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## ***Norway: Legislation Regarding Faith Communities***

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Norway regularly receives a positive assessment in various international reports on human rights and freedom of religion and belief. The country comes out with top rating in the report *Religious Freedom in the World 1999* (General Editor Paul Marshall, Broadman and Holman Publishers, Nashville, Tennessee, USA, 2000) alongside countries like the Netherlands, Ireland and the USA. Norway receives a positive report each year in the U.S. State Department Report on Religious Freedom Around the World. Additionally, Norway was not mentioned in the last several annual reports from Amnesty International.

The report below is meant to be a short presentation of the Norwegian system regarding the relationships between the state and the state church (the Church of Norway or Lutheran Church), and between the state and other faith and belief communities. It will also deal with the status of the state church, give an overview of the Norwegian legislation on registration of faith communities, their rights and duties, state funding, and discuss the latest developments on these matters.

## Brief history of religious freedom

Although the freedom of religion and belief was enshrined in the 1814 Constitution, the same law had forbidden Jews and Jesuits from entering the Kingdom. While the Catholic Church first received permission to establish a congregation in 1843, smaller Christian communities suffered persecution.

The law of 16 July 1845 granted people the right to leave the state church and establish other communities, but only Christian ones. Six years later, Jews and Catholic orders were legally accepted in the country. In 1891, a revision of the 1845 law granted leaders of other denominations the legal right to perform wedding ceremonies, a right that still exists today ([www.norgesfrikirkerad.no](http://www.norgesfrikirkerad.no), article by General Secretary Dag Nygaard, The Norwegian Free Church Council). Christian movements outside the state church (dissenters) have been very active in Norway, especially since 1800. This has encouraged the legislature of Norway to grant freedom to a wider range of faiths.

## Statistics

The Norwegian population is about 4.5 million. According to *Statistics Norway* ([www.ssb.no](http://www.ssb.no)) 86 % are members of the state church.

In Norway, you are not "born" into the state church (as was the case in Sweden, before 1 January 2000), but you automatically become a member of it if one of your parents is affiliated. If you are not baptized before the age of 18, your name is removed from church records.

Outside the state church, there are 420 registered and 70 unregistered faith communities with a total of about 1,200 congregations. Registered communities have about 240,000 members, and unregistered ones about 29,000.

Approximately 75% of the religious communities are linked to Christianity. The largest are the Pentecostal Churches (about 45,000 members), the Roman Catholic Church (about 40,000), the Free Evangelical Lutheran Church (20,000), Jehovah's Witnesses (16,000), the Methodist Church (13,000), and the Baptist Church (10,000).

The two largest non-Christian groups are Muslims, with about 55,000 members (over 1% of the total Norwegian population), and Buddhists, with about 7,000 members. (The above statistics are from the year 2000.)

The main belief community is the Norwegian Humanist Association with 128 local groups and 68,000 members, according to 1999 statistics.

### **Definitions**

The Church of Norway, called the state church, is the Lutheran Church.

Outside the state church, the activities of other religions are determined by the *Act Relating to Religious Communities and others* (See the English translation by the University of Oslo in Annex I). A religious community is a registered group with a name and a certain defined worldview. The category *religious communities* comprises a wide palette of groups: from the so-called 'historical' religions, such as the Roman Catholic Church and Islam, to Protestant Churches, such as Pentecostal or Baptist Churches, to smaller groups, such as the Charismatics, or even groups promoting the old Norse/Viking beliefs, such as Odins Aetlinger (Relatives of Odin). All the groups outside the Church of Norway have the same rights and the same duties as each others (See the list of registered faith communities in Oslo, Annex II).

Although the expression *religious community* is used in the translation of the law, the terminology *faith community* would be more appropriate since the law includes to the so-called *livssynssamfunn* (non-religious communities with a specific worldview). That is the term that will be used in this report.

### **State Church**

The principle of a state church is an old tradition in Europe going back to times when religion and politics were closely linked. The Constitution of the Kingdom of Norway (May 17, 1814) states that "all citizens of the kingdom can freely exercise their religion". At the same time, it proclaims that the Lutheran religion remains the state's official religion. In this provision lies the justification for a state church.

In this system of relationships between the state and the Lutheran Church, political authorities have a say on a number of church matters, such as the appointment of bishops—clerics are considered to be public servants and are paid by the state—and church property, which is maintained by local or regional authorities.

In a speech to the Norwegian Government's Values Committee in 1999, Oslo Bishop Gunnar Staalset (Church of Norway) said that the European Commission on Human Rights has **not** found that the state church system, in itself, is inconsistent with religious freedom. Nevertheless, he went on to say, “in due time, our system will have to be tested on the basis of religious freedom”. In Vaart Land on 5 November of this year, Staalset said that the time has come to change the relationship between state and church, but at the moment, he does not see that there is a “need” for a total separation between the two.

One visible bond between church and state in Norway is that the King is the head of the Church of Norway and is therefore obligated to adhere to it. Moreover, in any Norwegian government, at least 50% of the ministers need to be members of the Church of Norway.

In his commentary "*State church and religious freedom*", Dr. Erik Oddvar Eriksen of the University of Oslo highlights many of the problems with a state-church system in a modern democracy that is based on international law. Among other things, he concludes that both the system and the Christian legislation for public schools are problematic ([www.aftenposten.no](http://www.aftenposten.no), Nov. 16, 2000).

