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MACEDONIA: Will draft new Religion Law end discrimination?

By Drasko Djenovic, Forum 18

Chief government religious affairs official Zvonko Mucunski has refused to provide religious communities with the latest text of the new draft Religion Law, religious minorities have complained to Forum 18 News Service. The big sticking point in the draft Law due to go to public discussion in March, is whether more than one denomination of any one faith can gain legal recognition. This is banned in the present Law and in the previous version of the draft new Law. "Both we and Brussels criticise this," Isa Rusi of the Helsinki Committee for Human Rights told Forum 18. Imprisoned Archbishop Jovan, who heads the Serbian Orthodox Church in Macedonia which has been denied legal status, insists the new Law must allow all faiths to register "not only when they result from differences between religions, but also from possible conflicts with leaderships of already recognised religious communities". Mucunski insisted to Forum 18 that the current draft Law "carefully" guarantees full religious freedom for all religious communities, "taking care of our specific circumstances".

After many years of attempts to revise Macedonia's Religion Law, a new draft is due to go to public discussion as early as March. However, most religious minorities have complained to Forum 18 News Service that they are in the dark about what is in the draft and fear that it could be adopted without adequate public discussion. "At present it is not clear which version of the draft Religion Law is current," Skopje-based Baptist pastor Ivan Grozdanov told Forum 18 from the Macedonian capital on 30 January. "The new secretary of the State Committee for Relations with Religious Communities and Religious Groups, Zvonko Mucunski, isn't willing to provide us with the current version of the draft Law."

It remains unclear if the new Religion Law will remove obstacles to granting legal status to all religious communities without discrimination and to granting permission for religious minorities to extend, build or buy places of worship. It also remains unclear whether the law will retain differentiated levels of recognition, with five faiths having a greater level of rights than the rest.

But Mucunski dismisses fears over the proposed new Law, insisting that it will meet international standards. He pointed out that the draft was sent "about a month ago" to the Organisation for Security and Cooperation in Europe (OSCE) and the Venice Commission of the Council of Europe for their comments. "The OSCE made observations on the previous draft version and we tried to implement them in the new draft," he told Forum 18 from Skopje on 1 February.

In its May 2006 assessment of the previous draft (available at <http://www.legislationline.org/upload/lawreviews/ee/0c/a5d7664c9620cc3d2188305e6a91.pdf>), the OSCE's Advisory Council on Freedom of Religion or Belief was highly critical of some of its provisions which, it said, "make the draft Law in parts incompatible with international commitments".

Mucunski insists that the current draft Law "carefully" guarantees full religious freedom for all religious communities, "taking care of our specific circumstances". He did not explain what "specific circumstances" he has in mind.

Macedonia's current Religion Law – which was adopted in July 1997 – still contains many restrictions on free religious practice, despite Constitutional Court decisions in 1998 and 1999 which removed the most restrictive provisions. In particular, it recognises five faiths - the Macedonian Orthodox Church, the Islamic Community, the Catholic Church, the Jewish Community and the Methodist Church - as "religious communities", while others are deemed "religious groups" with lower status.

One controversial provision in the current law and in earlier drafts of the new Law is that only one religious denomination of any one faith can get legal status – which has allowed the government to deny legal status to the Serbian Orthodox Church's Ohrid Archdiocese in the country and to the Bektashi Community (which has no separate legal existence from the Islamic Community). Asked about whether this provision will be included or removed, Mucunski refused absolutely to comment. "At this stage I can't comment on the working text as it might change. The legislative process hasn't started yet." The only provision in the draft text he revealed was that registration of religious communities is set to be transferred to the courts.

Asked about the timetable for consideration of the draft Law, Mucunski said this depends on the government, adding that the Justice Ministry would be presenting the law to parliament. But he insisted that discussion would be public.

In addition to the Serbian Orthodox Ohrid Archdiocese and the Bektashi Community, the authorities have also arbitrarily denied legal status to several small Protestant churches.

The government has discussed the latest draft with the five existing recognised religious communities, as several of these communities have confirmed to Forum 18. Prime minister Nikola Gruevski has held high-profile recent meetings about the new law with the Macedonian Orthodox bishops.

Isa Rusi, acting head of the Macedonian Helsinki Committee for Human Rights, believes the provision banning legal recognition for more than one denomination of any one faith – in both the existing Law and in the draft Law so far - is a crucial sticking point. "Both we and Brussels criticise this," he told Forum 18 from Skopje on 31 January. "We maintain that everyone must be able to register a religious community and we proclaimed it through our activities."

