



Impact of the Covid-19 pandemic on religion in Slovakia

Miroslav Tižik

1. General presentation

In Slovakia, the pandemic occurred in four waves: March-June 2020, July 2020-June 2021, July 2021-December 2021, January 2022-April 2022.

The strict rules and measures that were adopted at the beginning of the pandemic kept the number of infected people under control from spring to summer 2020. With the relaxation of measures in summer 2020, the number of infected people started to rise. In the second wave of the pandemic, during the winter of 2020/2021, the situation worsened considerably, even beyond experts' expectations, due to the emergence of a new coronavirus alpha mutation. There were not enough beds in hospitals for COVID-19 patients. Medical staff were exhausted and in short supply. In February 2021, Slovakia became the worst country in the world for deaths and hospital admissions per capita. From the end of spring 2021, the epidemic situation improved until July, when the third wave of the epidemic began in Slovakia. It lasted until December, when the first cases of the omicron variant appeared and began to displace the delta variant. The fourth wave ended with the definitive lifting of anti-pandemic measures, except the obligation to wear respiratory coverings in health facilities on 21 April 2022.

Government measures:

On 12 March 2020, a state of emergency was declared in Slovakia in connection with the COVID-19 pandemic. From 16 March 2020, schools were closed and a state of emergency was put into effect, which lasted until 14 June 2020. On 1 October 2020, a state of emergency was again declared by the government, which was to last 45 days until 14 November 2020. It was extended by the government for seven months until 14 May 2021, when it was lifted on the basis of an amendment to the law on economic mobilisation, which allows the government to manage the pandemic even without the state of emergency. It was declared for the third time by the government on 25 November 2021 and was terminated by expiry on 22 February 2022. However, the state of emergency, declared by the Government of the Slovak Republic as of 12 March 2020 due to a level II public health emergency as a result of the COVID-19 infectious disease pandemic, remained in force until 21 April 2022.

Legislation and religious life:

Throughout all waves of the pandemic, been no specific legislation or action were taken regarding religious groups. All restrictions on religious life were part of general restrictions. The differential treatment of religious and other actors was more evident in the case of various exemptions from measures. In the early periods, the state-recognised religious groups were not part of such exemptions, or not to the same extent as some others. In the second and later waves, by contrast, registered religious groups were part of most exemptions from generally applicable measures, or strict anti-pandemic measures were relaxed during religious holidays. Non-registered religious groups (in Slovakia, for example, Islam, Buddhism, Hinduism and various

small Evangelical or free churches) were not taken into account in the adoption of anti-pandemic measures or in exemptions from them.

The first wave of the pandemic in 2020 began just before the fasting season and Easter. Legislation and regulations adopted by state authorities at various levels to protect the public health of the population have on several occasions not only restricted the ability of individuals to exercise their religious rights, but have also directly determined the possible forms of religious celebration. (Kováč, 2021: 37.) The first restriction of religious services was not based on a declaration of the Office of Public Health, but on a direct request from the Prime Minister of the Slovak Republic to the representatives of the churches. Churches accepted restriction with the short-time exemption of the Orthodox Church in Slovakia. In the first wave of the pandemic in 2020, churches in Slovakia were closed and public worship was restricted for 8 weeks (compared to 6 weeks in the Czech Republic). At its extraordinary session on 6 April 2020, the Slovak Government adopted a resolution on the restriction of freedom of movement during Easter, which defined precisely for what purpose citizens could leave their homes. This included restrictions on travels outside the district, which were controlled by police and military patrols. On Wednesday, 8 April 2020, before the Easter period began, the new Prime Minister of the Slovak Republic, Igor Matovič, met officially for the first time only with representatives of two churches - Stanislav Zvolenský, a representative of the Catholic Church, and Ivan El'ko, a representative of the Slovak Lutherans. The representative of the Orthodox Church, as well as representatives of other churches were not present at the meeting.

