interview by the **respondent with views critical of religion**. This respondent expressed the opinion that *there could be a non-profit association engaged in monitoring whether freedom of religion is maintained in Estonia, and if it is not, then draw attention to it and, if necessary – if there is enough legal and financial power – initiate processes or fund research. But the financing component is always there – what we can deal with and what we can't. And there is the question of competence as well – someone must become competent in this field so that they'd be able to notice and respond when necessary. And of course PR as well – so that people themselves have the courage.*

Question: Do you have recommendations for religious societies for better guaranteeing freedom of religion in society?

The representative of the Ministry of the Interior credited religious societies for their initiative displayed to this point in standing up for their rights and interests and encouraged them to continue doing so. *What we can do is to create the underpinning for when ideas are introduced – we can think whether the idea is feasible or not and then bring the interest groups together.*

The University of Tartu representative expressed the opinion that religious societies could be much more vocal in talking about themselves, similarly to people with different gender orientations coming “out of the closet.” *This religious “coming out of the closet” will likely contribute to society understanding that Estonians are surrounded by a very diverse lot of people in religious terms. Yet this works best on the personal level more than on the organizational level. How to regulate this in legislation ... it no doubt involves very long-term processes and people's own readiness.*

He also found that *schools could more boldly consider amended legislation and be more bold about including a subject called (non-confessional) religious studies into school curricula. Of course, awareness by itself will not guarantee freedom of religion. Here attitudes will need to be changed. And that is a long-term process.*

6 The state's ability to take into account particularities

Question: To what extent can the state, in legal drafting and implementation of legal acts related to freedom of religion, take into consideration the existing particularities, traditions,



structure, socioethical positions and ways of resolving other, analogical issues in other EU member states? The question was posed to the legal expert and the representatives of the government institutions.

The Ministry of the Interior representative: *The most Estonia-specific example is the protection of historical natural sacred places, as it's one of the very specific Estonian phenomena. It pertains to sacred groves, holy springs and other historical natural sacred places. You simply don't see it elsewhere in Europe.*

As to the state's role, different religious societies have been given an opportunity, regardless of what tradition they belong to, to participate and contribute to the legislative process or standing up for their own interests etc. There is for instance the development plan for historical natural sacred places, which ended last year and will likely continue next year (a one-year hiatus in the interim). It is a good example of a case involving a religious tradition that is unique in Estonia. In 2003, the state Houses of Worship programme was developed and five years later, propelled by the same programme, the Historical Natural Sacred Places Development Plan was developed. This means that the model existed first and, based on the same model, another religious society, in this case the Estonian House for Taaraist and Native Religion, came up with their idea and ultimately it turned out that different parties were interested in it and it was also important for the state, important for Estonian society, and the result was a state development plan.

There have been examples of the dealings with the Tax Board and the Religious Societies register, where religious societies have been able to resolve with both of these bodies ideas or problems stemming from practical life.

Speaking about the restrictions that religious societies could be subject to, often out of lack of awareness – no one thinks about what it could actually mean. In 2012, the Animal Protection Act was amended, which pertained to prohibition of ritual slaughter unless tranquilizers were used. The original idea was to completely ban the practice, but as it affected the Jewish and Muslim communities most directly the community's response was active, the issue was discussed and the result – the amendment – was one that satisfied the interests of the religious societies. Thus it can be said that the interests of the religious societies are considered according to abilities.

If we go farther back in time, to 1996, the Jehovah's Witnesses were the ones whose young men didn't serve in the Defence Forces. The Ministry of Defence and the Association of Jehovah's Witnesses Congregations negotiations reached what we today know as alternative military service.

Ministry of Justice representative: *A very good example of Estonian practice – we don't have a state church, which is much better than the situation with state churches in some places. In Norway, it was once a problem when parliament regulated internal church matters and if it is a state church, it has to be subordinate to the government, which pertained to recognition of marriages and other such aspects. In Estonia, a clergyman can grant a divorce*



if he/she has passed certain civil service courses, but has no obligation to register or consecrate a marriage that does not conform to the religious group's rules. This to my mind has been a very good solution.

A topic in Estonia has been the provision of confessional religious studies as a school subject. Talk about non-confessional religious studies, and part of the population sees it immediately as religious propaganda. There is a failure to see eye to eye. Yet nothing has prevented religious societies from establishing Sunday schools or institutions or founding their own schools where they decide what they teach from the aspect of religious studies.

