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SERBIA: Stalling tactics used to delay granting legal status?

By Drasko Djenovic, Forum 18

Only three religious communities – the Seventh-day Adventist and United Methodist churches and the Church of Jesus Christ of Latter-day Saints (the Mormons) – appear to have been given legal status under Serbia's controversial Religion Law, Forum 18 News Service has found. This is unofficial, as Religion Minister Milan Radulovic's office has not answered Forum 18's repeated enquiries about what if any official figures there may be. Many smaller religious communities – such as the Adventist Reform movement and Hare Krishna community – appear to have had their registration applications arbitrarily stalled. One apparent stalling tactic of the Religion Ministry is to try to force communities to register as Citizens Associations with the Public Administration Ministry – which then tells them to go back to the Religion Ministry to register as religious communities. In separate legal challenges, the Jehovah's Witnesses are taking the Religion Ministry to the Supreme Court for breaking the Religion Law, and the Serbian Baptist Union are refusing to apply for registration and have started a case against the Religion Law in the Constitutional Court.

Only three religious communities appear to have been given legal status under Serbia's controversial Religion Law, passed by the National Assembly nearly 10 months ago, Forum 18 News Service has found. The Serbian Government is currently a caretaker government, as no new government has been formed since the January 2007 elections. Religion Minister Milan Radulovic – who was behind the Law – remains in office. Forum 18 has tried repeatedly since 22 February to obtain the current registration totals from his office, the only source of official registration figures, but without success.

From Forum 18's enquiries among religious communities, the Seventh-day Adventist Church and the United Methodist Church were the first two communities to be registered, in documents signed by Minister Radulovic on 29 January 2007. The Church of Jesus Christ of Latter-day Saints (the Mormons) confirmed on 23 February that they too had been registered. No other communities have, to the best of Forum 18's knowledge, been registered.

The Religion Law – described by Serbian President Boris Tadic as breaking the European Convention on Human Rights – gives automatic legal registration and status to only the seven "traditional" religious communities: the Serbian Orthodox Church, the Catholic Church, Slovak Lutheran Church, Reformed Church, Evangelical Christian Church (another Lutheran Church), and the Islamic and Jewish communities (see F18News 23 May 2006 http://www.forum18.org/Archive.php?article_id=785).

Religion Minister Milan Radulovic later stated, in the Regulations governing implementation of the Law, that the Romanian Orthodox Church in the Banat would be registered under the Serbian Orthodox Church and that both the Greek and Latin-rite Catholic Churches would be registered as one church. Radulovic went on to break the Law by illegally raising the number of signatures required to gain state registration (see F18News 9 August 2006 http://www.forum18.org/Archive.php?article_id=825). Many smaller religious communities have had their registration applications arbitrarily stalled, and there have been strong protests about the discriminatory provisions of the Law and the Regulations governing its implementation (see F18News 4 December 2006 http://www.forum18.org/Archive.php?article_id=882).

Some religious communities, such as the Serbian Baptist Union, have decided not to apply for registration. Zarko Djordjevic of the Baptist Union told Forum 18 on 15 February that they have started a case against the Religion Law in the Constitutional Court. The Baptists argue that the Law breaks both the Serbian Constitution and international law.

Both the Brethren Church and the Old Catholics (also known in Serbia as the West Orthodox) have decided to wait for the formation of a new Serbian government before applying for registration. As Fr. Seraphim (Branislav Zorz) of the Old Catholics put it to Forum 18 on 27 February, "we are awaiting a new government in the hope that registration will be easier then."

One discriminatory provision that continues to cause concern to religious communities is article 19 of the Religion Law: "No religious organization may be entered into the Register whose name contains a name or part of the name expressing the identity of a Church, religious community or religious organization which is already entered into the Register or submitted an application for entry first". The Adventist Reform movement – which has existed since 1923 as a separate religious community from the just-registered Adventist Church – is concerned that this may bar it from being registered.

Branko Bosanac of the Adventist Reform movement told Forum 18 on 24 February that his church has been waiting for 100 days for an answer to its registration application. Similar long delays are reported by communities such as the Church of God (Cleveland, Tennessee) and the Hare Krishna community. Under paragraph 1 of article 20 of the Religion Law, the Religion Ministry has to make a decision within "60 days of receipt of a complete application with necessary documentation." This article concludes: "If the Ministry fails to make a decision in accordance with the terms of Paragraph 1 of this article, it will be considered that an application of a religious organisation for entry in the Register has been granted."

Most religious communities who have applied for registration have decided to wait for the Religion Ministry's decision, even if this is taking longer than the Law allows. But the Jehovah's Witnesses are taking a different approach. After the Law's deadline for a Ministry decision expired – and hence according to the Law a religious community is automatically registered – the Jehovah's Witnesses received a demand from the Ministry for more documentation. So they are now taking the Ministry to Serbia's Supreme Court. Damir Porobic of the Jehovah Witness' told Forum 18 on 22 February that "it might take months before the Supreme Court makes a decision, but we will use all legal ways to protect our constitutional and legal rights."