The relaxation of state measures in relation to worship in Slovakia took place in early May, 8 weeks after the total ban on public worship was issued. On 5 May 2020, the Institute of Public Health issued a measure allowing the celebration of religious services, First Holy Communion, the sacrament of Confirmation and the marriage ceremony in a limited mode as of 6 May 2020. In addition to maintaining the policies previously in force (mandatory masks, hand sanitisation, spacing of at least 2 m, avoidance of physical contact), the policy states a preference for the recited form of the liturgy over the sung form, the introduction of special services for the elderly over 65, the prohibition of multiple people receiving communion from a single chalice, and the removal of vessels of holy water. The number of people in the church still was not to exceed a concentration of one person per 25 m².

In the first half of 2020, the Ombudsman was contacted by a complainant who objected to the inability to freely manifest his religion. The applicant asked me to examine the proportionality of the restrictions adopted by the Office of the Ombudsman in relation to the right to freedom of religion under the Constitution. The restriction on attendance at religious services has made it more difficult for all believers in Slovakia to exercise their religious freedom, which may be regarded as an interference with fundamental rights. The Ombudsman therefore carried out a proportionality test. If a social interest is the subject of protection by more than one right, the more specific right or the right which provides stronger protection prevails. In the case of a religious assembly, which is covered by both freedom of assembly and freedom of religion, the protection of freedom of religion takes precedence. The purpose of the measures taken was primarily the public interest in protecting the lives and health of people. The contested measures prohibiting mass events were adopted across the board and applied to all entities, not only churches and religious societies. In the period between the first and second waves of the pandemic, when the epidemiological situation improved, the priority was given to exempting the performance of religious services from the ban on holding mass events, thereby making the importance and seriousness of the right to the free exercise of religion and its role in society significantly more prominent. This approach also confirms that the restriction on religious events was not overreaching on the part of the state authorities, but was implemented only to

the necessary extent. The anti-pandemic measures were aimed at restricting participation in collective religious ceremonies, i.e. the purpose of the measure was to restrict close contact between a larger number of people because of the threat of the spread of contagion, not to restrict the freedom of religion, which is primarily an intimate, internal matter for each person of faith. The restriction thus did not strike at the heart of religious freedom. Religious communities could continue to carry on their public work, provide pastoral care and conduct religious services, which were accessible to the public mainly through television and online transmission. Church leaders also declared their understanding of the anti-pandemic measures taken. Church institutions, such as the Slovak Bishops' Conference, respected this measure and called on priests to cancel public services for the necessary time. Alternatively, attendance at Mass was made possible remotely through live broadcasts and television broadcasts, and a dispensation from the compulsory attendance of the faithful on Sunday and feast day services was also granted by Catholic Church leaders. On the basis of the complaint, I also examined an objection relating to the measure of 19 May 2020, which regulated the conditions for holding mass events, including religious events. The subject matter of the measure at that time was a prohibition on holding mass events, including those of a religious nature, of over 100 persons, subject to specified exceptions. Among the exceptions were defined religious acts and events - religious services, first communion, confirmation, funeral and marriage ceremonies. The main problem was that the competent authority did not define other mass religious acts in general terms, but in specific terms, with the exception of religious services, funeral and marriage ceremonies. For this reason, specific mass religious acts of the largest church in the territory of the Slovak Republic - the First Holy Communion and the Sacrament of Confirmation - were permitted, but similar mass religious acts of other, smaller and registered religious societies and churches were not permitted. In this respect, it is relevant that the principle of equality and the prohibition of discrimination also apply to the restriction of fundamental rights, including the freedom of religion and the right to manifest a common religion. The way in which the measure in question was formulated and the approach to defining exceptions to the restrictions on collective, joint manifestations, did not meet the requirements of the principle of equality. It appeared discriminatory in relation to smaller registered churches and religious societies. In general, when regulating exceptions to the restrictions on the fundamental right to common religious manifestations or when regulating the conditions for the exercise of this right, it should always be borne in mind that the Slovak Constitution recognises the plurality of religions and the right to choose one's religion. This is also reflected in the plurality of registered churches and religious societies, which are all equal. Therefore, such conditions and exemptions from restrictions should not be formulated for specific religious acts or for religious events of only one or some religious societies, but should be formulated in general terms, i.e. in such a way as to allow all religious societies and churches to carry out mass religious events and acts on equal terms. (Report on the activities of... 2021: 36-39)

During the pandemic, no decisions were recorded in relation to complaints of restrictions on religious freedom that were considered by any institutions as being discriminatory. Prohibited grounds of discrimination are enumerated in Section 2(1) of the Anti-Discrimination Law. They are sex, religious belief or faith, race, membership of a nationality or ethnic group, disability, age, sexual orientation, marital and family status, colour, language, political or other opinion, national or social origin, property, birth or other status, and the reason for reporting a crime or other anti-social activity. This is not an exhaustive list, as the law also prohibits discrimination on the grounds of other opinions and other status (Správa... 2022: 16).