On the other hand, there are differences in the positions of religions in terms of some questions for society, such as the opinion polls related to Civil Partnership Act – to support it or not. This topic is certainly one that stands out. As do issues related to ritual animal slaughter. The state has had very different positions, but now a solution has been found.

Expert with a doctorate in law, expert on the law of religion: *The state can take the particularities into account and it should do just that. The criterion here is of course lending consideration to different rights. On one hand, autonomy of the religious society and on the other hand, the rights of the individual. But with regard to weighing these matters, a consideration is that – for example on the basis of the European Convention on Human Rights – that the religious societies' autonomy is granted to religious societies because it protects the rights of individuals who belong to the religious society. The fact that we consider the particularities and special structures and different worldviews within these religious societies also means that we respect that these people have a different worldview in connection with freedom of religion. We aren't just talking about institutions as such, but also about people as such. And the people who belong there. This should never be forgotten.*

Naturally, the special features of the religious societies cannot also be taken into consideration. In the Republic of Estonia, the Criminal Code lays down a boundary for many matters. Does anything have to be regulated at a level above the Criminal Code? For instance, if a religious society starts propagating racism, and says that it is its belief or religion. Racism would be an example of something that cannot be allowed or accepted.

As to homosexuality, I fear it has not yet attained the same status – on the legal level as well – as racism. These two matters cannot be considered equals in the legal landscape. How things will develop from here on out is another question. Will it have to be regulated and how? As a legal scholar, I say that law is a limited thing and it is not a cure-all. There may be a counterreaction and we won't gain anything with such a legal solution. We have to move gradually – through dialogue and negotiations, some values can be promoted in society. For example, equality of same-sex couples, or of men and women, because this, too, is questionable within some religious societies. We can't make such changes – the law can't be a steamroller. If women join the Catholic Church and can't become priests, that is their own choice. But if they don't like the church, they can leave.



This field in Europe is also in an early stage of development. We aren't at the head or the back of the pack, everything is in flux and is a topic for debate all across Europe. It is also very difficult to transpose anything from other countries. I have been in England for a long time. In the beginning it seemed that the solutions were best there, but now in the case of some of them, it's not so certain. It is a field that was not previously so high up on the agenda. The question of autonomy for religious societies and individuals' rights within the religious society – women's rights, homosexual rights. Or if we talk about some other rights – right to privacy, right to a family, and relations under labour law. The latter (within the religious society) are now partially influenced by European Union directives, it depends on which category of employees we are talking about. It is all in an early stage of development and judicial practice varies widely between countries and even within a country. All doors are open – we are all developing together.

7 Media coverage of the topic of religion

The following aspects were brought up apropos of media coverage of religion:

In general, it can be said that if religious leaders say something that goes beyond ordinary religious content, it gets covered by the media. It is a big deal that an opportunity is given to express one's opinion. And churches do not have to only talk about God. They can talk a great deal about people and society. If the opinion is intelligent and gives something to society, why not express it and I think this has been done. The question is, what is the topic; and how and to what extent media outlets themselves publish them. Here much has already been done, but if there is a desire to participate in dialogue, we should have a sensibility for how society, the wider audience, will greet the message.

It must be said that the media's attitude toward topics of religion is not always objective. We see a lack of education with regard to the field. Many have developed an opinion that it is the proper, natural thing to speak out against religion in the media, and the counterreactions from religious adherents in such cases are seen as religious propaganda. And restriction of their rights.

The media is one part of society. And this in some sense shows the unusual tolerance of our society. We are all-permissive. Be it practices of traditional Christian values, where are questions, such as same-sex marriages etc. One side is allowed to engage in all sorts of propaganda, it can practically insult, blatantly, church institutions, accusing them of being backwards. But if a church draws attention to the fact that there are certain values in regard to which it can't be expected that everyone acts and thinks the same way, there appears to be a reluctance to accept the right that the church can have its own position. The question is not directly about freedom of religion, but about understanding tolerance and the society's maturity level. But unfortunately such minority groups in today's society try to move the goalposts in society the way that they want to see it. But society in all its diversity can exist,



being tolerant and recognizing each other, but this doesn't mean that we all have to accept all behaviour.

For journalists, topics have to "sell" as well. And in general, the topic of religion doesn't sell – unless there's some negative advertising that could be highlighted. In the 1990s, when people with church connections committed some public transgression, it was very popular to identify them immediately as "member/pastor" of that specific church, etc. If people in our society can belong or not belong to a church, why is belonging to a church so important that it gets separate mention? There is a sense that the topics of the articles must sell.

