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(Eds.)

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in public institutions  
Assistance spirituelle  
dans les services publics**

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*En hommage à Jean DUFFAR pour sa fidélité  
et son engagement aux activités et aux travaux du Consortium.*

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## THE REGULATION AND ORGANISATION OF CHAPLAINCIES IN LATVIA

RINGOLDS BALODIS

### 1. SOCIOLOGICAL AND HISTORICAL APPROACH

Latvia's current (2015) population is close to 2 million. Of that, nearly 60 % are Latvians, and Russians (approximately 30 %) are the largest minority nationality. Latvia is a multi-confessional country, where the three largest denominations are Protestantism, Catholicism and Orthodoxy. Information about the number of believers that is at the disposal of state institutions<sup>1</sup> is received from registered religious organisations. This information is not verified in any way. Regretfully, the census does not ask about religious beliefs. The relativity of the data provided to the State is vividly revealed by information about the number of Muslims in Latvia. The registered Muslim congregations, in their report to the Ministry of Justice, quote the number 300, whereas in publicly accessible sources of information the number of Muslims ranges between one thousand and even ten thousand believers. The case of Muslims is also interesting because usually religious organisations try to exaggerate the number of their adherents. The total number of believers in the state, which follows from information collected by religious organisations, is also confusing. It is a million and a half. This means that atheists and religious people who don't claim a particular religion make up only one quarter of the population. Knowing that religion

<sup>1</sup> Pursuant to Section 14(7) of the Law on Religious Organisations, by 1 March every year religious organisations have to submit to the Ministry of Justice a report on their activities, in a procedure established by the Cabinet of Ministers. The procedure through which religious organisations submit reports on their activities is established by Cabinet Regulation of 18 August 2009 No. 930 «Procedure through which religious organisations submit a report on their activities». Some organisations do not submit their data to the Ministry (for example, the Roman Catholic Church); thus, the Ministry's statistics should be regarded as being merely approximate.

has weak impact in Latvia, which can be deduced from the number of marriages performed by priests, the number of children who have chosen religious education, religious activities in public spaces, and also from the demand for chaplains, a million and a half believers looks like a twofold exaggeration. Moreover, the issue of people who have only a formal affiliation to a certain denomination, and those who regularly practice their religion should be examined separately. Thus, information provided by religious organisations states that from two million inhabitants there are: Evangelical Lutherans - 700 000, Roman Catholics - 400 000, Orthodox - 370 000, Old Believers - 40 000, Charismatic Christians - 8 000, Baptists - 6 000, Seventh-Day Adventists - 5 000, Mormons - 900, Latvian pagans (dievturi) - 700, Jehovah's Witnesses - 700, Methodists - 500, Jews - 367, Krishna followers - 145, Hindu - 21, etc. The number of registered religious organisations in Latvia are as follows: Lutheran - 310, Roman Catholic - 258, Orthodox - 134, Baptist - 97, Old Believers - 70, Seventh-Day Adventist - 51, Methodist - 13, Jewish - 13, Muslim - 13, Krishna - 11, Latvian pagan (dievturi) - 11, etc. Information revealed by sociological surveys is more credible, showing the religious affiliations of the population to be: Lutherans 25 %, Roman Catholics 21 %, Orthodox 25 %, Old Believer Orthodox 2.7 %, Adventists 0.4 %, and Jews 0.1 %. About 20 % of the Latvian population does not belong to any religion - part of them consider themselves to be believers without identifying themselves with any particular denomination, while others declare themselves to be atheists. This breakdown in percentages is approximate, because the State does not have at its disposal statistics based upon credible sources of information. It is clear that Latvia lacks statistics on denominational affiliation, which could help align the work of the chaplaincy service in all fields: in prisons, hospitals, the army, and in civil institutions. It would be only logical that the breakdown of society according to denominational affiliation would also be proportionally observed in the work of the chaplaincy service.

Even though Latvia will celebrate the 100<sup>th</sup> anniversary of its statehood soon (the Republic of Latvia was founded on 18 November 1918), the State is unique, because its history is split into two periods: the First 1918-1940 and the Second, which started in 1990. This is because the normal development of Latvia as a state was violently interrupted by Soviet occupation in 1940. The Republic of Latvia was only able to restore its status as a state in 1990.

When Latvia restored its statehood at the beginning of the 1990s, it reinstated only some of its former laws (for example, the Constitution and the Civil Law), and after dismantling the Soviet legal system it adopted new laws, developing completely new practices, different from the first period of independence. Latvia had to create many things completely anew. Chaplaincy was one of such novelties, because the experience from the first period of independence was not transferable. The chaplaincy service in the 1920s-1930s was only in its initial stage of development. «Ministers

- advisors on issues of upbringing»<sup>2</sup> were active in prisons, and «war» or «military ministers» in the army. Prison chaplains were partially organised, and chaplains were not accessible throughout the army. The name of the vocation, «chaplain», was not widespread either. During the first period of independence the activities carried out by chaplains in Latvia, similar to present-day Latvia, depended upon church enthusiasts or responsive civil servants who were able to see benefits of and support in fulfilling the functions of the State in this profession.

