

26 April 2007

SERBIA: Government still arbitrarily denying communities legal status

By Drasko Djenovic, Forum 18

Religious communities in Serbia are still having legal status applications arbitrarily denied, one year after a controversial Religion Law was passed, Forum 18 News Service has found. Many communities are waiting with concern for 7 May 2007. On that day any communities registered before the Law came into force, who have not either re-registered or submitted a new registration application, will lose legal status. Without legal status, it is legally impossible to carry out a wide range of activities such as owning property, publishing literature and having employees. The Religion Ministry has claimed to Forum 18 that seven "non-traditional" communities have gained legal status in the past year - but one of these was unaware that it had legal status. Protestant communities, Hare Krishna devotees and Jehovah's Witnesses have all had applications arbitrarily denied, often for reasons which are clearly misleading or in breach of the Religion Law. Both the Jehovah's Witnesses and the Baptist Union have launched court cases, and if these fail appeals to the European Court of Human Rights are almost certain.

Religious communities in Serbia are still having their applications for legal status arbitrarily refused or stalled by the Religion Ministry, one year after a controversial new Religion Law was rushed through the National Assembly on 26 April 2006. Many communities have told Forum 18 News Service that they are waiting with concern for the first anniversary of the Law coming into force on 7 May 2007. On this date, any communities who were registered by Serbia or a previous state before the Law came into force, and have not submitted a new registration application will, under the Law, lose their legal status.

No-one appears to know what will happen to unregistered communities after 7 May. "We do not know what will happen when our old registration will expires, or how we will operate," Zarko Djordjevic of the Serbian Baptist Union told Forum 18 on April 21. "It is totally unclear what if anything will happen." Some religious communities, such as the Brethren Church, have told Forum 18 that they had thought that the one-year deadline expired in July. This would be the anniversary of the Regulations on the Law's implementation being published.

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. People who work for unregistered religious communities cannot make state health insurance or pension payments, which has serious long-term consequences for them and their families. Also, the communities themselves cannot re-claim property that was confiscated from them in communist times.

The Religion Law made discrimination between so-called "non-traditional" religious communities and seven "traditional" communities legal. The "traditional" communities 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. These seven communities were, in contrast to all the others, given automatic legal status. Serbian President Boris Tadic called for changes in the Law, as he stated that it breaks the European Convention on Human Rights. There were also protests by religious communities, human rights activists, the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe (see F18News 23 May 2006 http://www.forum18.org/Archive.php?article_id=785).

Religion Minister Milan Radulovic later issued Regulations governing implementation of the Law, giving legal status to the Romanian Orthodox Church in the Banat - under the Serbian Orthodox Church - as well as to both the Greek and Latin-rite Catholic Churches, which would be registered as one church. Radulovic also used the Regulations to break the Law - which his own Ministry had drafted - 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).

A Restitution Law governing the return of confiscated property to registered communities was passed in 2006. But this is plagued by problems of very slow official implementation and the difficulty of communities supplying the legal documents the Law requires (see F18News 12 March 2007 http://www.forum18.org/Archive.php?article_id=929).

On 25 April, the Religion Ministry told Forum 18 that it had registered only seven "non-traditional" religious communities in the

past year. These are: the Seventh-day Adventists; the 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); and the Church of God (Cleveland, Tennessee).

However, later on 25 April, Religion Minister Radulovic told another religious community that he "did not know what to do" with the registration application of the Church of God (Cleveland, Tennessee). They themselves told Forum 18 on 25 April that they had received no information that their registration application had been approved. At the end of February, Radulovic refused to register the church, on the grounds that they had earlier been part of Christ's Spiritual Church (UPC) and so should re-unite rather than try to register separately.

The Old Catholic Church, who are known in Serbia as the Western Orthodox Church, are intending to apply for registration as a religious community. Fr. Seraphim (Branislav Zorz) told Forum 18 on 24 April that "we plan to apply in the next few days."

Small religious communities with fewer than 100 members, such as the Church of Christ and the Baha'i, are not eligible for registration as religious communities under the Religion Law. The Baha'i community told Forum 18 on 14 April that they intend to apply for registration as a Citizens Association.

Throughout the first year of the Religion Law's operation, many smaller religious communities have persistently had their registration applications arbitrarily stalled. There have also been strong protests about the discriminatory provisions of the Law and the Regulations issued by Religion Minister Radulovic (see F18News 4 December 2006 http://www.forum18.org/Archive.php?article_id=882 and 1 March 2007 http://www.forum18.org/Archive.php?article_id=924).