Rusi reports that the new government which came to power last summer initially promised the Macedonian Orthodox Church and the Islamic Community that they would retain their monopoly. "Now, after pressure from the West and the international community they are trying to find a compromise and are trying to convince the Macedonian Orthodox and the Islamic Community to accept a compromise solution." Rusi believes that this explains why the government has not publicly presented the final draft of the Law. "Prime minister Gruevski commented recently that they are on the way to finding a compromise and in this phase it would be counter-productive to say publicly what this solution would be."

Fr David (Ninov) of the Ohrid Archdiocese of the Serbian Orthodox Church is not optimistic that the new Law will resolve their problems. "We don't know how the law will definitely be presented to the Parliament, but from what we are able to hear it is non-democratic and does not conform to European Union provisions," he told Forum 18 on 30 January. "The Government wants to protect the monopoly of the Macedonian Orthodox Church. This wouldn't be a problem were it not at the expense of other citizens of Macedonia." He said his Church has been in contact with the OSCE and the Helsinki Committee. "After we exhausted all legal ways to get legal status, the Helsinki Committee appealed on our behalf to the European Court of Human Rights in Strasbourg."

Rusi of the Helsinki Committee also points to the imprisonment of the head of the Serbian Church in Macedonia, Archbishop Jovan (Vranisskovski), who is serving a sentence in Skopje's Idrizovo prison after being found guilty of embezzlement last August, charges he refutes. His sentence came shortly after he was freed from an earlier sentence for "inciting ethnic and religious hatred" (see F18News 6 March 2006 http://www.forum18.org/Archive.php?article_id=738). "This constant court pressure is basically the result of religious intolerance," Rusi told Forum 18.

In an 11 December letter, from his prison cell, to Prime Minister Gruevski and other government leaders about the proposed new Religion Law, Archbishop Jovan insisted that to meet international human rights standards, the new Law must provide for "the free establishment of new religious communities, not only when they result from differences between religions, but also from possible conflicts with leaderships of already recognised religious communities".

Tome Trajkov, the head of the Seventh-day Adventist Church in Macedonia, told Forum 18 on 23 January that his Church too had complained about the denial of the possibility to register more than one denomination of any one faith. He stressed that this did not affect the Adventists directly, as despite the Law both his "mainstream" Adventists under the Trans-European Division of the worldwide Church and an independent Macedonian Adventist church have been able to get legal status. However, Trajkov expressed unhappiness at the state recognition of the five denominations above all others.

The Baptists, Jehovah's Witnesses and the Hare Krishna community have each told Forum 18 that they received the last draft text a year ago and so cannot comment on the latest text as they have not seen it. The Macedonian Orthodox Church failed to respond to Forum 18's request for comment. However, in a programme on Sitel television on 4 November last year, one of its leaders, Bishop Petar (Karevski) rejecting any change to the article banning the legal recognition of more than one denomination for one faith. In the same programme a representative of the Islamic Community said it no longer objected to such a change.

Pastor Grozdanov of the Good News Baptist Church in Skopje says his Church wants the new Law to force urban-planners to consult all religious communities when they are making new plans. At present, many minority religious communities – including Baptists, Methodists, Serbian Orthodox, Adventists, Muslims and Jehovah's Witnesses - cannot get permission to build, extend or change the designated usage of places of worship (see F18News 25 August 2006 http://www.forum18.org/Archive.php?article_id=836).

The Good News Church has twice the number of attendees as it can comfortably hold and attempts to get permission to extend the building have failed. "State institutions - including the Transport Ministry, which is in charge of building permission, and the Prime Minister's Office - do not even answer our appeals," Grozdanov complained. He said his church has sent about 20 appeals in the last three years to the administration of Skopje's Central District, where the church is located, asking for permission to extend the building or be allocated a new site. "Of about 26 religious communities in Macedonia, 20 of them have no official permission to use their places of worship or a document changing the permitted use."

The Jehovah's Witnesses report that they face similar problems, particularly over permission to build their places of worship, known

as Kingdom Halls. "There is always bureaucratic obstruction. All smaller religious communities have this problem." they told Forum 18 on 23 January. They report that their community in the north-eastern town of Kriva Palanka meets in what was originally designed as a garage. Even though the building was built with permission, the local authority has taken the owner to court for using the building not for its designated purpose (see F18News 25 August 2006 http://www.forum18.org/Archive.php?article_id=836).

"We can't even get a document from the state Land Registry so that he can sell us the building, since Kriva Palanka is a small town and they know why he needs that document," the Jehovah's Witnesses complain to Forum 18.

A printer-friendly map of Macedonia – whose official name is the "Former Yugoslav Republic of Macedonia" - is available from <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=macedo>

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