Development of the chaplaincy in the second period of independence has been fragmented, and certain similarities with trends in its pre-war development can be discerned: again, it depends upon the understanding and goodwill of the heads of some state institutions and establishments. There is no national-level support for chaplaincy. The burden of financing chaplains is placed upon the shoulders of the religious denominations themselves; if financing for chaplaincy is requested from state institutions, they always use the excuse of the church being separate from the State. In most cases, the financing for chaplains' activities comes from foreign-funded programmes from non-governmental organisations. Chaplaincy enthusiasts — ecclesiasts — made great efforts to ensure that chaplaincy was enshrined in regulations. Thanks to an ardent supporter of his vocation, Lutheran minister Valdis Baltruks, in 2000 the issue of enshrining chaplaincy in legal regulations was set into motion. Prison chaplains hoped that through legal regulation, material/technical issues would also be solved. The regulation on chaplaincy was drafted and adopted in 2001<sup>3</sup>; however, their initial hopes were not fulfilled. While the regulation was being drafted, consultations with the sectors and religious dominations were held, and the issue of financing chaplaincy turned out to be unsolvable.

It is not only the lack of interest among state institutions that is to blame, but also the inability of the churches to define and lobby for their interest in chaplaincy. As of 2016 neither the State nor the denominations have developed special programmes for the activities of the chaplaincy service, and, except for the army, there are still no financial resources for maintaining the chaplaincy service. The network of psychologists and social workers that is widespread throughout the country and maintained using public resources can be seen, to a certain extent, as a competitor for chaplaincy. There is still no state or church policy to speak of, but rather individual activities by some supporters. The Latvian army is an exception; because it is a NATO member state, it carries out chaplaincy service according to the model of other member states of this military union.

<sup>2</sup> Balodis R. Baznīcu tiesības [The Church Law]. - Rīga: Reliģijas Brīvības Asociācija, 2002. - 423.lpp.

<sup>3</sup> Latvijas Republikas Ministru kabineta 2002.gada 2.jūlija noteikumi Nr.277 «Noteikumi par kapelānu dienestu». *Latvijas Vēstnesis*, 05.07.2002, Nr.101.

## 2. NATIONAL REGULATION ON THE CHAPLAINCY AND DEFINITION OF CHAPLAINCY SERVICES AND ORGANIZATION OF CHAPLAINCIES BY THE STATE

Article 99 of Latvia's constitution provides a laconic definition of the principles of religious freedom and separation of church and State. The definition of chaplains is included in the Law on Religious Organisations<sup>4</sup> and the Cabinet Regulation issued on the basis of this law.

The Cabinet Regulation provides for the possibility of, but does not establish an obligation for state institutions to introduce a chaplain's office or chaplaincy service. The Regulation lists a specific circle of religious organisations that may propose candidates who have the right to apply for a chaplain's office. Paragraph 5 of the Regulation grants this right to the Orthodox, Evangelical Lutheran, Old Believer, Methodist, Adventist, Baptist, and Pentecostal churches and Latvian pagans (*dievturi*). Up until now, Muslim leaders have not expressed to the State the wish to participate in the activities of chaplaincy services, but the Jewish denomination has declined this possibility. In both cases this is linked to the small number of believers who would be eligible for chaplain services from these denominations. Furthermore, the right to have priests of their domination represented in chaplaincy service is guaranteed to those belonging to the Roman Catholic Church in the international agreement with the Holy See, while the rights of the six traditional churches of Latvia (Orthodox, Evangelical Lutheran, Old Believer, Methodist, Adventist, Baptist) are guaranteed by special laws.

The circle of churches who may propose candidates for chaplaincy is broader in the Cabinet Regulations that govern the operations of the chaplaincy service, compared to that defined in laws. The explanation for this lies in the fact that, in practice, some religious organisations (for example, the Pentecostal Church) are so active in the field of chaplaincy that the State, which is not financing the chaplaincy services, has to put up with this fact and enshrine it on a regulatory level.

The activities of chaplains are regulated, first, by the Law on Religious Organisations, which in addition to the principles and procedures of registration deals with a number of other issues (chaplains included) that pertain to exercising freedom of belief in Latvia. Paragraph 8 of Section 1 of the Law<sup>5</sup> provides that chaplains are ecclesiastics, who perform official duties in places for the serving of sentences, the National Armed Forces units and other places where the pastoral care of a regular clergyman is not available<sup>6</sup>. The fifth part of Section 14 of this Law provides that

<sup>4</sup> 1995.gada 7.septembra Reliģisko organizāciju likums *Latvijas Vēstnesis*, 26.09.1995., Nr.146.

