THE ESTONIAN STATUTE ON RELIGIOUS ASSOCIATIONS
OF 22 APRIL 1977: A NOTE

The Decree of the Presidium of the Supreme Soviet of the Estonian SSR "On the approval of the Statute on Religious Associations" was published on 13 May 1977.1

When comparing the new Estonian Statute with the 1975 RSFSR Law on Religious Associations, the only important change—besides minor textual changes—is the apparent transfer of power to decide certain questions away from religious associations, and also from higher-level administrative bodies, to the local executive committees of soviets of workers' deputies.

In addition, it is interesting to note that while a republic Council for the Affairs of Religions was established in 1974 in the Ukrainian SSR,2 no equivalent council has been set up in either the Russian or Estonian Republics.

In the Estonian statute, it is stated that procedural questions concerning religious associations (e.g. their registration, the continued existence or closing of places of worship, etc.) are considered "in the established order [v ustanovlennom poriadku]", but for a description of this order one is compelled to turn to the RSFSR Law of 1975. In other words, the RSFSR Law—in practice—also appears to be in force on the all-union level. Therefore, article 4 of the Estonian statute, which states that "decisions of registration and removal from registration ... be taken in accordance with the USSR legislation", most probably means in accordance with the RSFSR Law on Religious Associations. But, this could of course also refer to the Statute of the Council of Affairs of Religions of the Council of Ministers of the USSR.3 This council has been given the competency to make such decisions on registration and removal from registration.4

Now we come to a selective comparison of the 1977 Estonian and the 1975 RSFSR statutes.

Article 10 Estonian Statute:
New in this article is the requirement that the use by believers of other premises, made available to them by private persons, requires the consent of the executive committee of the district or city soviet of workers' deputies. In the RSFSR Law, no such consent is necessary.

Article 14 Estonian Statute:
"The executive committee of the district and city soviet of workers' deputies is entitled to remove individual members from the executive body of a religious society or the authorized person [upolnomochennyi] of a group of believers." This is in contrast with the RSFSR Statute, where the right to remove members is reserved to the registration agencies (the Council of Ministers of the autonomous republic, the executive committee of the territorial, provincial, or city soviet of workers' deputies, and the USSR Council for the Affairs of Religions), rather than solely to the local executive committees as in the Estonian Statute. Article 13 of the Estonian Statute and articles 13 and 14 of the Russian Statute mention the "representative from a group of believers", whereas article 14 of the Estonian Statute speaks of "an authorized person of a group of believers". This apparently is a mistake. Most probably, the "representative of a group of believers" of article 13 of the Estonian Statute should also be an "authorized
person of a group of believers”. Dealing with an authorized person—who is entitled to take decisions on his own—is much easier than dealing with a representative who always has to consult his group of believers for important decisions. Thus, this could very well fit in the already above-mentioned transfer of power to the local executive committee of soviet workers’ deputies.

Article 17 Estonian Statute: (on the prohibition of organizing all kinds of meetings). This article has about the same contents as article 17(v) of the RSFSR Statute; however, under the Estonian Statute, it is also forbidden “to organize concerts that have nothing to do with the performance of the cult.”

Left out in the Estonian Statute is the prohibition against organizing sanitaria and medical help.

Article 37 Estonian Statute: This article is new and reads as follows:
“Capital or routine repairs of buildings of a cult, as well as other construction and repair work, is conducted by the religious associations with the agreement of the executive committee of a district, city (cities of republican subordination) soviet of workers' deputies which has concluded a contract concerning the use of a cult building.”

Article 39 Estonian Statute (= article 46 RSFSR Statute): This article states that in case the prayer building is on the verge of complete or partial collapse, the local executive committee of the district, city, village or settlement soviet of workers' deputies has the right to take a decision ordering the executive body of believers to temporarily discontinue conducting worship services and meetings of believers; article 46 of the RSFSR Statute states that the executive committee may propose to the executive body of believers that the latter make such a decision. Here again, a transfer of power to the local executive committee is visible.

Article 42 Estonian Statute (= article 49 RSFSR Statute). The decision of what to do in case of a dilapidated house of prayer in the RSFSR is contained in the report of a technical commission that is binding and subject to execution, while the Estonian Statute states that executive committee of the district or city soviet of workers' deputies makes a decision on the basis of the report of the technical commission which, thus, only seems to be advisory.

Article 45 Estonian Statute: The last part of this article is new and reads as follows: “Ministers of cults of religious associations are prohibited from organizing Christmas carols [koliado-vanila].”

Article 53 Estonian Statute: This article is new and reads as follows: “The violation of the present Statute entails liability in accordance with legislation in force.”

The following articles of the 1975 RSFSR Statute have been omitted from the Estonian Statute:
— article 26: concerning premises, especially those serving as a dwelling for a watchman;