8 Commentary on the survey results

8.1 Situation related to freedom of religion

Question: How would you comment on the finding that 91% of respondents agreed with the statement that freedom of religion was guaranteed for everyone in Estonia and that 92% said that their freedom of religion or that of acquaintances in Estonia had not been violated?

As the popular opinion was similar to that of the experts, the result was not seen as surprising. It was judged to be a good reflection of the situation. In their comments, many respondents cited Estonians' general tepid attitudes toward religion – the topic didn't concern them and thus they did not also discern violation of freedom of religion. Doubt was expressed as to whether the average person in Estonia can even answer the question; whether the person knows what violation of freedom of religion is and whether they can evaluate it. Awareness of legal matters is low among people in Estonia – they are unaware of their rights and thus don't know to complain.

A respondent with views critical of religion said that in general freedom of religion is fairly well protected in Estonia.

Experts also brought out some cases that they had heard or read of and which could be construed as violations of freedom of religion – these were cited by 2% of respondents (their freedom of religion or that of an acquaintance had been violated in Estonia). The examples were the following:

- A person is not hired due to belonging to some religious group.
- If a nursery school has a Seventh Day Adventist teacher who doesn't celebrate birthdays or approve of this, what course to take with children's birthday celebrations so that it would not be a problem?
- The question of public holidays on the calendar could be seen as a problem – should 6 and 7 January be days off? Many Christians follow the Julian calendar. Yet this has not arisen as a major problem – solutions have been found at the workplace level.
- Three respondents mentioned the problem of Satanists trying to register their organization, which received public coverage – yet they could not say with certainty



whether it was a religious society and whether the problem could be categorized as a violation of freedom of religion. Yet some respondents may have considered it in their response.

- As the definition of freedom of religion is not clear, a clear yes or no cannot be given. If the details are examined, it is always possible to find something that should be better than it is. On one hand, it is expected that the church speak out on some topic (such as ethics and morality). But when the church does so and expresses a clear message, that is not good, either. Again there is much negativism in society – there is no desire for someone to come teaching.
- Native religionists claim violations of freedom of religion in cases where there are plans to build a ski centre at the site of a sacred grove (e.g. a sacred grove has had to be defended and fought for over 10 years) or if a sacred grove is simply unexpectedly cut down. Or also an event such as ETV broadcasting a state worship service from a Lutheran church (it could be considered a violation of personal freedom of religion).
- It is possible that some consider the singing of the third verse of the national anthem to be a violation of freedom of religion (as this was lately discussed by atheists).
- For Orthodox people, it is a very urgent problem when schools or the military calls for crosses worn around the neck to be removed for claimed safety reasons. It is one of the most elementary and basic norms of religious behaviour that after christening a person receives a cross pendant and it is never removed – it is worn to one’s funeral. Persecution over the neck cross seems to be a problem also because there is the feeling that it is the first step in a newly active chain of persecutions (which the Church has experienced in the past).
- If an employee has a religious holiday and wants six days off a month, the wish is not granted – an employee can say that his or her freedom of religion is not guaranteed, but certainly the employer and employee could try to find a compromise in such a situation (in a situation where the sun sets before Friday’s workday is over – see the description of Shabbat above).

8.2 Christian values and values of other religions

Question: How would you comment on the finding that 54% of respondents agreed completely or somewhat with the statement that Estonian society should be based above all on Christian values, and at the same time the certain contradiction with another finding that 64% agreed completely or somewhat that the values of no one religion should be predominant in the country.

Christian values

Most respondents believed that the value accorded to Christian values was not particularly surprising. After all, Estonia has a very deep Christian background, which has taken root over the centuries. Even the non-religious feel that Estonia is part of Europe and that Europe is



part of Christian civilization – this is more of a question of cultural context. It is no wonder that, in general, people want to proceed from Christian values. Two respondents were surprised that there was such a percentage of supporters, considering how long confessional religious instruction has been resisted as a subject in schools, and also in light of the last census results, according to which about 30% of people were religious.