<sup>5</sup> The most recent Amendments to the Law on Religious Organisations, which include also provisions on the chaplaincy service, were adopted on 15.06.2000.

<sup>6</sup> The Law on Religious Organisations grants religious organisations the right to engage in religious activities in hospitals, social care houses, and penitentiaries if the persons within these institutions desire

the activities of chaplains in Latvia are regulated by a separate Cabinet Regulation. While it is not set out in regulation, the opinion prevails that in his everyday work a chaplain, irrespective of his affiliation to a particular church, may not impose his religious beliefs. A chaplain must listen to and encourage soldiers of various religious beliefs, without criticising different opinions. A chaplain must try to help everyone who seeks advice and support. A chaplain helps representatives of other churches within the limits of his competence, but, being unable to provide support, helps get in touch with a clergyman from the respective church<sup>7</sup>.

The Cabinet Regulation on Chaplaincy Service, adopted on 15 February 2011, defines the basic principles for the activities of the chaplaincy service in Latvia. Pursuant to this Regulation, a chaplain is a person who, following the procedure established by the respective religious association (church), has obtained religious education and who has been proposed for the office by a religious association referred to in the Regulation. It must be noted that the Regulation of 2011 replaced the Regulation of 2002. The new regulation introduced a number of significant easements in the functioning of the chaplaincy service. The new order is more liberal. For example, the circle of religious associations that may propose candidates for the chaplaincy has been expanded. Latvian citizenship is no longer required. A number of bureaucratic procedures have been eliminated in appointing chaplains and also in the regulation of the employment relationship. Likewise, chaplains are allowed to act outside of State borders<sup>8</sup>.

Institutions that wish to introduce a chaplain's office or chaplaincy service have greater discretion with regard to the issues of chaplains, etc.<sup>9</sup> These changes are closely linked to decreased monitoring by the state in the relationship between the State

it, and, secondly, religious organisations must receive approval from the administrations of the respective institutions for the place and time of a scheduled event. The legislature, in discussing Paragraph 8 of Section 1 of the Law on Religious Organisations, intentionally did not want to list all institutions where chaplains were allowed to act, and included in the law the words «and elsewhere».

<sup>7</sup> Here and hereinafter information that has been obtained in correspondence between the Head of the Institute of Legal Research, professor Ringolds Balodis and responsible ministries, local governments and institutions at the end of 2015.

<sup>8</sup> The Regulation of 2002 restricted the chaplaincy service and provided that it can operate only within the Republic of Latvia. The Regulation of 2011 no longer contains such a restriction, which allows the chaplaincy service to also operate outside the Republic of Latvia, for example, during military missions abroad.

<sup>9</sup> Paragraph 8 of the Regulation of 2002 provided that the administration of the respective institution must sign an agreement with a religious association of spiritual care and report it to the Board of Religious Affairs. The Regulation of 2011 does not establish such a procedure - an employment or professional services contract is signed with the chaplain. If the religious association (church) establishes that a chaplain's professional abilities are not sufficient for performing a chaplain's duties of office, it informs the respective institution about this incompatibility. The respective institution has the right, upon examining the notification from the religious association (church), to terminate the legal employment

and religion<sup>10</sup>. Likewise, unlike in the Regulation of 2002, chaplains in the armed forces have been granted more rights: chaplains are not only the spiritual caregivers for the personnel of the National Armed Forces (the soldiers), but are also spiritual advisors to their relatives.

It should also be noted that the rights of those belonging to the Roman Catholic Church have been enshrined in the Agreement with the Holy See<sup>11</sup>. Pursuant to Article 9 of this international agreement, the Roman Catholic Church is guaranteed the right of access to hospitals, prisons, orphanages and all other institutions of social or medical assistance in which the presence of Catholics justifies the occasional or permanent pastoral presence of the authorised representatives of the Catholic Church. Article 25 of the Agreement guarantees to the Catholic members of the National Armed Forces the possibility of receiving adequate catechetical instruction and of participating in Eucharistic Celebrations on Sundays and on Holidays of obligation<sup>12</sup>. The Agreement guarantees that chaplains of the Roman Catholic Church will be canonically subordinate to the Military Ordinariate.

In 2011 amendments were introduced to regulations on the chaplaincy service, which pertain to financial, material and technical provisions for the chaplains' activities. Now, in addition to state and local government institutions, which make payments from state budget resources, material provisions may also be provided by capital companies with which a chaplain has a legal employment relationship. In practice, the chaplaincy service has developed the best in the army; it is much more poorly organised and financed in prisons. It operates in hospitals; however, this operation is not based upon systemic organisation. Many local governments have chapels, but do not employ chaplains. Chaplain activities are financially and materially provided for by the State or local government under the budgetary funds allocated for this purpose.

