

DOI: <https://doi.org/10.4467/25439561KSR.25.012.22298>

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LEGAL ASPECTS OF A RELIGIOUSLY HETEROGENEOUS SOCIETY: A CASE STUDY OF SLOVAKIA

Abstract

This article examines the legal and sociopolitical challenges of governing religious diversity in Slovakia, a post-communist state with a historically Catholic majority. Analysing constitutional frameworks, registration policies, and sociodemographic trends, the study highlights tensions between egalitarian principles and structural biases favouring established churches. Slovakia's legal system guarantees religious freedom but enforces a restrictive registration threshold of 50,000 adherents, marginalising minority faiths like Islam. Historical legacies, including property restitution and concordats with the Catholic Church, perpetuate inequalities in public institutions. Meanwhile, secularisation trends and regional disparities complicate national identity narratives tied to Christianity. The article critiques politicised rhetoric conflating religion with security threats and proposes reforms to align policies with international human rights standards.

Streszczenie

Artykuł analizuje wyzwania prawne i społeczno-polityczne związane z zarządzaniem różnorodnością religijną na Słowacji, państwie postkomunistycznym o historycznej dominacji katolicyzmu. Badając ramy konstytucyjne, politykę rejestracji wyznań oraz trendy demograficzne, praca uwidacznia napięcia między zasadami równości a strukturalnymi uprzedzeniami na rzecz Kościołów historycznych. Słowacki system prawny gwarantuje wolność wyznania, lecz wymóg rejestracji dla grup liczących 50 000 wiernych marginalizuje mniejszości religijne, takie jak muzułmanie. Dziedzictwo historyczne, w tym restytucja mienia kościelnego i konkordaty z Kościołem katolickim, utrwała nierówności w dostępie do instytucji publicznych. Jednocześnie sekularyzacja i regionalne zróżnicowanie osłabiają



narracje tożsamościowe powiązane z chrześcijaństwem. Artykuł krytykuje upolitycznioną retorykę łączącą religię z zagrożeniami bezpieczeństwa oraz proponuje reformy dostosowujące prawo do standardów międzynarodowych.

Keywords: Religious heterogeneity, legal frameworks, Slovakia, state–church relations, secularisation, religious freedom, registration policies, Catholic hegemony, minority rights, post-communist transition

Słowa kluczowe: Różnorodność religijna, ramy prawne, Słowacja, relacje państwo-Kościół, sekularyzacja, wolność wyznania, polityka rejestracji wyznań, hegemonia katolicka, prawa mniejszości, transformacja postkomunistyczna

Introduction

Despite the historical predominance of the Catholic faith, Slovakia's religious landscape has become increasingly heterogeneous since the „Velvet Divorce” in 1993, shaped by constitutional secularism, shifting demographic trends, and tensions arising from discrepancies between religious rights of the majority and those of minority groups. This article examines the legal framework governing state–church relations, the sociological consequences of religious pluralism, and the ongoing challenges in reconciling the principles of equality and cultural identity. Key findings indicate that although the Slovak legal system strongly guarantees religious freedom, structural inequalities in church registration, political instrumentalisation of majority religions, and unresolved historical injustices continue to test the cohesion of a multiconfessional society.

Constitutional framework and guarantees of religious freedom

The Slovak Republic establishes in its constitution¹ that it is a „sovereign, democratic, legal state” that „is not bound to any ideology or religion.” This fundamental principle of state neutrality towards religious matters represents a clear departure from the communist approach to religion prior to 1989. Article 24 of the Constitution further ensures that „freedom of thought, conscience, religion, and belief is guaranteed. This provision includes the right to change religion or belief” and the freedom to refrain from religious affiliation. This constitutional structure creates a secular framework while protecting religious expression.

¹ Constitution of the Slovak Republic. Available at: <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/1992/460/> (accessed: 4.02.2025).

Constitutional protection is reinforced by Act No. 308/1991 on freedom of religion and the status of churches and religious societies, which stipulates that „everyone has the right to freely profess their religion or belief, individually or in community with others, in private or in public, by worship, religious teaching, religious practice or observance of rites”.² The law explicitly protects the right of individuals „to change their religion or belief or to remain without religion” and prohibits coercion to profess a religion. Furthermore, it stipulates that „no one shall be compelled to profess a religion or to be irreligious,” thereby providing protection to both believers and non-believers. These constitutional and legal guarantees align with international standards of religious freedom. However, as this analysis will demonstrate, the practical implementation of these principles reveals certain tensions and challenges in managing the country’s growing religious diversity.

Religious demographics

The question of religious affiliation is a part of the census that is conducted every ten years. The census uses a database format. Respondents chose the answers from the offered options (closed questions). In the case of religion/non-religion, however, it was possible to give one’s own answer.³ The results of the census, which took place in 2021, have been published by the Statistical Office on 20 January 2022.⁴ Comparing to the last censuses⁵ under democratic conditions, gradual secularisation of society is noted.