One respondent noted: Europe's entire cultural and spiritual heritage is Christian. It is based on the Bible, church service and teachings. If we want to start destabilizing this foundation, it would mean major changes in the whole culture. What would we replace it with? /.../ Estonian state and society should continue in a natural manner with their cultural and spiritual heritage, the basic underpinning of which is inspired by the Bible and Christian values. That of course need not mean that we should tend to extremes or fundamentalism. Ultimately, Christian values are not so bad – freedom of thought, respect for one another, emphasis on justice – all this comes from the Gospels.

On the other hand, many respondents brought out the question – *what exactly are the Christian values that respondents have in mind? Do they mean humanistic values? Universal human values? Are they thinking of, say, the Ten Commandments (if the first two are omitted) or the principle: "Do unto others as you would have others do unto you"?*

Throughout the history of the church, confessions have had a different understanding of certain values. Due to lack of religion as a subject, ordinary people cannot orientate among these values – even church members do not always understand their church's instruction, and they have a hard time formulating a fully-formed answer. It is possible that some people don't know what Christian values are at all. It's possible that they have "cultural Christianity" in mind – that it is OK to celebrate Christmas, but that's it. It was thought that since the question of Christian values is not precisely defined, we also get an ill-defined answer.

The representative of the Muslim community says Christianity has a fairly short history in these lands, and the values that came with Christianity are much older than Christianity itself. *The Koran and Bible have much in common – universal human truths largely coincide.*

Yet most of the experts were positively surprised that 54% of respondents want Christian values to be the foundation.

The values of no one religion should be dominant

All of the experts found fairly logical the finding that 64% of respondents believed the values of no one religion should dominate.

As to the contradiction between the two findings, some of the respondents considered it understandable, as the wording of the questions was slightly different. If a question is asked about "which religion should dominate", the respondent will develop a different train of thought compared to the first question. There is actually no contradiction. The graphs show a different result, but the question is also a bit different. According to the other respondent,



the question in the way it was formulated could be construed as: "Do you want any religion to have greater power in our country"?

The third respondent brought out a paradox in connection with these two questions: *Christian values can be thought of as including the principle that others are to be tolerated and treated well. Up to a sentence that: "the values of no one religion should dominate in the country" can be considered a Christian value. Christianity is not a religion that can be forced on people. So that's a paradox, if you start thinking about it and interpreting it.*

The comment from the respondent from the Estonian House for Taaraist and Native Religion here again, diverges from the others. The respondent said that other respondents see Christian values more as the truism that a person must be good. But in the case of the other question about domination, here the respondents did understand the question. And the 24% who want some religion to dominate are presumably Christians, as that is about the percentage of Christian people in Estonia. Thus – the rest do not want that 24% be dominant over them.

The function of the state is to be a balancing force between different world views and religious views. If someone claims that no one religion should be favoured, the view from the Church would be that this is a question of world view and culture in the broader sense. The ones who say there should be no preferences – they do not term their world view a "religion". There is a lack of a legitimate system for one religion to have more of a right to pretend to a religion or faith worldview. The state should take into account both ways of thinking. The state is enduring and permanent; its view must transcend generations and it must make its own decisions. Traditions have a longer history and duration than one human generation. For instance, the state should not change its flag or coat of arms if one generation so decides. The Constitution is the document that is legally the most strongly rooted, and this is the basis for us. Other traditions found in the social contract also serve as a basis. For instance, the way in which the state commemorates its anniversaries. Here the state must be a balancer, there is no real point in divisiveness.

If we think about how many discussions have been held in Estonia on, say, religion as a school subject, the general attitude is that one religion should not dominate over others. If the previous question was whether people are guaranteed freedom of religion, then this actually gets high marks in Estonia in general, as is the case of any freedom. In some sense, the anti-ACTA demonstration was also about this. People may not care about other issues, but if they see that freedom is going to be curtailed, they come forward. I think that the 64% who think that the value of no one religion should dominate actually reflect the viewpoint that domination is bad and that freedom is good.

As to some kind of religion having to dominate, this is unacceptable, as freedom of religion shows that everyone has a right but can't force others to live the way they do. And we see, for example in France, how Islamic communities are growing, how certain city districts are becoming off-limits for others. Human values may be changing there, and this is a bit



complicated. What is complicated is how to give everyone rights but keep them from being dominant.

Many religious values are in fact human values.

8.3 Non-confessional religious studies and Bible stories on the school curriculum

Question: How would you comment on the findings that 68% of respondents considered it very necessary or somewhat necessary that comparative world religion be part of the general educational school curriculum, and that 54% deemed it necessary that knowledge of the major Bible stories be part of the general educational school curriculum?