The weak point in the regulation is the lack of a uniform standard for a chaplain's position. Such a standard could be based upon quality of education, but not current denominational education (because the differences are vast - courses for Adventists or Pentecostals, but state-accredited master's degree for Catholics and Lutherans), but rather a uniform, state-accredited denominational education programme, or one offered by state institutions.

There are no court cases linked to the activities of the chaplaincy service.

or professional service relationship with the chaplain. Previously the issue of dismissing a chaplain for failing to perform his official duties was not regulated.

<sup>10</sup> The Board of Religious Affairs was reorganised in 2008 and its functions were reallocated - the role of coordinator between the State and the church was assumed by the Ministry of Justice, whereas registration of religious enterprises was assumed by the Enterprise Register.

<sup>11</sup> 2000.gada 8.novembrī parakstītais «Latvijas Republikas un Svētā Krēsla līgums» [Agreement between Republic of Latvia and Holy See] *Latvijas Vēstnesis*, 25.09.2002., Nr.137

<sup>12</sup> Upon the condition that this cannot hinder performing urgent duties of military service.

### 3. THE CHAPLAINCY IN PUBLIC INSTITUTIONS

#### 3.1. The Chaplaincy in the Armed Forces (historically, status, appointment, revocation, funding, etc.)

The Ministry of Defence considers that the origins of the chaplaincy service date back to 1991, when one of the largest Latvian churches - the Evangelical Lutheran church - delegated its first representative to work in the Armed Forces. In 1993 the Ministry of Defence signed an agreement with the Orthodox, Baptist, Catholic and Lutheran churches on creating the Chaplaincy Service of the National Armed Forces. The agreement dealt with cooperation between the State and churches in the field of chaplaincy services. Currently there are 10 chaplains in the Armed Forces, of whom eight belong to the military staff (professional soldiers) and two are private individuals (contract workers). Chaplains are also active in the Latvian Naval Forces. Chaplains - military personnel - are part of the command structure; they are uniformed soldiers with the appropriate service ranks. This helps the chaplain to better integrate into the military environment and allows them to go with soldiers on military missions without obstacles. The Ministry of Defence of the Republic of Latvia holds that a chaplain will always be one of their own and an outsider at the same time. The uniform and being together with soldiers gives him the opportunity to become one of their own, someone is always accessible, listens and is ready to help, whereas the duties of a clergyman are separated from soldiers' daily life. The military chaplain of the Latvian army is like the voice of consciousness of the unit's commander. The deeper the relationship between the commanders and the chaplain, the greater the possibility of improving the soldier's morals. In those military units where chaplains are active, soldiers' morals have improved, instances of hazing decrease, and relationships improve. Thus, the tasks entrusted to the unit are performed to a higher standard. In times of peace the chaplain helps soldiers get used to army life, and usually commanders entrust the chaplain to talk with soldiers who have committed disciplinary violations or about whom there are concerns about possible addictions: gambling, alcohol, etc.

The Cabinet Regulation on Chaplaincy Service (Paragraph 6) provides that:

a chaplain is employed by the Commander of the National Armed Forces or the Head of the Prison Authority, or the administration of an airport, a port or a station of road transport, or the administration of a medical treatment or social care institution (hereinafter, the respective institution). A chaplain is enrolled in professional service by the Minister for Defence or a commander (head) authorised by him.

The Ministry of Defence states that until now the Chief of Chaplains has cooperated with the bishops of Christian denominations, who have authorised specific clergyman to perform a chaplain's duties. That is, chaplains are authorised by a church, and the church may revoke their mandate. The Chief of Chaplains is an army official, and evaluation of the compliance of the chaplains' activities falls

within his competence. Paragraphs 11-15 of the Regulation deal only with the issues of chaplains in the National Armed Forces, establishing that chaplains may be private individuals or members of the military, although they do not bear weapons. In view of the fact that Latvia, by signing an international agreement with the Holy See, recognizes the exclusivity of the Roman Catholic Church in the field of military chaplains, on the issue of chaplains' subordination, the issues of spiritual and military subordination are tactfully separated. Paragraph 15 of the Regulation provides that:

In administrative issues, Chaplains of the National Armed Forces fall under the authority of the head of the military structural unit (commander of the unit); in issues that are related to chaplains' activities, they shall fall under the authority of the Chief of Chaplains of the National Armed Forces, but in religious issues, they fall under the authority of their respective religious association (church).

In the National Armed Forces the chaplains' activities are managed by the Chief of Chaplains of the National Armed Forces, who falls under the direct administrative authority of the Commander of the National Armed Forces (Paragraph 15). There is very good inter-denominational cooperation in the Latvian Armed Forces, based upon religious tolerance and neutrality, as well as an understanding of shared work for the benefit of the State.