The negative epidemiological situation in 2021 brought, among other things, a temporary suspension of public worship. As a result of the restriction on attendance at worship, the exercise of religious freedom has become more difficult for many believers in Slovakia. On this

basis, according to some opinions, there has been an interference with freedom of religious expression. Slovak Government Resolution No. 808 of 31 December 2020, which restricted freedom of residence and movement by imposing a curfew, suspended the attendance of religious services in all Slovak dioceses and eparchies from 1 January 2021 to 24 January. The decree of the Slovak Public Health Office, which entered into force on 1 January 2021, ensured the implementation of the restrictions under Government Resolution No. 808 by prohibiting events that were not covered by the exemption from the curfew restrictions. Pursuant to the Government Resolution, priests were allowed to celebrate private services in church without the participation of worshippers, which could be broadcast online. The number of persons for online broadcasting of private worship was limited to the priest and a maximum of 5 other persons on the basis of the curfew in force at that time. According to the Report on the observance of human rights in Slovakia, although there was no explicit prohibition of religious services, neither the Slovak Government resolutions nor the decrees of the Slovak Public Health Office issued due to the COVID-19 pandemic contained restrictions on freedom of movement and residence by curfew, nor restrictions in relation to mass events, necessary to protect the life and health of the population from COVID-19. These restrictions applied regardless of whether the event was a commercial mass event or a mass event organised by a church or religious association. (Správa..., 2022 : 41)

The measures prohibiting mass events resulting from Decree 77 of the Slovak Ministry of Health applied to all entities, not only to churches and religious societies. The restrictions provided in the Slovak Government Resolutions and Decrees did not primarily interfere with freedom of religion. Their purpose was to restrict the movement of persons and social contacts (Správa... 2022: 45).

On the basis of Government Resolution No. 808, freedom of residence and movement was restricted by curfew from 1 January 2021 to 24 January 2021, i.e. during the period when the state of emergency was in force in Slovakia. In the resolution in question, none of the exceptions to the restriction applied to an individual visit to a place of religious ceremonies or religious events. Pursuant to the aforementioned Government Resolution No. 808 and Decree 77 of the Slovak Ministry of the Interior, priests were allowed to celebrate private services in church without the participation of the faithful. Such private services could be broadcast online, but the priest could only be assisted by the necessary assistance. The number of people for the online broadcasting of a private service was limited to the priest and no more than 5 other people on the basis of the curfew in force at the time. At the same time, however, due to the strict restriction on movement at the time, this exception did not allow to invite or register different families for private services in the temples according to waiting lists, registered intentions, etc. (Správa... 2022: 46-47).

In relation to religious life, there have also been suggestions that restricting access to collective worship in 2021 and later in 2022 for the unvaccinated is a form of discrimination. According to the 2021 Human Rights Report, the Constitutional Court has accepted several proposals for declaring legislation incompatible with the Constitution in relation to vaccination. These challenged, among other things, the violation of the constitutional prohibition of discrimination against unvaccinated persons, with the plaintiffs identifying "other status" as a prohibited ground of discrimination. As of 31 December 2021, the Constitutional Court had not issued any ruling in which it considered the possibility of subsuming the criterion of non-vaccination against the COVID-19 disease under the prohibited discriminatory ground of "other status" (Správa... 2022: 15-17).