The topic of religion as a school subject elicited lengthier comments from the respondents – more than the specific result for the population, they commented on aspects related to introducing religious studies into schools. Only one respondent expressed reservations in regard to the necessity of instruction, but opinions did vary somewhat regarding format of religious instruction and whether it should be compulsory, given as a separate subject or built into some other subject. The topic of teaching Biblical stories elicited fewer comments.

The members of the ECC were content with the result. In their comments, they mentioned the major opposition from atheist parents and some parts of society. They cited the fact that parents had an ill-defined possibility to seek the inclusion of confessional religious instruction as the state has not provided specific conditions for this. Parents on the other hand could be concerned about teachers who are themselves religious and that religious propaganda or religion could be forced as part of religious studies. A respondent who worked as a teacher of religion asserted that doubts and scepticism on this topic are constantly salient.

The process of launching religious studies has been arduous and has incited much discussion among school administrators and society at large. One church representative said that in the early 1990s, churches were energetic in wanting to introduce religious studies, but errors were made in the process, they did not launch instruction in the optimum manner. *Parents started fearing religious propaganda and thus put up stiffer opposition. Now the situation has calmed down and support for religious studies is increasing. The generation of 30-year-olds is uneducated in the field since non-confessional religious studies did not get under way and people find it hard to understand aspects related to religion. One positive aspect is the recently passed amendment to the Private Schools Act, in connection with which churches can found private schools where there is more freedom to decide on content of instruction and which could fill a missing gap in the educational sphere. But speaking of freedom of religion in its other meaning – freedom of religion as freedom from religion – here it can only be said that the guarantee of freedom is knowledge. And indeed this is the point of departure for respondents who support introduction of non-confessional religious instruction. In general, the role model could be the Finnish school system, where comparative religion*



instruction is of a high calibre and more specific instruction in a religion depends on what parents want – it is an elective subject.

This is not really a matter of freedom of religion in the sacral sense. In this case, the negative view of freedom of religion is this: "People have the right to freedom from religion." But only people who know what they are free of can be free. If people believe that schools should offer confessional religious instruction, they are thinking in terms of the positive view of freedom of religion. The guarantee of freedom is knowledge. From the standpoint of freedom of religion – I earlier referred to the Declaration of Human Rights covenant – children's rights are limited if they are not given a view of Christian values that stems from his or her parents' religious views or which is culturally accepted. The human right here is knowledge. But the problem is that it has been discussed and it has long been well-known that close to 70% support confessional religion instruction, but elective confessional religious studies has not been implemented as a school subject as there are no implementing acts. Parents' options to seek such a subject for their children is ill-defined, if the state does not provide the conditions. Parents are the weaker party in fact; they can't exercise their legal option. To this point, there has only been option, which is based on international law. School administrators admit that no legal basis or mechanisms have been established (no money, no teachers, etc).

The non-ECC respondents also support comparative religion as a subject but there were differences of opinion regarding the format. Two respondents said that it should be at a very professional level, in order to give an equal overview of all religions. *But in fact the home plays a very large role here – the child should get the primary education at home, based on his or her parents' worldview. If a person receives instruction at home, they could decide in school whether to participate in confessional religious instruction. That is the case in Finland, which could be a role model for Estonia.*

The official position from the Estonian House for Taaraist and Native Religion is that religion should be taught as part of the history curriculum, and that no separate subject is needed. *Bible stories are already on the school curriculum – as part of literature and art subjects. But additionally, there could be separate teaching of religious customs that would help pave the way in interaction with representatives of different religions.*

One respondent emphasized that Bible stories are taught to children in different countries and that they have remained popular for millennia. *This is interesting and, in some sense, a wonder. But I think that it shouldn't be confined to telling the stories to people, but some sort of didactic message could be received from each one, something they could use in life.*

The experts representing areas of specialization and specific sectors considered the result of the population survey very positive and even a little surprising. We can see that the negativism from 10 years ago has started to decline. It was noted that the negative stereotypes primarily were seen in people who themselves did not have any contact with religious studies. Previous studies have also showed that respondents had a high level of satisfaction with the subject.



It was also noted that the subject syllabus itself has changed – it has become more concrete and there is less DIY action encountered. The low level of support for Bible stories is presumably due to fear of religious propaganda.