Chaplains are required to have a bachelor's-level theological education and practical experience in serving in one of the churches (a clergyman's experience is preferable); recommendation by the head of his church is also essential. Chaplains must undergo military training in the Basic Specialist Officer Course and Senior Specialist Officer Course at the Latvian National Defence Academy. The chaplain's duties are to regularly hold public worship and services in the army, as well as to ensure various memorial events at cemeteries and other memorial sites. The chaplains also regularly make speeches when the units are seen off (to peace keeping missions), at ceremonies for replacing commanders, administering the oath, and discharging into the reserves, and at anniversaries of units and other traditional events.

### 3.2. The Chaplaincy in Hospitals (historically, status, appointment, revocation, funding, etc.)

Thanks to some enthusiasts and the support by the major churches (Roman Catholic, Evangelical Lutheran, Orthodox), the development of chaplaincy service started at the same time Latvia regained independence in 1990-1991. Some hospitals in Latvia were equipped with chapels, where the hospital administrations allowed clergyman of various denominations and volunteers to work. For example, in Lutheran congregations diaconal employees serve there. In Roman Catholic congregations these are sisters of the Legion of Mary and nuns from nunneries of different orders,

and in the Orthodox congregations there are priests and nuns<sup>13</sup>. Ecclesiasts work as volunteers, without receiving remuneration from the budget of social care institutions. In hospitals the duties of chaplains are performed by ordained ministers. The Ministries of Health and of Welfare, which are responsible for national policy, left the chaplaincy service to fend for itself, allowing hospitals and social care institutions to choose pastoral care according to their own views. Also, the Ministries were against the possible consolidation of the chaplaincy service on the regulatory level. This was most obvious in 2001, when in connection with the drafting the Cabinet Regulation, consultations with regard to establishing chaplaincy service were held with the Ministries<sup>14</sup>. The reason for their opposition was lack of financing and serious problems in the functioning of the health and social care system itself. The situation today continues to be similar, and pursuant to Paragraph 20 of the Cabinet Regulation on Chaplaincy Service of 2011, the financial, material and technical provisions for the chaplains' work is ensured by the respective state or local government institution from the budget resources allocated for this purpose or a capital company with which the chaplain has a legal employment relationship. Pursuant to Paragraph 19 of this Regulation, chaplains in professional health care institutions are medical support personnel, who provide spiritual care to the patients and personnel of medical treatment facilities, providing moral support and any necessary advice on religious issues in compliance with regulations on the competence of medical support personnel in medical treatment. Chaplains in social care institutions provide spiritual care to the personnel of social care institutions and to the people residing in these institutions in accordance with their competence, providing moral support and any necessary advice on religious issues.

In the 1990s a clergyman in a hospital was «an outsider», who acted independently, without cooperating with other staff members. Initially clergymen held that their main function was performing religious rituals; however, starting in 2001 the understanding of pastoral care in hospital gradually changed. Performing denomination-oriented rituals was replaced by care offered to all patients, irrespective of their beliefs and world view. These changes were brought about by exchange visits and trainings organised by the USA. In Latvia one of the university hospitals (Pauls Stradiņš Clinical University Hospital) has a well-developed chaplaincy service, which

<sup>13</sup> From Danas Kalniņa-Zaķe master's thesis «Klīniskās pastorālās izglītības kursa dalībnieku pieredze Latvijā - kvalitatīvs pētījums» [Experience of Participants in Clinical Pastoral Education Courses in Latvia - a Qualitative Study] (Latvijas Universitāte, 2012).

<sup>14</sup> The Ministry of Welfare, responsible for hospitals and social care institutions, in 2001 declared that the chaplaincy service was unnecessary in this field, since churches that were adjacent to these institutions could fully satisfy the demand for religious services. I.e., «in case of necessity, a minister's care is accessible to persons in social care and medical treatment institutions, and there are no significant obstacles for ensuring it».

has undertaken to prepare a professional clinical pastoral training programme for the present and future providers of spiritual care for the needs of hospitals, social care institutions and other various institutions.

Even now there are hospitals and social care institutions which refuse to establish a job vacancy for a chaplain, using as a pretext the lack of financing, lack of interest among patients and sufficiently good cooperation with the local clergy. Thus, hospitals in Latvia can be divided into three groups: (1) hospitals equipped with chapels and chaplains on the staff; (2) hospitals equipped with chapels, but without chaplains; (3) hospitals without chapels and without chaplains.