The Norwegian Humanist Association (Human-etisk Forbund: [www.hef.no](http://www.hef.no)) has criticised the system for years, claiming it is in violation of the principle of religious freedom enshrined in the Constitution. They say that the Constitution is in fact contradictory when it declares religious freedom in one paragraph and establishes a state church in another.

The state church has always had a strong position in Norway. In general, Norwegians support the traditions of the church, even though, according to polls, a majority do not attend religious services regularly.

Another important player is the Labour Party (Det norske arbeiderparti), the dominant political party since WW II. Some critics have alleged that they cling to a state church system as a means of retaining government's say in church matters. The Norwegian Humanist Association claims that a state church system is not consistent with the right of any religious community to organise its internal life in total independence.

### **Public schools under the domination of the state church**

In 1997, the Labour government introduced a new subject to schools called *Christianity with Orientation on Religions and Life Philosophies* (KRL). This reform was and still is controversial. KRL, taught in every grade of the ten-year compulsory schooling, became obligatory for **all** pupils, despite their religious background. Before 1997, the traditional subject, *Christianity*, was a religion class intended for Lutheran children. Exemption was permitted for non-Lutherans.

The introduction of KRL caused a storm of protests and saw rather unusual alliances, such as Muslims, Jews and Humanists, against the introduction of the class. The Humanist Association argued that the school legislation and the KRL class favour the state's official religion, and that it is not suitable for a democracy and increasingly multicultural nation to adopt and maintain such a system. Together with a group of parents, they brought the issue to court, claiming that the state had no right to make this school subject obligatory for children from other faith communities. On 22 August 2001, the Norwegian Supreme Court rejected the claim, saying that it could not be proven that the teachings in the new subject would give

parents grounds to take their children out of classes, and the fact that it is obligatory does not violate the European Convention on Human Rights and Fundamental Freedoms ([www.domstol.no/hoyesterett](http://www.domstol.no/hoyesterett)).

A governmental committee has been studying the relations between state and church and has concluded that a separation between state and church is advisable ([www.vartland.no](http://www.vartland.no), 5 Nov. 2001). This would be, however, a long process, entailing changes to the Constitution, which require approval by a two-third majority in the next two legislatures (each lasting four years).

General Secretary of the Humanist Association, Lars Gule, says Norway lacks an overall policy on religious matters and fears that religious minorities will suffer from a future separation of church and state. He says there is a lack of understanding that the country has become a multi-religious society and can point to several cases where minority groups have been subject to arbitrary treatment from the authorities ([www.vartland.no](http://www.vartland.no), 19 Nov. 2001).

Faith communities have the right to open their own schools. Early in August 2001, the first private Muslim school in Norway was opened in Oslo.

### **Registration of faith communities**

The registration procedure of faith communities is part of the *Act relating to faith communities and others* issued on 13 June 1969.

Here are some important aspects of the law:

Relations between official authorities and faith communities always take place through regional officials, here called the County Governor (i.e. *Fylkesmann*; there are 19 *fylke*, or regions, a territorial and administrative entity between state and municipality).

The community registers with the County Governor (section 14) and provides the following information:

- Complete name and address of the community
- Basic creed and doctrine
- Information about the organisation, activities and membership
- Names of board members (if there is such)
- Name and sphere of responsibility of each spiritual and administrative leader.

Denominations with congregations in various regions (*fylke*) either register as one entity under one name or let their congregations register separately.

Some communities choose to have one central registration, e.g the Roman Catholic Church or the Methodist Church, whereas others let each local congregation take care of their own registration—two examples being the Muslim communities and the Pentecostal congregations.

Every year before 1 March the faith community is required to send a short written note to the County Governor on its activities during the last calendar year (Section 16). The community is also to notify the authority if there are changes within the community as regards doctrine or leadership.

Non-registered communities cannot apply for the right to perform wedding ceremonies.

### **Governmental funding**

Any faith community, whether registered or unregistered, has the right to receive governmental grants, but must apply for these to the County Governor each year before 1 April (Section 19). The written application must state the number of members in the community on 1 January of the same year. The Norwegian Humanist Association is also funded by the state.

The amount given to faith communities depends on their membership and is calculated by the Department of Justice every year, using government funds allocated to the state church and its membership as its basis. The amount per member is the same for all communities, EUR 30 for the year 2000 ([www.norge.no](http://www.norge.no)). (For a community with 500 members, the state would give 15,000 Euro). The amounts are channelled to the faith communities according of the type of registration they have chosen: either to the central entity (i.e. Methodist congregations) or to the local entities registered separately (i.e. Muslim and Pentecostal communities) / See Registration of faith communities above.

Funds are given either directly to the local faith community (this is particularly the case for Muslim and Pentecostal communities) or to an umbrella organisation (created voluntarily by a group of faith communities).

The state grant must be used for "religious purposes". The communities must record their expenses and submit an accounting to the County Governor each year before 1 March. The community board or a registered accountant must sign the account.

Both registered and non-registered communities can apply for state grants, and both have to provide the same information. The main difference between the two categories is that non-registered communities do not have to submit extensive reports to authorities every year.

### **Conclusions**

The state church system in Norway is being discussed at the moment but changes in relations between the State and the Church of Norway are not likely to take place within ten years. The introduction of an obligatory school subject dealing with religions and worldviews has been controversial, but stood the test of the Supreme Court. All religious groups outside the state church can easily register and receive state funding. Although the state church system in a way favours one religion, some of its aspects can be a source of inspiration for other countries for relations between public authorities and religious groups.