Other respondents had very different comments on the topic. One of them was very amazed that 32% did not want to get an overview of the world's religions and likewise that the percentage of support for Bible stories was very low. *This attests to major deficits in people's knowledge.*

Another respondent was the only one who took religious studies as a subject in upper secondary school. The respondent was very satisfied with the knowledge received and this provided impetus for choices made later in life. *The school programme could include an overview of religions and an overview of some major Bible stories as well, as part of this subject. It is not necessary to deal with Bible stories more thoroughly as it could meet great opposition.*

A third respondent from this group had religion-critical views and did not support introduction of religious studies. *Our school curriculum is already full – which subject should be removed, then? No doubt every subject will put up a fight for itself, but people have different interests. The ones who are more interested in religion themes can look up the information for themselves in any case. The same goes for other school subjects.*

8.4 Dissemination of Christian teaching

Question: How would you comment on the finding that 65% of respondents found that, if dissemination of Christian positions in society bothers certain groups of inhabitants, this does not constitute incitation of hatred. Nineteen percent answered in the affirmative.

Here the experts' comments on the topic had a more complicated structure than in earlier cases. Some proceeded more narrowly from themes in the draft legislation on incitation of hatred (hate speech) while some took a more general view of dissemination of Christian views.

The representatives of various religious societies felt that topics related to the hate speech draft legislation were odd and took a cautious view of it. *If a sin can no longer be called a sin and a punishment is meted out for it, this seems incomprehensible. It also is saddening when some people think that Christian teachings incite hatred. It is often the case that whoever shouts loudest is considered right. For instance regarding same-sex couples the church says it doesn't accept it, yet it has never been against those people. What it is against is propagation of a certain lifestyle. The church has the right to decide on internal matters. Disseminating Christian teachings can be incitement to hatred only if it is used for political purposes, as has happened in the past.*



Christian sermons have an admonishing nature, but they are intended to guide people on to the right path, not to incite hatred. This can't bother anyone.

To guide people in the right direction – on to the narrow path, back to moral values, a sermon must have a moralizing element. It can't be construed as hate speech if someone, say, loves alcohol and it says in the Bible that drunkards will not inherit the kingdom of God. In a sermon, this is not hate speech. It is a case of helping a person to live happily. The Bible is older than any society, as old as humanity, thus the message is important for all, whether we care to admit it or not.

The experts from specific areas of specialization said that this result mainly indicates support for freedom of speech and the spread of tolerance in society, which they said is to be welcomed. It appears that the same respondent group that does not desire non-confessional religious studies as a subject in school also answered in the affirmative here. This is a group with views hostile to religion. The result is perfectly logical, as the discussion is about dissemination of ideas and not incitation to attack someone for their views. The latter case would be incitation to hatred.

Speaking of same-sex partnership in connection with church attitudes, one respondent recalled a statement by the archbishop of the Lutheran Church, which surprisingly received very positive reactions. It was thought that the church was doing the right thing and that freedom of speech had to be guaranteed for all. At the same time, another expert noted the fact that same-sex couples were not treated very tolerantly in Estonian society. In the case of this question, it is not certain whether the respondents thought their answer through. If someone's statements or comments bother someone else, that doesn't by itself mean that something will be done about it judicially.

The opinions of the other experts varied. An opinion from a respondent with a view critical of religion stood out: that first it would have to be discussed what Christian values are. *For instance, Finland and Sweden have an understanding attitude to same-sex couples, and these couples also receive blessing. In Estonia, a foundation that took up a petition called same-sex couples destroyers of culture. This could be called incitement to hatred and inciting people against one specific group. Is that Christian activity? Some say yes; others say no.*

8.5 Disapproval of same-sex partnership

Question: How would you comment on the finding that 58% of respondents said that the disapproval of same-sex marriage from religious societies is not a violation of the human rights of same-sex couples.

In regard to this result, the respondents focused more frequently on the different views of religious societies and same-sex couples – in other words the problem in society – than on commenting the result of the survey of the population.



As religious societies have their own internal rules and it is clear from the Bible what behaviour is approved of which is not, there can be no question that anyone's human rights are being violated. Those who don't find certain rules to their liking can always leave the organization. The state, not the church, passes legislation. It can be said that society needs the ability to co-exist with different groups, but that doesn't mean all activities should be accepted. The representative of one Christian religious society expressed the opinion that there is strong pressure from same-sex couples – for partnership, marriage, raising children – and that this is a strong irritant. Children can be begotten by only a man and a woman and only Christian values keep life moving forward.