Hospitals which have chapels and chaplains on their staff constitute approximately one third of all hospitals. At the hospitals, chaplains, who come from the Catholic, Lutheran, Orthodox and Baptist churches, not only provide spiritual care to the patients and cooperate with social workers, but also are spiritual caregivers to the medical staff. Pauls Stradiņš Clinical University Hospital must be singled out in particular for its chaplaincy service. At the hospital this service is called the Spiritual Care and Social Work Service. The service is headed by D. Kalniņa-Zaķe, who is also the head of the Association of Latvian Professional Health Care Chaplains, and not only organises the work of hospital chaplains, but also serves as a model for chaplains in other fields. In this particular hospital not all spiritual caregivers or hospital chaplains are ecclesiasts, i.e., ministers, because the Evangelical Lutheran Church, similar to the Roman Catholic Church, accepts people who have not been ordained, but who have theological education as hospital chaplains. The chapel has been functioning at the hospital since 24 November 1991, when it was consecrated by the archbishop of the ELCL [Evangelical Lutheran Church of Latvia], who was, at the time, K. Gailītis. Pursuant to information provided by the Ministry of Health, remuneration for chaplains is 600 euro (before taxes). The intensity of chaplains' work depends upon the number of patients and the mutual agreement between the institutions and chaplains. Thus, for example, at the «Ģintermuiža» Hospital, the chapel is open to any interested person three times per week from 8:00 to 14:00. It should be added that this hospital's chapel (like of many others) was established thanks to private donations.

In the second group, in hospitals that have chapels, but do not have chaplains, worship of God or services are held, though irregularly. The priests from local Evangelical Lutheran, Orthodox and Roman Catholic churches organise these events for hospital patients. Chapels are usually closed, but are accessible to patients upon request.

In some such hospital chapels, volunteer chaplains act, but they are not financed from hospital budgets. This approach, where chapels are set up, but there is no remunerated chaplain, was already outlined in 2000, when hospitals, being unable to ensure a salary for the chaplain, nevertheless were able to maintain a chapel for prayers.

In the third group, i.e., in hospitals that have neither chapels nor chaplains, the hospital administrations mainly explain the absence of chaplains by low interest on

the part of patients. State social care centres without chapels and chaplains also must be included in this group.

The development is slow, but there are hospitals that choose chaplaincy service and, upon setting up a chapel, also start developing a chaplaincy service. Thus, for example, at Jēkabpils Regional Hospital, thanks to an initiative by non-governmental organisations, a chapel was set up in 2016 and a chaplain will start working there. In some hospitals, chapels have been set up for the performance of religious functions which are called prayer rooms or denomination rooms. Currently a trend can be observed that, due to the intense workload of doctors and other hospital staff, it is impossible to develop a personal relationship with every patient and provide sufficient support to patients and their relatives in mentally difficult situations; likewise, their spiritual needs cannot be provided for, and therefore the work of a professional chaplain at health care institutions is advisable. Hospital administrations lack the understanding that a priest is not the same as a professional health care chaplain because the functions of a priest belonging to a certain denomination are limited; i.e., he/she visits only those patients/relatives that belong to their denomination or, in the best case, religion/tradition. Moreover, this priest, being an outsider, does not work with the staff and does not act as a member of the team.

### 3.3. The Chaplaincy in Penitentiaries (historically, status, appointment, revocation, funding, etc.)

The work of chaplains in penitentiaries is organised by the ecumenical chaplaincy service of the Prison Administration, which was established in the mid-1990s on the basis of experience adopted from the US Baptists. The Sentence Execution Code of Latvia, adopted in 1994, provides that a chaplaincy service should exist in institutions for the deprivation of liberty<sup>15</sup>.

Currently the service is managed by a representative of the Pentecostal congregation, who has a particular rank of service at the Prison Authority. The substantiation and basic principles of the Prison Authority chaplaincy services have been defined in the Sentence Execution Code of Latvia, Law on the Procedures for Holding under Arrest, and the United Nations Minimum Standard Rules for the Treatment of Prisoners (adopted in 1955). Likewise, the regulations established in Cabinet Regulation No. 134, Cabinet Regulation No. 423 of 30 May 2006 «Internal Regulations of an Institution for Deprivation of Liberty», Cabinet Regulation No. 800 of 27 November 2007 «Internal Regulations of a Remand Prison» are also applicable.

<sup>15</sup> Balodis R. Valsts un Baznīca. [State and Church] -Rīga: Nordik, 2000. - 230.lpp.



The activities of the chaplaincy service are also defined in the internal regulatory enactments of the Prison Administration: Regulations on the Chaplaincy Service of the Prison Administration and the Prison Administration Code of Ethics.

Currently spiritual care to inmates of penitentiaries is provided by: five representatives of the Latvian Evangelical Lutheran Church; one Roman Catholic Metropolitan Curia of Riga, four representatives from the Association of Latvian Baptist Congregations, three members of the Association of Latvian Seventh-Day Adventist Congregations, and three representatives of the Latvian Association of Pentecostal Congregations of the International Pentecostal Church of Christ. At present there are 11 penitentiaries in Latvia; according to the law and regulations there is one chaplain per three hundred inmates, whereas elsewhere in the world this proportion is 1:150 or 200. Currently there are approximately 4 800 prison inmates in Latvia, which means that according to the existing proportion there should be 16 chaplains.