The population of Slovakia is characterized by a religious structure, the historically highest share of which belonged to the Roman Catholic religion. However, the main intercensal trend is an increase in the proportion of people without religion. Most inhabitants of the Slovak Republic (approximately 3 million) claimed the Roman Catholic religion; in 2021 56% of the population declared membership in it. However, its share decreased by more than 6 percentage points compared to 2011.

² Act of January 31, 2017, amending Act No. 308/1991 Coll. on freedom of religious belief and the status of churches and religious societies. Available at: https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2017/39/vyhlasene_znenie.html (accessed: 11.04.2025).

³ Measure of the Statistical Office of the Slovak Republic no 44/2020 Z. z. establishing details on the character and structure of data collected about issues according to the list; details on collecting data and template of the census form for population and housing census.

⁴ *Počet obyvateľov podľa náboženského vyznania v SR k 1. 1. 2021*, Štatistický úrad Slovenskej republiky. Available at: <https://www.scitanie.sk/obyvatelia/zakladne-vysledky/struktura-obyvatelstva-podla-nabozenskeho-vyznania/SR/SK0/SR> (accessed: 22.03.2025).

⁵ *Sčítanie obyvateľov, domov a bytov*, Štatistický úrad Slovenskej republiky. Available at: <https://www.scitanie.sk/k-rimskokatolicnemu-vyznaniu-sa-prihlasilo-56-obyvateov> (accessed: 22.03.2025).

The second largest group of people are people who belong to the Evangelical Church of the Augsburg Confession. Their share is 5.3% (287,000). The third most numerous religion is represented by members of the Greek Catholic Church (218,000), they make up 4% of the population, the fourth place belongs to the Calvinist religion (1.6%). All other religions have shares of less than 1%. In terms of long-term development, the results are not surprising. In the last decade, there has been almost the same decrease in the number of those enrolled in the Catholic Church as in the decade between 2001 and 2011, i.e. by about six percentage points. The second important factor is that the last year's census was conducted more accurately. This is also related to the lower rate of those who did not complete the census, and therefore we have no answer on the subjective topics such as religion. In 2021, 23.8 percent of the population claimed non-religious. In 2011 it was 13.4 %, in 2001 almost 13 %, in 1991 9.8 % and 1950 only 0.28 % of the population without religion. In this group, almost a quarter of the population is our interest group, plus 8.6% of the population who joined the "other" set in the census. Among them, however, in addition to Buddhists, paganism and natural spirituality, we find "ad hoc movements" – reactions to some events/phenomena and another subset of "Other".⁶

Regulatory frameworks for religious pluralism

One of the most important elements in the entire architecture of regulations governing relations between the state and churches and religious societies in the Slovak Republic is undoubtedly the legal regulation determining which religious entities can obtain legal personality as churches and religious societies. This concerns the registration of churches and religious societies, i.e. the recognition of a church or religious society by the state.

The European Union has decided to maintain a certain degree of independence in matters of culture. It is necessary to take into account the traditions and values of the countries that are linked to religion. In some cases, these interfere significantly with the constitutional traditions of a country. We are thinking, for example, of the necessary affiliation of the British monarch with the Anglican Church. The issue of historical churches and traditions associated with religion is coming to the fore in connection with changes in the religious landscape of society. Members of so-called new religious movements, as well as adherents of non-religious worldviews, are asserting their rights. The role of states is to ensure the greatest possible

⁶ *Počet veriacich podľa sčítania obyvateľov, domov a bytov na Slovensku*, Ministerstvo kultúry Slovenskej republiky. Available at: <https://www.culture.gov.sk/wp-content/uploads/2019/12/veriaci-3.pdf> (accessed: 22.03.2025).

exercise of religious freedom. The state must ensure both individual freedom and the possibility for communities to exercise religious freedom in public. This is the collective public exercise of religious rights. Until recently, customs, lifestyles, traditions, values and historicity were discussed in relation to its implementation. The focus was mainly on old (or large) historical churches. Since these were often small historical churches (such as destroyed Jewish communities), the term ‘traditional church and religious community’ was used. They usually enjoy the rights of state-recognised (registered) churches and are active in various areas of public life. The gates of schools, hospitals and other public institutions are usually open to them. A particular problem is their financial and non-financial support from the state. On the other side are the so-called new non-traditional movements which undoubtedly have a right to exist and whose members have the same freedom of expression, conscience and religion as any other citizen. This also applies to their collective public appearances. Nevertheless, we find ourselves on thin ice when it comes to opening the doors of state institutions to these religious organisations. The registration of churches and religious societies is currently a prerequisite for the establishment of religious communities in the form of a legal entity which then becomes the bearer of collective rights and freedoms in the religious sphere, guaranteed by the rule of law of the state.⁷ In systems where there is a distinction between the acquisition of simple legal personality and the entry of churches and religious communities into public institutions, this is a partially resolved issue. For example, in the Czech Republic, we find a two-stage registration system.