Another problem faced by religious communities trying to gain legal status is that the Religion Ministry is attempting to force religious communities to register instead as an Association of Citizens with the Public Administration Ministry – which tells religious communities to go back to the Religion Ministry to register as religious communities. The Religion Ministry began to use this tactic in late 2006 against religious-based associations, which are not churches and do not conduct worship, and now appear to have expanded their use of this to avoid giving legal status to religious minority communities. This tactic poses very great practical problems for religious communities, such as the inability to run a bank account (see F18News 28 November 2006 http://www.forum18.org/Archive.php?article_id=879).

The Protestant Evangelical Church (the official name for the Pentecostal church) in Leskovac received a 20 December 2006 letter from Religion Minister Radulovic, replying to their registration application with a demand for "correct documentation" – without specifying what this means – and stating that "if you do not submit the correct documentation within 30 days you may register the Protestant Evangelical Church "Spiritual Center" Leskovac at the Ministry of State Administration under the Law on Associations." The church wrote back to Radulovic on 22 January, pointing out that it is his duty to specify the documents his Ministry requires and refusing to register as a Citizen's Association. No reply has yet been received from Radulovic.

But Forum 18 has been told by some smaller religious communities – such as the International Missionary Society / Seventh-day Adventist Reform movement – that they see Radulovic's letter as offering some hope. They see registration as a Citizen's Association as a possibly acceptable way of gaining legal status, if they do not have the 100 members that Radulovic has – illegally – specified are necessary for registration as a religious community (see F18News 9 August 2006 http://www.forum18.org/Archive.php?article_id=825). The threshold of 100 members is also a problem for the small Baha'i community, which in 1994 gained registration as a Citizens Association. In early January, they told Forum 18 that they now have to face the possibility that this registration may no longer be legally valid.

A State Administration and Local Self Government Ministry official, working on registering Associations of Citizens, reacted to Religion Minister Radulovic's letter with astonishment. "If we have to register churches, what do we have a Religion Ministry for?" Forum 18 was rhetorically asked. "I completely understand the concern of the smaller religious communities to overcome the practical problems they face," the official continued, "but I do not understand how religious communities can legally be registered together with fishing associations and stamp-collectors."

This view was reiterated by State Administration and Local Self Government Ministry spokesperson Dragica Gavrilovic, who told Forum 18 on 1 March, that, if groups of citizens conduct "worship services or religious rites, they cannot be registered as Citizen's Associations as this would be against the Law on Citizens' Associations." She was not able to explain how religious communities with less than 100 members could gain legal status as this is, she said, a matter for the Religion Law and the Religion Ministry.

The Seventh-day Baptists have tried to apply to the State Administration and Local Self Government Ministry for registration as a Citizen's Association. However, Vesna Ilic Prelic, State Secretary (i.e. Deputy Minister) of the Ministry replied on 21 February that the Baptists are "a specific type of association and assembling of citizens with the intention of expressing their religious convictions," and that this is regulated by the Religion Law. She added that her Ministry had "passed on your request for registration of the Church of the Seventh Day Baptists to the Ministry of Religious Affairs which keeps the Register of Churches and Religious Communities, (...) for further processing." Prelic concluded that "as the prescribed procedure and the documentation required for registration of a religious organization in the Register are not identical to those required for other citizens associations, you should contact the Ministry of Religious Affairs in order to obtain precise information about further action in accordance with the Law on Churches and Religious Communities."

This "ping-pong relationship" between the two government ministries is causing increasing practical problems for members of religious communities. Pentecostal Pastor Isidor Bajic and his family from the northern town of Senta, for example, cannot either pay money into the Novi Sad Pension Fund, or pay state health insurance contributions. This is because they cannot provide proof from the Religion Ministry that Pastor Bajic's community is on the Ministry's list of religious communities.

Mitko Stojiljkov of the International Missionary Society / Seventh-day Adventist Reform movement pointed out to Forum 18 on 9 February another type problem that this denial of legal status causes. His church has been struggling for more than 10 years to regain its headquarters building. "Now we are close to the end of the legal process, the court may turn round and say you do not exist, how can we return a building to someone who does not legally exist?" Many religious communities are also struggling with property restitution issues (see F18News 20 June 2006 http://www.forum18.org/Archive.php?article_id=802). (END)

For more background, see Forum 18's Serbia religious freedom survey at http://www.forum18.org/Archive.php?article_id=387 and survey of attacks on religious minorities between September 2005 and September 2006 at http://www.forum18.org/Archive.php?article_id=845.

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

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.

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'.

If you need to contact F18News, please email us at:
[f18news @ editor.forum18.org](mailto:f18news@editor.forum18.org)

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY