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## SERBIA: Religious freedom survey, February 2009

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*In its survey analysis of freedom of thought, conscience or belief in Serbia, Forum 18 News Service notes that the most serious remains violent attacks, especially on Jehovah's Witness and Adventist property. The numbers of these attacks have been declining, and a crucial factor in this has been positive changes in media portrayals of non-Serbian Orthodox communities. Gaining legal status is difficult for communities defined by the Religion Law as "non-traditional" who must apply for recognition, and may face apparently arbitrary denials of status. This leads to practical problems for some communities, such as an inability to employ people. Restitution of confiscated property is a problem for most religious communities, including the Serbian Orthodox Church which suffered most communist-era confiscations. Legally, restitution of Jewish property confiscated in the Second World War is also difficult. Education is a sensitive issue, with problems such as negative portrayal of "non-traditional" communities in school religious education.*

According to the latest 2002 census, 96 per cent of the Serbian population of almost 7.5 million people claims a religious affiliation. Roughly 84 per cent belong to the Serbian Orthodox Church, 5.5 per cent to the Catholic Church, 3.6 per cent to the Islamic Faith Community, and 1.1 per cent to various Protestant churches and religious communities such as the Jehovah's Witnesses, Baha'is, and Hare Krishna devotees.

### Violent attacks

The most serious problem affecting religion or belief in Serbia has been violent attacks, along with the problem of the authorities having shown a lack of willingness to catch and convict the attackers. However, annual surveys by Forum 18 News Service have shown that the numbers of attacks are declining, with fewer attacks in 2007 and 2008 compared to previous years.

Serbia's desire to join the European Union, along with politicians placing greater weight on Serbia becoming a more open country, appears to be influencing popular attitudes, and hence the possibility of attacks. Many of the attacks and threats against "non-traditional" religious communities appear to be by extreme nationalists who think that the communities are in some sense traitors to the nation. The current government under Prime Minister Mirko Cvetkovic is seen as pro-European and does not see all that is not Serbian or Orthodox as automatically anti-Serbian. Example of these changes in social attitudes were seen in media reporting, which in 2008 have been notably less hostile to religious minorities, and less prone to describe them as "dangerous sects". Media attacks still continue though, often including claims that "non-traditional" communities are in the pay of foreign intelligence agencies.

Some members of smaller religious communities have expressed fears that they may not be fairly represented by the media, after the July 2008 appointment of Serbian Orthodox Bishop Porfirije (Peric) of Jegar as the President of the council of the Republican Broadcasting Agency (RBA). The RBA is the state body regulating the mass media, and Bishop Porfirije is known to be opposed to "dangerous sects."

As previously, most physical attacks have been on Seventh-day Adventist and Jehovah's Witnesses properties, and attacks on Church of Jesus Christ of Latter-day Saints (commonly known as Mormons) properties have risen. As in earlier years, a number of Serbian Orthodox churches and monasteries have also suffered attacks. Attacks on some Jehovah's Witness and Seventh-day Adventist properties have become so common that community members have stopped counting how many times they have been attacked.

There is a lack of consistency in whether attackers are arrested and court proceedings brought against them. The 2006 Serbian Constitution guarantees freedom of religion, and bars the fomenting of religious intolerance and hatred. However, members of religious minorities have told Forum 18 that these ideals have yet to become reality in their daily experience.

Dr Dragan Novakovic, the Deputy Religion Minister, told Forum 18 on 26 November 2008 that the police and judicial authorities do not provide his Ministry with adequate information. Novakovic also regretted that attackers are usually charged with violating public order, instead of - where appropriate - the more serious charge of inciting or exacerbating national, racial, or religious hatred - which carries higher penalties than public order charges. Novakovic told Forum 18 that the Ministry is determined to reduce attacks. "We

will need years to get it down to an acceptable level, but we are determined to do it."

## Legal status

The 2006 Religion Law – which was passed against strong protests from religious communities and human rights defenders - divides religious communities into two basic categories:

- seven "traditional" religious communities who received automatic registration. These are the Serbian Orthodox Church; the Catholic Church; the Slovak Lutheran Church; the Reformed Church; the Evangelical-Christian Church (another Lutheran Church); and the Islamic and Jewish communities. The Vicariate of the Romanian Orthodox Church in the Banat - under the Serbian Orthodox Church – later gained "automatic" legal status. Both the Greek and Latin-rite Catholic Churches were registered as one church. All other faiths lost their legal status under the Law and had to re-apply for state registration, even those such as the Apostolic Church of the Nazarenes, Baptists and Adventists who had been active in Serbia for over a century;

- and "non-traditional" communities who must apply to the Religion Ministry for registration. Religious communities seeking legal status must have founders "comprising at least 0.001 percent of adult citizens" according to the last official census. As the 2002 Census states that Serbia had 7,498,001 citizens, so 75 Serbian citizens are needed to register a religious organisation. However, the Religion Ministry in 2006 arbitrarily raised this number by 25 to 100 citizens. Then Religion Minister Milan Radulovic told Forum 18 that this was because the Census had not included Kosovo, but the move heightened concerns among religious "non-traditional" communities and human rights defenders over official arbitrariness.