Registration of churches and religious communities in Slovakia

The Law on Freedom of Religion and the Status of Churches and Religious Communities defines a church or religious community as a voluntary association of persons with the same beliefs within an organisation established on the basis of membership of a faith, based on the internal rules of the relevant church or religious community. All churches and religious communities have equal legal status before the law, are legal entities, and may associate, form communities, monastic orders, societies and similar communities. The Act also provides that the state shall recognise only those churches and religious communities that are registered and may conclude agreements on mutual cooperation with them. Any new religious entity that did not have

⁷ R. Gyuri, P. Molitoris, *Legal Aspects of the Refusal to Register a Church and Religious Society*, [in:] *Tridsať rokov slobody a právo : zborník príspevkov vydaný pri príležitosti 60. narodenín Dr. h.c. prof. doc. JUDr. Mareka Šmida, PhD.*, ed. D. Lantajová, Trnava, Typi Universitas Tyrnaviensis, 2020, p. 97.

the status of a registered church prior to 1989 and wishes to enjoy the rights of ‘recognised’ churches and religious societies must undergo a registration process. The application for registration must be submitted by at least three members of the preparatory body of the church or religious society; the members must be of legal age. The preparatory body must demonstrate that the registered church or religious society has at least fifty thousand adult members who are permanent residents of the Slovak Republic and citizens of the Slovak Republic.⁸ The application for registration must contain the name and location of the church, the identification details of the members of the preparatory committee, the main characteristics of the church being established, its teaching, mission and the territory in which it intends to operate, as well as affidavits from at least twenty thousand adult members who are permanent residents and citizens of Slovakia, confirming that they are affiliated with the church or religious community, support the proposal for its registration, are members of it, know the basic principles of its faith and teachings, and are aware of the rights and obligations arising from their membership in the church or religious community. The proposal shall be reviewed by the registering authority and shall show that the establishment and activities of the church or religious community do not conflict with the laws, the protection of the safety of citizens and public order, public health, morality, the principles of humanity and tolerance, and that the rights of other legal entities and citizens are not endangered, the registering authority shall decide whether the church or religious community shall be registered. The state has been criticised for its high census figure of 50,000 people. This numerical census has been in place since 2017. The change was introduced by Law No. 39/2017 Coll. on the amendment of Act No. 308/1991 Coll. On Freedom of Religion and the Status of Churches and Religious Communities, as amended. The required number of members was increased from twenty thousand to fifty thousand. The Slovak Parliament debated the proposed amendment in autumn 2016. The essence of the draft amendment was to increase the required number of members of a newly established church from 20,000 to 50,000 citizens of the state. The Slovak Republic has been criticised for its previous legal regulation. Small churches in particular have no real chance of achieving this legal status. The issue of changing the registration conditions is being discussed, taking into account the two-tier model of church registration established in the Czech Republic. In 2005–2006, a smaller number of believers required for registration was also considered. The main reason for the proposed change, as stated in the explanatory memorandum to the 2016 parliamentary draft amendments, is that ‘the aim of the draft is to prevent speculative registration of supposed churches

⁸ M. Šabo, *Registrácia cirkví a náboženských spoločností v Slovenskej republike – aktuálne podnety*, “*Revue církevního práva*” 2022, no. 3, pp. 49–62.

and religious communities whose main purpose is to obtain funds from the State.’ The authors also presented an extensive portfolio of benefits that, in addition to funds from the national budget, are conferred by the status of a registered church or religious society. They emphasised the access of clergy of registered churches to state institutions, especially schools, and the right to teach religion in state schools and to carry out pastoral activities in medical, social and other institutions. Beyond the explanatory memorandum, the real motives were revealed in parliamentary debates on Islam and migration. Another group of MPs submitted draft amendments requiring an increase in the number of members required for registration to 250.000. This proposal was not adopted. The draft amendment was approved by the National Council of the Slovak Republic on 30 November 2016, with an expected date of entry into force on 1 January 2017. The President exercised his right to return the law for further discussion. He justified his decision by expressing concerns about a possible reduction in the level of protection of the right to freedom of religion in the country. Members of Parliament did not accept the President’s arguments and on 31 January 2017, they re-adopted the law. Law No. 39/2017 Coll. Act amending Act No. 308/1991 Coll. On Freedom of Religion and the Status of Churches and Religious Communities, as amended, entered into force on 1 March 2017. Article 23 of this Act contains a transitional provision stating that the procedure for registering churches or religious communities initiated before 28 February 2017 will be completed in accordance with the laws in force prior to that date. In fact, this transitional provision applies only to the registration of Christian communities in Slovakia, which had been seeking the status of a registered church and religious society since 2007. The relevant national authority twice rejected the organisation’s application, and the organising committee lodged an appeal with the Supreme Court. The amendment has a broader impact, significantly affecting the focus criterion for the registration of churches.⁹