Pursuant to the Cabinet Regulation of 2011, the structure of the Prison Administration chaplaincy is determined by the head of the Prison Administration. Every time a religious organisation proposes a new candidate for chaplain vacancies in prisons, the Administration convenes a sitting of the Advisory Council on Religious Affairs (hereinafter, the Council). Representatives of all those religious organisations which, pursuant to Cabinet Regulation No. 134 of 26 February 2011 «On Chaplaincy Service», may propose candidates participate in this Council sitting. The Head of the Administration, in employing new chaplains, also examines the decision adopted by the Council's meeting with regard to each candidate for the position of chaplain. All vacancies for employees of the Prison Administration are classified in accordance with the requirements of Cabinet Regulation No. 1075 of 30 November 2010 «Catalogue of Positions at State and Local Government Institutions» (hereinafter Regulation No. 1075). According to Annex 1 to Regulation No. 1075 and the obligations defined in the description of the position, the position of chaplain is included in the 39<sup>th</sup> group of positions (Social Work); this group comprises positions that are linked to social care and rehabilitation for particular social groups. The legal employment relationship between a prison chaplain and the respective institution may be terminated on the basis of the provisions of Paragraph 6 of Section 101(1) of the Labour Law, i.e., an employer has the right to terminate an employment contract if the employee lacks sufficient professional abilities to perform the work he has been contracted for.

Chaplains' obligations include providing spiritual care to detained and sentenced persons and to the staff members of penitentiary institutions; providing moral support and any advice needed on religious and ethical issues; as well as organising religious services, concerts, and film screenings followed by discussions, or classes for studying religious literature and other events. Chaplains see to it that prisons have religious literature and facilitate the implementation of programmes that would lead to changes in the inmate's values, behaviour and motivation. Prison chaplains develop contacts with religious and public organisations with the aim of involving them in the spiritual

care and social rehabilitation of sentenced persons. They also ensure that all inmates have access to a priest of a particular denomination, and upon the inmates' request, organise meetings with representatives of Christian denominations registered in the Republic of Latvia. In view of the number and variety of spiritual care events held at penitentiary institutions, as well as the involvement of various religious organisations in inmates' spiritual care, there are grounds to consider that chaplains working in penitentiary institutions ensure the inmates' right to religious freedom in accordance with the provisions of regulations<sup>16</sup>. Since 2011, officials and chaplains of the Prison Administration, in cooperation with the Roman Catholic Church Chaplaincy Service, have prepared sentenced persons for pilgrimage and ensured that the inmates would have the possibility to participate in the Pilgrimage to Aglona. In the period from 2004 to 2015, chaplains working in penitentiary institutions, in cooperation with religious organisations working in Latvia, have organised for inmates services, concerts of sacred music, classes for studying religious literature, individual pastoral discussions and consultations, as well as film screenings followed by discussions. Moreover, chaplains, by involving representatives of various religious organisations, have managed and organised Christian education and upbringing programmes<sup>17</sup>.

#### 3.4. The Chaplaincy in the Other Public Institutions: Police, Airports, Parliament, Municipalities (historically, status, appointment, revocation, funding, etc.)

Due to the negative attitude of the Ministry of Education and Science<sup>18</sup> towards the chaplaincy service, this service has not been established and is not envisaged in institutions of education. Likewise, the institutions of the Ministry of Interior (border guard and police) have neither chapels nor chaplains, because of the same attitude. It was argued that the staff members of these institutions have access to care provided by regular ministers.

A strong chaplaincy service had been operating at the airport since the beginning of the 1990s; however, with the change of the airport's management a couple of years ago, the institution's view on the expediency of this institution changed as well. Currently there are no chaplains at the airport; only the chapel remains. This particular case is a vivid example, showing that the development of chaplaincy service in Latvia to a large extent depends upon the particular situation and not upon political strategy.

<sup>16</sup> Tieslietu ministrijas valsts sekretāra vietnieka tiesību politikas jautājumos p.i. I.Gratkovskas 2016.gada 14.janvāra vēstule nr. 0 - 11/142 12.Saeimas deputātam Ringoldam Balodim.

<sup>17</sup> Ibid.

<sup>18</sup> Izglītības un zinātnes ministrijas valsts sekretāra vietnieces V.Egles 2001.gada 9.februāra vēstule Nr.1-10/118 Tieslietu ministrijai.