The Human Rights Report evaluated the restrictions on the freedom of religious expression of believers in Slovakia that were imposed by the state authorities during the period under review

on the basis of restrictions adopted to prevent the spread of COVID-19. A proportionality test has been carried out which does not allow a clear conclusion to be drawn as to whether the interference in question with freedom of religious expression under the Constitution was constitutionally compatible. ... In relation to the necessity of limiting the freedom of religious expression within the meaning of the Constitution by the adopted restrictions resulting from the Slovak Government Resolution No. 808 and Decree 77 of the COVID, it can be stated that Slovakia had the strictest limitations in relation to the freedom of religious expression in comparison with other European countries in the period under consideration. ... The Centre also notes that the exemptions from the prohibition of holding mass events of a religious nature were defined in the Decrees of the period under review in general terms, which made them applicable to mass religious acts of all registered religious societies and churches in Slovakia. The Centre further referred to the possible interference with the right to assemble peacefully in the chapter in question. In the Centre's legal opinion, the threat to the life and health of people causally linked to the emergence of the COVID-19 pandemic constitutes a significant objective to justify an interference with fundamental rights and freedoms, but its significance is limited by the rational connection between the interference and the objective. At the same time, it should be stressed that this link is dynamic and has changed over the duration of the state of emergency. (Správa... 2022: 62)

The case of the Orthodox Church in Slovakia:

However, the approval for the temporary closure of churches to the public by the highest representatives of the four largest Christian churches in Slovakia (Roman Catholic, Greek Catholic, Lutheran and Calvinist) was not shared by the Orthodox bishops, who reacted to the government measures on March 10th. *"Despite the epidemic caused by a new coronavirus (Covid-19 disease) and the legitimate demands of the Office of Public Health of the Slovak Republic to take measures to prevent the spread of the virus (prohibition of organizing mass events), the Orthodox Church in Slovakia considers it necessary to remind its believers of the necessity to provide equally for their spiritual and material needs."*

The statement also rejected any change in the form of receiving the Eucharist - that is, the administration of the Eucharist to the believers by priests from the same chalice with the same spoon. They also urged the clergy to encourage the believers who are afraid to believe that such a method of administering the Eucharist *"has never posed and will never pose any danger to anyone."*

The Orthodox bishops' statement provoked a wave of public criticism and criticism from the prime minister. Already on March 11, 2020, the Orthodox Church revised its approach and with immediate validity ordered the cancellation of all its public services except for "necessary ceremonies". However, even these were to be held preferably outdoors and with as few believers as possible.

In spite of the decision of the representatives of the Orthodox Church in Slovakia, illegal public worship was attended by about 100 believers at an Orthodox church of St. Rastislav in Bratislava on Easter Sunday, April 19, 2020. ((20+) [Facebook](#))

Some other violations of anti-pandemic restrictions were by Catholic priests (both 2020 and 2021)

Despite the support of church leaders for the government's anti-pandemic measures, there have been a number of instances of violations of anti-pandemic measures by specific priests or parishes during the course of the pandemic. Violations of the ban on public worship took place, for example, in the Roman Catholic parishes of Michal nad Žitavou (15 March 2020), Hronský Beňadik (15 March 2020), Trenčianská Teplá (22 March 2020), Hlohovec (28 March 2020) and Pribiš (21 April 2020). Roma illegal worship (maybe unregistered Protestant community)

in Žehra (26. 3. 2020) Later in the Orava region there were more cases in January, February 2021 and autumn 2021.

Relaxation of measures due to religious events

The government has granted an exemption from the ban on Midnight Mass (Catholic) on December 24, 2021, and exemptions during Pope Francis in September 2021 (14-16-9.).

Since the beginning of the pandemic, the public authorities and policies have mainly used the established terminology of the majority, i.e. the Roman Catholic Church, when introducing policies. The regulations never mentioned conditions for minority religious societies - whether registered (Jewish community) or unregistered (Muslim communities, Buddhists...). However, even the latter nevertheless accepted these regulations and applied them to their own environment. (Kováč, 2021) The Public Defender of Rights (Ombudsman) found a violation of the principle of equality in the case of the adoption of exemptions from anti-pandemic measures, which related specifically to Catholic rites (Holy Communion, Confirmation, etc.) (Správa o činnosti... 2021)

Religious groups can be analysed in times of pandemic in three contexts:

1. In violation of restrictions – it was the case only of some recognised (Christian) churches
2. In public (media) debates about religion and religious freedom – the visibility was only some of recognised Christian churches
3. In dealing with the state on exceptions from restrictions – it was focused only to some recognised (Christian) churches, mostly Catholic Church.