The representative of another Christian religious society said that on some issues in society, minorities have more of a say than majorities and that the minority view is given more consideration than that of the majority. This seems disproportional. Everything pertaining to a person as a whole and interpersonal relations, all these questions are the ones that create a society. How to resolve them and prepare for the future? This is where the problems lie. It's clear that homosexuals have the right to exist and be recognized as who they are. But they don't have the right to upturn all of society and the social order because they have such problems. This can be extended further and we can talk about rights of homosexual couples to adopt children. If we talk about a so-called normal couple, we talk about the rights of the child, but we talk about a homosexual couple, we are talking about the right to a child? One is the right of the child and the other is a right to a child. Thus it's a problem. What kind of society are we building for tomorrow and what right do we have to do so?

The wording of the question struck several respondents as conflicting – they asserted that no one's right can be violated by condemning some activity or world view. A human rights violation should be the state's activity. The state might be able to violate the rights of same-sex couples, but not a religious society – i.e. another societal group. By its very definition, this cannot be a human rights violation. The answer "It is not" is quite logical. If the state took a disparaging attitude toward same-sex couples, we could ask this, but not the way it is in this case.

It was also opined that same-sex couples were not viewed in a tolerant manner in the broader sense, and thus disapproval from a specific part of society was not seen as a particular problem. No doubt there is something of a broader view among the population that religious societies have their own rules that they follow.

Also mentioned was the fact that same-sex cohabitation is not a human right. This is a matter of societal regulation. That was also the opinion of the European Court of Human Rights in a court decision. It was also stated that based on the freedom of speech, all groups have the right to express their opinion.

One respondent mentioned a signature collection drive that took place as a civic initiative in 2012/2013, which expressed opposition to recognizing same-sex cohabitation as family and according such cohabitation legal status. For some, the campaign left a bad feeling – it could even be said that human rights were violated in its course, as the campaign methods were



not honest and transparent. The campaign should have been positive, highlighted a strong family and family values. They went another path.

In general, each organization has the right to view others in its own way, but human rights violation is when one group is labelled “destroyers of culture.” Plus – if one is opposed to cohabitation legislation and actively hinders one group from expanding its rights, this could indeed be termed human rights violation.

The gay Christian representative asserted that currently the state has not been proceeding directly from the position of a church. If a religious society condemns same-sex couples within its own organization, it does indeed thereby violate the human rights of its members. In commenting on the results of the survey – a majority of the population is not members of any church and thus the church’s positions on various issues do not affect them. That explains why the results are as they are.



CONCLUSIONS

Religious freedom is effectively guaranteed for the Estonian population. There is no state church, and various religions engage in cooperation with a lack of restrictions related to religion.

With regard to more specific questions, experts hold very divergent opinions based on the respondent's background.

For representatives of ECC-affiliated organizations, the deficits in the educational system is in general a fairly major problem as the religious are not guaranteed scholastic education corresponding to the religious convictions of their parents. It is also necessary to ensure balanced religious studies in schools that would be a basis for young people in making decisions on religion and understanding developments in the world.

According to the representatives of the non-ECC religious societies, the state sometimes shows unequal treatment, as the opinions of churches in the ECC are given more consideration. The Estonian House for Taaraist and Native Religion has the greatest perception of unequal treatment, as it has had a number of disputes with the state over its rights. The Muslim community, Jews and Jehovah's Witnesses are fairly satisfied with the situation, however. Gay Christians say aspects of state support for religious societies should be reviewed as ECC members do not always fulfil the principle of equal treatment in force for the state.

In the opinion of several respondents, quite a major problem with freedom of religion lies in the critical attitudes from society and media and religions in the broader sense. In the opinion of respondents with views critical of religion, religious practices forced on people by the state – and which are not in conformity with legislation – are an irritating factor.

Compared to other European countries, the freedom of religion situation in Estonia is very good, but it is not easy to make a direct comparison and the historical specifics of countries are always to be taken into consideration. Estonian courts have not yet received complaints about religious persecution, but it is time to prepare for the potential of such cases. It is especially important to educate the population and officials on this topic. Elsewhere in Europe, issues related to same-sex couples have come up, but it is not possible to transpose ready-made solutions from other countries. The field is a new one and only developing.