As with some hospitals, a chapel has been set up at the Latvian parliament, but a chaplain is not employed. A scheduled service at the Saeima's chapel is announced on the parliamentary webpage at the beginning of the week, providing information about the religious denomination<sup>19</sup> to which the priest who will conduct the service belongs. This worship conducted by a minister is held on Thursdays, half an hour before the weekly plenary session. Only the members and the employees of the Saeima are invited, since a pass issued by the parliament is required to enter the chapel. The tradition of organising worship started in the fifth Saeima at the initiative of the minister Aida Prēdele, the chairperson of the faction of the Association of Latvian Christian Democrats and a member of the parliament. Since at that time the chapel had not yet been built in the Saeima, upon the request and with the support of the Presidium of the fifth Saeima, worship was held in the Green Hall, at 11 Jēkaba Street. The Green Hall, as the site of worship, was visited by the Pope of the Roman Catholic Church John Paul during his visit in September 1993<sup>20</sup>. The administration of the parliament notes that worship at the Saeima chapel is attended by approximately 10 people<sup>21</sup>, but the chapel was established in 1998, «following the practice of the parliaments and institutions of European states». They also underscore the Christian meaning of the chapel: «The crucifix, which clearly proves the chapel's belonging to the Holy Trinity, was created by sculptor Jānis Bārda and was donated to the Saeima and consecrated by all Christian denominations»<sup>22</sup>.

No chapels have been set up in local governments.

<sup>19</sup> <http://taurid.saeima.lv/LIVS/SaeimasNotikumi.nsf/0/C6B1B979C36723EBC2257F1400377649?openDocument&notice=1>.

<sup>20</sup> Saeimas ģenerāļsekretāres K.Pētersones 2015. gada 4. decembra vēstule Nr. 511.12.-2 - 12/15 Tiesību zinātņu pētniecības institūta valdes priekšsēdētājam R. Balodim.

<sup>21</sup> Worship in the Saeima Chapel is led by the ministers from three largest Christian denominations: Lutheran, Catholic and Baptist, taking turns. During the last decade more than 30 ministers have served in the Saeima Chapel. On average 37 services are held annually. The equipment of the Chapel is not suitable for Orthodox priests to hold services there. Occasionally services are also held by chaplains of the National Armed Forces at the Saeima Chapel (according to their denominations).

<sup>22</sup> In 2013 the administration of the Saeima did not allow a Hindu prayer service to be held at the Saeima Chapel. Hindu Rajan Zed, feeling indignant, addressed a letter to President of the Republic of Latvia Andris Bērziņš, Speaker of the Saeima Solvita Ābolīņa and Prime Minister Valdis Dombrovskis, asking them to be more open to other religions, as well as to support the entering of such religions into the Saeima, thus «expanding the common understanding». The fact that Christianity was the main religion in Latvia and that there were no plans to change the existing order were quoted as the grounds for refusal.

(<http://www.delfi.lv/news/national/politics/atteikums-novadit-lugsanu-saeimas-kapela-sadusmo-hinduistu-parstavi.d?id=42957306>).

#### 4. ISLAMIC CHAPLAINCY IN PUBLIC INSTITUTIONS

At the moment Muslim clergymen cannot be employed as chaplains, although Muslim clergyman may be allowed to provide spiritual care in the relevant public institution. The Law on Procedures of Holding under Arrest, the Law on the Sentence Execution Code of Latvia and the Regulations of the Cabinet of Ministers entitled «Regulations of Internal Order of Imprisonment Institutions» set out more detailed provisions on the matter<sup>23</sup>.

#### 5. CHAPLAINCY UNIONS

In 2005, representatives of a number of denominations (Roman Catholic and Evangelical Lutheran), together with the Salvation Army in Latvia, united in the Association of Latvian Professional Health Care Chaplains, which should be considered an informally established inter-denominational movement. This association closely cooperates with hospitals, and the majority of hospital chaplains are members of the Association. Training in this sector is held in close co-operation with the Association<sup>24</sup>.

The Association of Prison Chaplains also exists; however, only those chaplains who have an employment contract with a penitentiary institution are admitted to it<sup>25</sup>.

<sup>23</sup> Danovskis E. Annotated Legal Documents on Islam in Europe: Latvia. Ed. Jørgen S. Nielsen The Netherlands 2016- p. 52

<sup>24</sup> Paula Stradiņa klīniskā universitātes slimnīcas 2015.gada 22.decembra vēstule Nr. 5.1-1.2/2014 vēstule Latvijas Republikas Veselības ministrijai

<sup>25</sup> Some consider this to be absurd, since a chaplain's status cannot be ensured by an employment contract, but can be obtained through education and a decree by the Church. In view of the fact that currently the representatives of traditional churches are the minority in prisons, they are also a minority in the Association. Thus, representatives of non-traditional churches, who have the power in the Association, are artificially holding on to this and represent only their own point of view, but other chaplains cannot join the association unless they have an employment contract with any of the structural units of the Prison Administration. Moreover, the Catholic chaplains, who do this work as volunteers, because this is their calling and they have been appointed by the Church, are called «self-proclaimed» chaplains.