Legal definition of religion

When discussing the possible protection or discrimination of religious groups, it should be taken into account that from the point of view of law there is no definition of religion in Slovakia, but only a list of state-recognised churches and religious associations to which the state recognises various rights.

There is negatively guarantee of religious rights and freedom for everybody but without any norms out of list of recognised churches.

Three types of religious exemptions

1. Different stages of exceptions to the restrictions on collective gatherings of the believers (Masses) – only for recognised church
2. special rights (exemptions) for clergy of certain recognised churches during times of lockdowns – only for some recognised Christian churches which have spiritual service in hospitals and centres of social care or for individual spiritual care during lockdowns
3. special rights (exemptions) for the believers of recognised churches from the pandemic restrictions at the time of lockdowns – to be in contact with priests or spiritual guide in institutions of health and social care or to travel to such services.

All these aspects were related to the legal status of religion in Slovakia, i.e. the recognition of a religious group by the state according to the law.

Protests and appeals by bishops and Christian politicians against restrictions 2021 and 2022

"The prohibition of public worship and ceremonies in church constitutes an unjustified interference with freedom of religion and belief. ...In this regard, they have submitted a petition to the Prosecutor General Maroš Žilinka to refer it to the Constitutional Court of the Slovak

Republic. They are relying on the government's decision to extend the state of emergency for another 40 days."

...The petitioners argue Article 24 of the Slovak Constitution and the Convention for the Protection of Human Rights and Fundamental Freedoms. ...

"The freedom to manifest one's religion or belief/faith alone or in a community with others, whether in public or private, by worship or by keeping it, forms part of the freedom of religion and belief," the petition stressed. (TA3, 24.3.2021)

On February 1st 2022, representatives of State recognised Christian churches and Jewish religious communities have joined together to alert the public and political leaders on the importance of celebrating public worship. They claim that this observance is an essential part of the expression of faith for the believers. They call for worship to be included among the basic human needs to which all people should have access without distinction. This includes the unvaccinated. The letter, signed by the President of the Ecumenical Council of Churches and General Bishop of the Evangelical Church of the Augsburg Confession Ivan El'ko, the President of the Central Union of Jewish Religious Communities Richard Duda and the President of the Bishops' Conference of Slovakia (KBS) Stanislav Zvolenský, was handed over by Archbishop Zvolenský during a meeting with the Prime Minister.

Religion in media

Religion and its protection has become a subject of public controversy without there being a definition of what religion is.

The media implicitly worked with definitions anchored in legislation, thus associating religion and faith with the largest state-recognised churches.

The issue of religious freedom has not been an issue in the media for Muslims, Buddhists, Pentecostal Christians, agnostics, Jehovah's witnesses or atheists, or others.

Politicians explicitly associated their agenda with traditional (not just large) registered Christian churches.

In the public discourse, there were appeals to the government from only the largest Christian churches.

Other sociological aspects:

1. The pandemic COVID-19 has highlighted the problematic position of different religious and worldview minorities in Slovakia - the various legal measures and exemptions from the pandemic restrictions on religious life applied only to the part of religious actors that are recognised by the state as churches or religious communities.

2. Despite the constitutional declaration of the protection of freedom of religion and non-religion, members of unregistered religious groups or adherents of non-religious philosophical or humanistic worldviews were not allowed to exercise individual or collective spiritual or philosophical practice at the time of the restrictions on collective events.

3. The pandemic has thus demonstrated the real problem with the universal exercise of the right to freedom of religion and worldview within a constitutionally defined religiously neutral state.

The results of the census conducted in the midst of the pandemic (January - April 2021), as well as some surveys, show a decrease in the proportion of those who adhere to a particular church or religious group and a slight increase in the proportion of those with no religious affiliation. However, long-term secularisation trends show that this decline is not due to a pandemic.

Similarly, the impact on long-term trends in worship attendance cannot yet be estimated; since severe restrictions during the pandemic substantially reduced the ability of worshippers to attend churches and services.

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