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SERBIA: Orthodox veto on new religion law?

By Branko Bjelajac, Forum 18

The long delay in completing the text of a new religion law is being caused by the Serbian government waiting for comments from the Serbian Orthodox Church, sources close to the government have told Forum 18 News Service. The government is not commenting on the cause of the delay. "There are no statements for the press and no information," Religion Minister Milan Radulovic told Forum 18. "When the time comes, all will be informed." Earlier drafts of the law met strong criticisms from religious minorities and the Council of Europe, and there seems to be a level of legal confusion which has led to Serbia's Baptist Union facing a suspended fine.

Sources close to Serbia's government have told Forum 18 News Service that officials are waiting for the Serbian Orthodox Church to present its view before completing the text of the proposed new religion law, that has aroused strong opposition from the country's religious minorities (see F18News 22 February 2005 http://www.forum18.org/Archive.php?article_id=518). However, the religion ministry has refused to say what has happened to the draft. "At the moment there are no statements for the press and no information," Religion Minister Milan Radulovic told Forum 18 in the capital Belgrade on 12 May. "When the time comes, all will be informed."

The draft law disappeared from public view in mid-March after the religion ministry suddenly cancelled the participation of invited guests from various religious communities at a roundtable organised jointly with the Organisation for Security and Cooperation in Europe (OSCE) and Council of Europe missions in Serbia. However, the roundtable went ahead on 17 March behind closed doors.

"The OSCE invited us to attend the roundtable, but the meeting was postponed," Dr Zdravko Sordjan, general secretary of the Belgrade-based Centre for Tolerance and Inter-religious Relations (formerly the Association for Religious Freedoms), told Forum 18. "Later we learned that the meeting was held after all - but without us. It is still not clear what happened." He said his group had intended to contribute to improving the text of the draft law, holding several meetings to discuss the freedom of religious expression and the status of religious communities. "We wanted to communicate our findings to religion ministry officials."

The roundtable had been planned for early March and was then postponed to 17 March. On the day of the event, the invited religious representatives were told by telephone it had been cancelled. The meeting that took place was therefore closed to the public, the media and even religious communities. Forum 18 learned that at that meeting two expert opinions of members of the Council of Europe Venice Commission (European Commission for Democracy Through Law) were presented.

The Venice Commission's opinion (no. 334/2005), prepared in response to a 20 January letter from religion minister Radulovic and adopted at its session in mid-March, was highly critical of elements of the draft law. Its recommendations were:

"to restrict the scope of the law to the legal procedure of registration and the administrative-legal regime of 'religious organisations',

- to provide that the present law does not restrict the general guarantees of freedom of conscience and religion provided by the European Convention, especially to the benefit of every individual, affiliated or not, national or not, and to the benefit of every non-registered group,

- to propose a more coherent conception of the legal status of canon laws and ecclesiastical decisions,

- to restrict the discretionary power provided by the draft law, especially by improving some procedures of judicial review,

- and to maximise some concrete guarantees for the protection of pluralism and to limit to an honorary precedence the particular status and the 'State-building-role' of the Orthodox Church."

Vidan Hadzi-Vidanovic, a researcher at the Belgrade Centre for Human Rights, complained that in his view the Venice Commission failed to address the impact the requirement to have 700 signatures before registering a new religious community will have. "Under our legal system, groups not registered as religious communities – since they have fewer than 700 members or object to reporting themselves to the state – have no legal status," he told Forum 18 in Belgrade on 10 May. "But the legal system does not recognise or

grant any rights to those who have no legal status. This means they are not permitted to hold meetings, collect funds for their needs or receive gifts."

Hadzi-Vidanovic insists that according to the European Convention on Human Rights, individuals should not have to report their belief to the state. He complains that if this law goes into force, they will have to.

Dr Sordjan complains that the draft law ignores the legal recognition enjoyed by the Seventh Day Adventists and Baptists between the two world wars. "According to the logic used in the draft law, these religious organisations should have been included in the 'traditional' churches and religious organisations listed," he told Forum 18.

The seven churches and religious organisations recognised as "traditional" in Article 7 of the current draft are the Serbian Orthodox Church, the Catholic Church, the Islamic Faith Community, the Jewish Religious community, the Slovak Lutheran Church and also the Lutheran Church of Serbia, and the Hungarian Reformed Church.

Rev. Tony Peck of the European Baptist Federation has already pressed the religion minister to include a greater range of faiths. "I write on behalf of European Baptists to ask you and your Government to reconsider the situation and include Baptist churches in Article 7, and we would also ask this for the Methodist Church in Serbia," he wrote to Radulovic in his 24 February letter.

However, the Methodist bishopric in Switzerland that is in charge of Methodist work in Serbia has withheld any comment. "We are indeed aware of the developments in Serbia-Montenegro and we are in touch with churches and the government," Urs Schweizer, assistant to outgoing bishop Heinrich Bolleter, told Forum 18 on 9 May. "But as we do not yet know what the final version of the Law on Religious Freedom in Serbia will be, we do not consider it appropriate to comment on this issue."

However, the state is implementing some regulations not required in the past. At a 2 March hearing at Novi Sad's commercial court, Serbia's Baptist Union was fined 20,000 dinars (2,990 Norwegian kroner, 244 Euros or 308 US dollars) and its vice-president Zarko Djordjevic 4,000 dinars because the Union did not submit a financial report for the 2004 fiscal year and list itself in one of three business categories. Both fines were suspended for a year. "We didn't know we were supposed to do so," Pastor Djordjevic told Forum 18 on 28 April from Novi Sad, "but we were told in court that our ignorance does not free us from obeying the laws. Still they saw our amazement and treated us mildly. If we do everything by the regulations in the next year, our sentence will be suspended in March 2006."

Others are confused by the 2004 amendments to the property tax law (see F18News 22 February 2005 http://www.forum18.org/Archive.php?article_id=518). "I went to our local tax office here," Stjepan Sarcevic, an elder of the Calvary Chapel Protestant church in Subotica, told Forum 18, "and I asked them about the regulation that we have to pay tax on our property. They were as surprised as I was." He said the tax office later told him that it probably refers only to parts of church buildings used for housing clergy or church workers. "But they said that we should wait for the further development to act upon this new regulation."

Dr Sordjan maintains that such financial regulations covering religious organisations are unnecessary. "Churches are not commercial organisations, they are not profit-making and live on contributions," he told Forum 18. "We believe that the state has no business in the financial side of religious organisations. This complicates relations between religious communities and the state and imposes financial oversight in a very private sphere – religious life."

Hadzi-Vidanovic notes that because the state union of Serbia and Montenegro still has no acting court at the state level, any serious violation of the European Convention on Human Rights can be challenged at the European Court of Human Rights in Strasbourg. "If our citizens face violations of their constitutional rights, they will be able to go before this court under a fast-track procedure," he told Forum 18. "It's not clear why this government is making such mistakes – just as it did with the property tax imposed on some religious organisations – thus creating divisions and showing partiality in implementing the law that should bring equal rights to all."

For more background information see Forum 18's Serbia religious freedom survey at http://www.forum18.org/Archive.php?article_id=387

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

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