Parliament decided on 19 January 2009 that "traditional" religious communities are exempt from paying administrative taxes, unlike registered "non-traditional" religious communities.

Members of Serbian "non-traditional" religious communities have complained to Forum 18 that they still suffer discrimination from officials. No non-Christian religious communities other than those recognised as "traditional" – Jews and Muslims – have been registered under the Religion Law, thus communities such as the Baha'is and Hare Krishna devotees are without formal legal status. Without legal status, it is legally impossible for religious communities to carry out activities such as running bank accounts, inviting foreign religious workers to work with them, owning property, paying tax, buying or selling anything, publishing literature and having employees.

Some religious communities known to Forum 18 without legal status are able to function. There does not appear to be a pattern in why some communities are practically affected but not others, and the Religion Ministry itself is not actively harassing unregistered organisations. The Ministry has given some unregistered communities – which were registered under the 1977 Serbian republican Religion Law – unofficial statements stating that they are not required to register under the 2006 Law. In this way, the Ministry hopes that problems with banks and local authorities may be minimised. It also hopes that this goes some way to solve the problems caused by a clash between the Religion Law – which stated that re-registration within one year was compulsory – and the Regulations implementing the Law, which stated that re-registration was not compulsory.

Several unregistered religious communities are challenging the decision not to register them. These include the Jehovah's Witnesses, the Seventh-day Adventist Reform Movement, and the Montenegrin Orthodox Church, which is not recognised by other Orthodox churches.

Eleven "non-traditional" communities have been registered. These are the Seventh-day Adventists, United Methodist Church, the Church of Jesus Christ of Latter-day Saints (commonly called the Mormons), the Evangelical Church of Serbia, the Church of Christ's Love, Christ's Spiritual Church (UPC), the Church of God (Cleveland, Tennessee), the Apostolic Church of the Nazarenes, Baptists (one of two official Baptist unions), the Plymouth Brethren and the Protestant Christian Fellowship.

Some communities – such as the Baha'is and smaller Protestant churches also face the problem that they do have enough members to be registered. A number of smaller communities have considered trying to register as non-governmental organisations (NGOs), but as a draft NGO Law has not been passed by Parliament it is unclear when this will be legally possible. Some, such as the Seventh-day Baptists and Hare Krishna devotees have previously tried to register with the Ministry of State Administration and Local Self Government as citizens' associations (NGOs). But this Ministry has refused to register them, stating that this is a Religion Ministry matter.

Deputy Religion Minister Novakovic told Forum 18 on 24 February that "we need to find a way to solve the problem of the two per cent of the population, whose religious communities were not able for some reason to get registration."

## Restitution of confiscated property

A Restitution Law, hastily passed in 2006 shortly after the Religion Law, left it unclear how the complex legal problems of restoring land confiscated from religious communities in the communist period would be resolved. This is especially the case for communities, such as Kalmykian Buddhists, with no unambiguously clear legal successor. It is also a problem for those – such as

Adventists and Baptists - whose property was in the 1920s and 1930s formally owned by private individuals or companies, even though it was in practice owned by the church. Property such as formerly-Catholic and formerly-Methodist hospitals is barred from return. But some religious communities hope to regain some property, such as Catholic and Serbian Orthodox land given to the churches in the eighteenth century by the Habsburg Empress Maria Theresa.

The Serbian Orthodox Church asked the Finance Ministry to extend the deadline for restitution claims from 30 September 2008 to 31 December 2009, however this was not done. The request had a very strong justification, as the state body overseeing restitution did not start its work until a year later than it should have done, and was under-staffed. This meant that restitution claims had to be submitted with not enough time to prepare the legal documentation needed. Also, some properties were sold by the state despite this being forbidden by the Restitution Law. On 5 September 2008, the Gornja Trepca health resort, which had been the Vujan Serbian Orthodox Monastery, was sold contrary to the Law. It had been confiscated by the communist authorities in 1946.

The Serbian Orthodox Church has applied for the restitution of 1,100 properties, the Catholic Church for 300 properties, the Jewish community for 200 properties, and the Slovak Evangelical (Lutheran) Church for 100 properties.

Deputy Religion Minister Novakovic told Forum 18 that "the Jewish community has the biggest restitution problem, as the Law applies to property confiscated after 1945, but the majority of Jewish properties were confiscated during the 1941-45 German occupation." Novakovic hopes that a planned general law on restitution will solve this problem.

#### Other property problems

Problems in acquiring and using property are experienced mainly by "non-traditional" communities. One example is the Baptist Union's building in Belgrade, which it purchased in 1977, and which continues to be refused a renovation permit by city authorities.