Given the number of citizens in the country, it is unlikely that another application for the registration of a new church or religious society will be submitted, unless it is a branch of an existing traditional church that has separated from that church. Taking into account the oral statements of political representatives and members of political parties who submitted and supported the amendment, concerns about religious extremism and terrorism played a significant role in its drafting. The new *de facto* religious provision does not allow for the establishment of new churches and religious communities recognised by the state, but in no way restricts

⁹ D. Němec, *Registrácia cirkví a náboženských spoločností na Slovensku*, [in:] *Registrácia cirkví a náboženských spoločností v zemích Východnej Európy, Rakúsku a na Ukrajine*, D. Němec (Ed.), Praha, Leges, 2019, pp. 55–83.

the freedom of religion of individuals, the autonomy and activities of existing churches and religious communities, or the exercise of the right to freedom of religion, in particular pastoral care. This raises questions about the right to autonomy of churches that operate in society but are not registered in accordance with Law No. 308/1991 Coll., i.e. they do not have legal personality as churches and religious communities. They function as civil associations or foundations (e.g. the Islamic Foundation) and do not enjoy the rights of registered communities. Earlier, in 2008, the Prosecutor General of the Slovak Republic challenged in his statement, among other things, the large number of members belonging to a church or religious society who wish to register as required by law. He argued that by setting the required number of members of a church or religious society, which is too high in the European context and difficult to achieve in Slovakia, the legislation prevents churches with a low number of members and religious societies from acquiring legal personality. It is clear that the state is not fulfilling its obligation to create legal conditions to exercise the right to freedom of expression of religious beliefs in accordance with one's own choice, and by this restriction it directly interferes with the freedom of religion. The Constitutional Court did not grant the Prosecutor's request and, among other things, mentioned in the grounds for its decision, which follows from the principle of democratic rule of law, that the Slovak Republic, as a state, has the power to determine the conditions for the activities of churches in its territory and to express these conditions in the form of registration.

The fact that a particular church or religious community is not registered does not mean or imply that the members of such groups are inherently restricted in their right to freedom of religion and its expression. Church registration and the determination of the number of members of a church, according to the Constitutional Court, are not a necessary condition to exercise the right to freedom under Article 24 of the Constitution but only concern the conditions for their establishment as churches and religious communities recognised by the state. Similarly, the Constitutional Court did not observe or find any connection between Law No. 308/1991 and the Declaration on the Protection of Human Rights referred to by the Attorney General, since the law does not regulate freedom of religion as an individual right in the context of registration. As regards the exercise of religious freedom by refugees, the possible registration of the church to which they belong is not a necessary condition to exercise their religious freedom in Slovakia, as established by the Court.¹⁰

¹⁰ Press release No. 3/2010 of the Constitutional Court of the Slovak Republic, sp. no. PL.ÚS 10/08 of 3 February 2010), Available at: <https://www.ustavnysud.sk/sk/informacie-pre-verejnost-a-media/media/tlacove-spravy?articleID=1821613> (accessed: 22.03.2025).

Conclusion: Persistent challenges and future directions

The Slovak legal framework for managing religious diversity reflects the complex interplay between historical religious traditions, constitutional principles of religious freedom, and emerging models of secularization and pluralization. While the constitution and basic laws guarantee religious freedom and state neutrality in religious matters, specific policies on church registration and financing (which undoubtedly deserves a separate article) reveal tensions between these principles and political reality.

Strict requirements for church registration effectively create a two-tier system of religious communities that favours historically established churches and poses significant barriers to new religious groups. Similarly, direct state funding of clergy salaries primarily benefits larger religious communities, especially the Catholic Church, raising questions about equality and the appropriate relationship between the state and religious institutions in a diversifying society.

As religious diversification and secularization continue in Slovakia, its legal framework faces growing pressure to adapt. Reform of the church financing system appears necessary, although the political will for such changes remains limited. Similarly, the high threshold for church registration may become increasingly difficult to justify as religious pluralism grows.

The Slovak example offers valuable lessons for other post-communist societies facing similar challenges. It highlights the continuing influence of historical religious patterns on current legislation, as well as the gradual evolution of legal frameworks in response to changing social realities. The continuing tension between constitutional principles of religious freedom and equality on the one hand, and policies that favour traditional religious communities on the other, reflects broader European debates about the management of religious diversity in increasingly pluralistic societies. Future legal developments will likely need to strike a balance between respecting Slovakia's religious heritage and the principles of equality and non-discrimination that are essential to a modern democratic society.

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