The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on the Evangelical Lutheran Church of Latvia**

**Section 1. Terms Used in the Law**

(1) The terms used in the Law correspond to the terms used in the Law on Religious Organisations unless it has been laid down otherwise in this Law.

(2) The following terms are used in the Law:

1) **Church** – the Evangelical Lutheran Church of Latvia with all its congregations;

2) **Churchh Constitution –** the Church Constitution which, in accordance with the procedures laid down in the law, has been registered in the Register of Religious Organisations and the Institutions Thereof;

3) **Most Reverend** – the Archbishop of the Evangelical Lutheran Church of Latvia who has assumed the office and leads the Church in accordance with the procedures laid down in the Church Constitution;

4) **clergymen of the Church** – the ecclesiastics included in the list of clergymen of the Church;

5) **chapel** – a building which has been built or adapted for holding services.

**Section 2. Purpose and Task of the Law**

(1) The purpose of the Law is to promote the development of an open, judicial, and harmonious society, and also that of cultural environment.

(2) According to the constitutional traditions and the provision of Article 99 of the Constitution of the Republic of Latvia, taking into account the continuous existence and spread in the territory of Latvia of the Church as a religious organisation that is traditional in Latvia, recognising its contribution to and rich experience in the fields of the physical and mental health of the society, education, culture, social assistance, and other fields, including active participation in the process of the establishment of Statehood, and also taking into account that a substantial cultural and art heritage of State significance is in possession of the Church, the task of the Law shall be to govern legal relationship of the State and the Church and to determine the joint tasks of the State and the Church in social, legal, educational, and cultural field.

**Section 3. Status of the Church**

(1) The Church holds the status of a legal entity and the rights arising from it in accordance with the laws and regulations.

(2) The Church shall conform in its activity to the Constitution of the Republic of Latvia, this Law, the Law on Religious Organisations, the law On Protection of Cultural Monuments, the Law on the Rīga Cathedral and Monastery Ensemble, and other laws and regulations governing the activity of religious organisations, and also the Church Constitution.

(3) The State shall recognise the right of the Church to interpret the Holy Scripture of the Bible, to formulate its dogma (doctrine) and to preach it, to shape its internal life, its organisational structure and mission.

(4) The full name of the Church is the Evangelical Lutheran Church of Latvia. The name of the Church may only be used by the Church and its congregations, and also the institutions and bodies founded by the Church. The names of other religious organisations, associations, foundations, and legal subjects shall be unequivocally different from the name of the Church.

(5) The Church may request that unlawful use of its name is terminated, and also the losses caused to the Church are reimbursed.

(6) The information in the card files of the Church on members of congregations shall be stored in accordance with the procedures stipulated by the Church, in conformity with the general principles for personal data processing provided for in the law.

(7) The decisions of the Church on canonical issues shall not be subject to appeal in State institutions.

**Section 4. Most Reverend**

(1) The Most Reverend shall represent the Church in relationship with the State.

(2) The Most Reverend may, in the cases and in accordance with the procedures laid down in the Church Constitution, authorise in writing other persons or bodies for operation in relationship with the State on behalf of the Church.

**Section 5. Property and Finances of the Church**

(1) The Church may have movable and immovable property in the ownership.

(2) The acquisition, alienation, pledging and other encumbering of immovable properties of the Church with property rights shall be possible only with a written consent of the highest administrative body of the Church – the Central Board. It shall not be necessary if, after a proposal to the Church to enter into an agreement regarding alienation of immovable property by offering a fair remuneration thereto or offering to exchange the immovable property for an equivalent property, the agreement is not entered into and the immovable property is alienated in accordance with the law On Expropriation of Immovable Property for State or Public Needs. The chapels and cemeteries in the ownership of the Church shall not be subject to expropriation.

(3) It is prohibited to pledge chapels and ceremonial objects, and recovery upon request of creditors may not be directed against them.

(4) The property relations between a congregation and the Church are solved in accordance with the procedures laid down in the By-laws of the Congregation and the Church Constitution. If any of the congregations of the Church is being liquidated, its property shall be transferred into ownership of the Church in accordance with the By-laws of the Congregation. The property of the liquidated Church bodies shall be transferred into the ownership or possession of the Church in accordance with the procedures laid down in the Church Constitution.

**Section 6. Supervision of Chapels, Mortuaries, and Cemeteries and Ceremonies in Cemeteries**

(1) Construction (including reconstruction, renovation, restoration, demolition) of chapels, mortuaries, and cemeteries of the Church, and also arranging of cemeteries shall take place with a written consent of the highest administrative body of the Church – the Central Board.

(2) The cemeteries belonging to the Church shall be under management of the Church. Ceremonies in the cemeteries belonging to the Church shall take place in accordance with the procedures stipulated by the Church.

(3) Religious ceremonies of the Church may be performed also in the cemeteries arranged by local governments and in crematoria in accordance with the procedures stipulated by local governments.

**Section 7. Protection and Accessibility of Cultural and Art Heritage**

(1) The Church shall ensure the preservation of the cultural and art monuments in its ownership or possession.

(2) The State and local governments shall, in accordance with the procedures laid down in laws and regulations and within the scope of the annual budget, participate in renovation and maintenance of the cultural monuments in the ownership or possession of the Church.