The Serbian Orthodox and Slovak Evangelical churches, and the Jehovah's Witnesses, in Kovacica, a village with an ethnic Slovak majority 50 kms (35 miles) north of Belgrade, have been waiting since mid-2008 for building permits from the Religion Ministry. Permission is necessary from the Religion Ministry for places of worship to be built. Both the Serbian Orthodox Church and the Slovak Evangelical Church are "traditional" communities with legal status. Although the Jehovah's Witnesses do not have legal status, the Religion Ministry has indicated that they can apply for building permission as they were registered when the previous Religion Law was in force. It is unclear while all three communities are still waiting for permission from the Religion Ministry.

#### Other forms of official discrimination

"Non-traditional" communities also complain that their members sometimes experience other forms of official discrimination. Jehovah's Witnesses, for example, suggest that their members often lose child custody if their members are involved in a divorce case with a non-Jehovah's Witness spouse.

In December 2008, the southern municipality of Zitoradja (population 18,207) stated that it will give 20,000 Serbian Dinars (1,870 Norwegian Kroner, 215 Euros, or 270 US Dollars) to any new-born baby in the Municipality. However, apart from the normal birth registration documents, Zitoradja Municipality also asked for proof that "the child is baptised in a church" - without specifying which church. This caused many protests, as it discriminated against everyone's freedom of religion or belief, including atheists, agnostics, Muslims (many of whom are from the Roma people), and Christians who do not believe in infant baptism. Following the protests, Zitoradja removed the requirement for proof of baptism in February 2009.

#### Education

Theological faculties of the "traditional" communities are formally eligible to receive state accreditation and grants for free higher theological education for a specified number of students, according to the size of their religious community. However, by the end of 2008, the Religion Ministry and the Education Ministry had granted recognition to two secondary schools and two theological faculties. The recognised schools are the Catholic gymnasium in Subotica, and a "non-traditional" Seventh-day Adventist gymnasium in Novi Sad. The recognised theological faculties are the Serbian Orthodox Theological Faculty in Belgrade, and the Catholic Theological Faculty in Subotica. The Religion Ministry states that no Serbian Orthodox Church secondary schools – for example from Sremski Karlovci - have applied for recognition, so they are not recognised.

Muslims from the Sandzak have stated that they perceive the Religion Ministry as being on the side of the "traditional" registered Islamic community in a conflict within the Islamic community. The situation is unclear, but Forum 18 has seen Religion Ministry documents noting that the Ministry is giving both rival Islamic communities more financial support than their percentage share of the population would technically entitle them to. This is especially the case in the support of Islamic religious education within medresas, even though these are not recognised by the state.

Complaints are made that religion classes in schools give children negative impressions of members of "non-traditional" communities. In a typical example, Forum 18 was told by three Belgrade schoolchildren of comments that their religion teachers, who are appointed by the Orthodox Church, had made in three separate schools. In one school the teacher stated that "Protestants do

not exist in Serbia," and in the other two schools that "Protestants are sects." One Belgrade religion teacher very well known to Forum 18 stated on 24 February that the curriculum for Orthodox primary school children does not include teaching about either non-Orthodox Christian churches, or non-Christian religions.

Optional religious education in the first years of both primary and secondary schools is available only for the "traditional" religious communities. Forum 18 was not able to obtain the official statistics of how many children attend religious classes, and how many attend alternative non-religious ethics classes. In the Serbian capital Belgrade, only the Serbian Orthodox has religious education in schools. The children of members of other "traditional" communities, such as Catholics or Muslims, attend classes at their church or mosque.

There are reports of children – such as from Jehovah's Witness families - being forced to attend Serbian Orthodox liturgies, even when their parents clearly request that this does not happen. One such incident known to Forum 18 happened when a Belgrade school class was taken to a St Sava's Day liturgy on 27 January 2009.

Initiatives on religious education which respect freedom of religion or belief, such as the Organisation for Security and Co-operation in Europe's (OSCE) "Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools" (see <http://www.osce.org/odihr/29154>), do not appear to have been taken up.

Education remains a sensitive area, and there are even claims the members of "non-traditional" religious communities (such as Protestants or Jehovah's Witnesses) have not been offered jobs as teachers in recent years, if their religious affiliation is known. (END)

More articles on freedom of thought, conscience and belief in Serbia are at <http://www.forum18.org/Archive.php?query=&religion=all&country=53&results=50>.

A survey of attacks on religious minorities from September 2007 to October 2008 is at [http://www.forum18.org/Archive.php?article\\_id=1224](http://www.forum18.org/Archive.php?article_id=1224).

A personal commentary, by an Austrian lawyer, arguing that Serbia should not follow Austria's system of dividing religious communities into different categories with differing legal rights is at [http://www.forum18.org/Archive.php?article\\_id=403](http://www.forum18.org/Archive.php?article_id=403).

The previous Forum 18 Serbia religious freedom survey is at [http://www.forum18.org/Archive.php?article\\_id=387](http://www.forum18.org/Archive.php?article_id=387)

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at [http://www.forum18.org/Archive.php?article\\_id=806](http://www.forum18.org/Archive.php?article_id=806).

A printer-friendly map of Serbia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl>, under the title 'Serbia and Montenegro'.

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