Church representatives are generally content with how communication with the state is organized, but some smaller problems were mentioned as needing review and resolution. Concern has been prompted by an amendment planned to a section of the Penal Code on incitement to hatred. The Moscow Patriarchate's Estonian Orthodox Church has sensed some measure of unequal treatment from the state in practical life. The Estonian House for



Taaraist and Native Religion continues to have problems with sacred groves. Several respondents mentioned problems concerning taxation of private schools' activities, which has had a harsh impact on number of religious societies.

Government representatives say that much has been done to accommodate religious societies and that cooperation continues in the direction of finding a solution. Restrictions often stem from ignorance, but representatives of religious societies have been active themselves and they have communicated such cases.

In commenting on the results of the survey of the population, several experts noted the general lukewarm attitudes from Estonians on the topic of religion and it was thought that perhaps this stood in the way of being able to notice cases of freedom of religion violation. Yet they concurred with the main result of the population survey, that the freedom of religion situation is good.

Experts were not very surprised that over half of the population considers Christian values the correct fundamental basis. After all, Estonia has a very deep Christian background, which has taken root over the centuries. Even the non-religious sense that Estonia is part of Europe and that Europe is part of Christian civilization – this is more of a question of cultural context. It is also understandable that 64% of respondents believed the values of no one religion should dominate over others – this is a matter of basic freedom of the individual and human rights.

A result that pointed to perceived necessity of religious studies in schools seemed surprising to the experts – there had previously been quite substantial opposition in this regard. Yet awareness has been seen as increasing in recent times, as people travel widely, and the improvement in the attitude can be seen as a positive result.



INSTRUCTIONS FOR CONDUCTING THE IN-DEPTH INTERVIEWS (ANNEX 2).

QUESTIONS FOR THE EXPERTS WHO PARTICIPATED IN THE FREEDOM OF RELIGION SURVEY

I. General questions for all experts

- 1.** Does Estonia have problems in the field of freedom of religion and if so, what are the problems?
- 2.** How is Estonia's situation in the field of freedom of religion compared to other countries (first and foremost, EU members and Estonia's neighbours)?
- 3.** What changes have occurred in connection with freedom of religion in Estonia during the last 20 years?
- 4.** What recommendations would you give, or what proposals would you make to state institutions so that freedom of religion could be better guaranteed in society (including regulation in the field of religious societies, taxation, education, social affairs and other fields)?

II. Questions for all experts, who were asked to comment on the findings of the public opinion survey

- 5.** How would you comment on the finding that 91% of respondents agreed completely (72%) or somewhat (19%) with the statement that freedom of religion is guaranteed for everyone in Estonia and that 92% said that their freedom of religion or that of acquaintances in Estonia had not been violated?
- 6.** How would you comment on the finding that 54% of respondents agreed completely (19%) or somewhat (35%) with the statement that Estonian society should be based above all on Christian values, (and at the same time the certain contradiction with another finding that 64% agreed completely or somewhat that the values of no one religion should be predominant in the country)?
- 7.** How would you comment on the findings that 68% of respondents considered it very necessary (21%) or somewhat necessary (47%) that comparative world religion be part of the general educational school curriculum, and that 54% deemed it very necessary (13%) or somewhat necessary (41%) that knowledge of the major Bible stories be part of the general educational school curriculum?



8. How would you comment on the finding that 65% of respondents found that if dissemination of Christian positions in society bothers certain groups of inhabitants, this does not constitute incitation of hatred (38% answered “no” and 27% said “somewhat no”; while 6% answered “yes” and 13% said “somewhat yes”)?

9. How would you comment on the finding that 58% of respondents said that the negative attitude toward same-sex marriage from religious societies is not a violation of the human rights of same-sex couples (41% answered “no” and 17% “somewhat no”; 14% answered “yes” and 12% said “somewhat yes”)?

III. Additional question for leaders and representatives of churches and other religious societies

10. *(More specific follow-up to question no. 1):*

Does the church/congregation association/congregation or other religious society have, as an organization, problems in connection with freedom of religion (do the state’s legal acts and implementation thereof or legislative drafting take into account sufficiently the existing particularities, traditions, structure, socioethical positions and ways of resolving other, analogical issues in other EU member states)?

IV. Additional question for the legal expert and representatives of government institutions

11. To what extent can the state, in legal drafting and implementation of legal acts related to freedom of religion, take into consideration the existing particularities, traditions, structure, socioethical positions and ways of resolving other, analogical issues in other EU member states?





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