(3) The Church has an obligation to comply with the requirements of the laws and regulations in relation to the protection of cultural and art heritage by ensuring its accessibility for public viewing in accordance with the procedures stipulated by the Church.

**Section 8. Right of Clergymen of the Church to Perform a Marriage Ceremony**

Such clergymen of the Church to whom the Church has granted an authorisation and who have been entered in the list of clergymen with the right to perform a marriage ceremony submitted to the Ministry of Justice are entitled to perform a marriage ceremony in accordance with the procedures laid down in the Civil Law and other laws and regulations.

**Section 9. Seal of the Confessional**

(1) A clergyman of the Church may not be interrogated and it may not be demanded that he discloses the information established during a confession or pastoral conversation even if such clergyman is a witness or a participant to the proceedings in a court.

(2) It is prohibited to obtain information during a confession or pastoral conversation by using operational activities measures.

(3) None of the institutions or officials shall be allowed to recruit a clergyman of the Church.

**Section 10. Church and Military Service**

(1) Persons in the National Armed Forces have the right to receive spiritual care and to participate in the Church services unless it hinders the fulfilment of the duties of military service.

(2) Clergymen of the Church and students of educational institutions for ecclesiastics shall not be subject to military service. In case of general mobilisation, the abovementioned persons shall be appointed to the measures which do not involve the use of weapons.

**Section 11. Spiritual Activity of Chaplains of the Church**

(1) Chaplains of the Church shall operate in the National Armed Forces, airports, ports, land transport stations, medical treatment institutions, medical care institutions, social care institutions, prisons, and in other places where the regular care of a clergyman of the Church is not available in conformity with the Law on Religious Organisations.

(2) The spiritual activity of chaplains of the Church shall be supervised by the Church.

**Section 12. Cooperation in the Process of Granting an Asylum**

(1) An asylum seeker who is afraid of persecution due to this or her Lutheran conviction has the right, during the process of granting an asylum, to the presence of a representative of the Church during negotiations.

(2) If necessary, the State institutions shall ask for a statement of the Church regarding possible persecution of the asylum seeker due to his or her Lutheran conviction.

**Section 13. Relationship of the Church with Employees and Clergymen**

(1) In establishing, existence, amending, and termination of employment relationship with employees, the Church is entitled to be based on religious affiliation, readiness, and ability of a person to operate in good faith and loyalty in relation to the Church dogma (doctrine), and also on the aggregate of moral and behavioural norms, principles, and ideals of the Church (ethos).

(2) A clergyman shall be appointed to the place of ministry and removed from ministry by the Most Reverend on the basis of the Church Constitution. The order of the Most Reverend shall be the sole grounds for the commencement, amending of ministry and removal from ministry of a clergyman.

**Section 14. Church and Education**

(1) The content of education and course of studies in educational institutions founded and managed by the Church shall be determined by the Church.

(2) Educational institutions of the Church have the right to the licensing and accreditation of such institutions and their educational programmes in conformity with the laws and regulations in force. In higher education institutions of the Church which are operating in conformity with the provisions of the Law on Higher Education Institutions, the establishment of the representation and management bodies and their competence, the procedures for appointing and approving a rector, additional requirements for admission of students, and also the conditions for the establishment and operation of the student self-government shall be determined by the Church. The rights of the higher education institutions of the Church to act with the property and financial resources set apart for them may not be different from the rights of the institutions founded by the Church.

(3) Educational institutions of the Church may receive financial aid from the State.

(4) The Church has the right to train all the employees necessary for its religious operation and activities.

(5) The Church has the right to teach the Christian religious instruction in State and local government educational institutions in accordance with the procedures laid down in laws and regulations.

**Section 15. Report on the Use of the Funds from the State Budget**

The Church shall prepare a report on the use of the funds from the State budget allocated to the Church in accordance with the procedures laid down in the Law on Budget and Financial Management and submit it to the Ministry of Finance.

**Section 16. List of the Clergymen of the Church**

(1) The Church shall submit a list of such persons to the Ministry of Justice in writing who conform to the status of clergymen of the Church referred to in Section 1, Clause 4 of this Law and who are entitled to perform the activities referred to in Sections 8 and 11 of this Law, and also information on such persons. The amount of information to be submitted to the Ministry of Justice, the procedures and time periods for the submission and updating thereof shall be determined by the Cabinet.

(2) The Church shall, within two weeks, notify the Ministry of Justice of changes in the information provided for in Paragraph one of this Section in writing.

(3) The information submitted to the Ministry of Justice shall be accessible to the public.

**Transitional Provisions**

1. The Church shall, by 1 July 2009, harmonise the Church Constitution with this Law by amending the Church Constitution accordingly, approving it in a new wording, and submitting it to the Ministry of Justice for registration in accordance with the procedures laid down in the Law on Religious Organisations.

2. The Church shall, by 1 April 2009, notify the data referred to in Section 16, Paragraph one of this Law to the Ministry of Justice.

The Law has been adopted by the *Saeima* on 20 November 2008.

Acting for the President, the Chairperson of the *Saeima* G. Daudze

Rīga, 3 December 2008