A typical example of Radulovic's arbitrary actions is the experience of the Hare Krishna community, which previously had registration and which is being forced to apply again for registration. On 2 March – after the 60 day period within which his Ministry must under the Religion Law make a decision on registration applications – Radulovic posted a letter to the Hare Krishna legal representative, Aleksandar Peric, refusing their 27 December 2006 application for legal status. The letter was dated 23 February, before the 60 day deadline.

Radulovic particularly stressed that the Hare Krishna community's statutes gave their purpose as "studying religious philosophy and culture," to argue that they were not a religious community and should register instead as a Citizen's Association. However, this is an obviously selective mis-quotation by Radulovic, as the full sentence reads "To perform religious rites and studying religious philosophy and culture."

Under article 20 of the Religion Law: "If the Ministry fails to make a decision in accordance to the terms of Paragraph 1 of this Article [i.e within 60 days], it will be considered that an application of religious organization for entry in the Register [i.e. for legal status] has been granted."

Radulovic and his Ministry have persistently broken this article of the Law. Besides the Hare Krishna community, another example of this is the denial of legal status to the Seventh-day Adventist Reform movement – which has existed in Serbia since 1923 – in a letter dated 1 March 2007. This was 106 days after the movement applied for registration. In that letter, Radulovic justified his refusal by claiming that the reason was that the (separate) Seventh-day Adventist Church was already registered. Radulovic also used the similar names of other charismatic churches to justify refusing to register a charismatic church called Christ's Spiritual Church.

Article 19 of the Religion Law states that: "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." This article places a barrier in the way of communities with similar names – such as Evangelical Church - being registered. It has caused protests from religious communities, as well as controversy over why some communities have been registered but not others. Some suspect that Radulovic would like to see religious minorities join together into centralised bodies that may be more open to government influence.

In separate discussions with both the Adventist Reform movement and Christ's Spiritual Church (infant-baptism), Minister Radulovic suggested that both churches should either change their name or unite with similarly named churches. Both are reluctant to do this, Dusan Andjelic of Christ's Spiritual Church (infant-baptism) commenting that "we have been working under this name for 100 years."

However, 60 days after the Adventist Reform movement applied for registration, the Seventh-day Adventist Church had not been registered, thus suggesting that this is not the real reason for Radulovic's refusal. Similar doubt exists as to whether Radulovic had other reasons for refusing to register Christ's Spiritual Church (infant-baptism). Dusan Andjelic, an elder of the church, told Forum 18 on 24 April that documents shown to him by Radulovic's secretary made it "immediately obvious that the Ministry had mixed different registration applications up" [i.e. with Christ's Spiritual Church (UPC)].

As in other denials of legal status by Religion Minister Radulovic, he claimed that the Adventist Reform movement and the Hare

Krishna community can register instead as Associations of Citizens with the State Administration and Local Self Government Ministry. That Ministry has denied Radulovic's claim, one official rhetorically asking Forum 18 "If we have to register churches, what do we have a Religion Ministry for?" (see F18News 1 March 2007 http://www.forum18.org/Archive.php?article_id=924).

Peric of the Hare Krishna community told Forum 18 on 2 April that, when he took Radulovic's letter to the State Administration Ministry, officials told him that the Hare Krishna community cannot be registered as a Citizen's Association as they are "obviously a religious community."

Among the communities which have also been denied registration as religious communities by Radulovic are the Protestant Evangelical Churches in Leskovac and Subotica, with the usual claims that they can register as a Citizen's Association. On 1 March the Seventh-day Baptists made a second attempt to follow this route to legal status, and they received a reply from State Secretary Vesna Ilic Prelic on 5 March. She briskly dismissed Radulovic's claim, stating that "the Ministry for State Administration and Local Self Government is not a 'reserve registry' for those associations who are unable to fulfil the registration requirements under the special law" [i.e. the Religion Law].

"We do not know what to do," Peric of the Hare Krishna community told Forum 18. "We are a small community and lawyers are expensive. We would like to unite with other religious communities refused registration by the Religion Ministry, and mount a court case together."

Many of the smaller communities lack legal expertise and are unsure how they can resolve their legal status problems. The Religion Ministry has not answered Forum 18's enquiries about how it thinks the problem created by Minister Radulovic's claims can be resolved.

Jehovah's Witnesses have already launched a court case before the Serbian Supreme Court, as they had neither received a decision nor registration 60 days after they lodged a registration application with the Religion Ministry. The Serbian Baptist Union, along with the Pentecostal Church, have decided not to apply for the new registration. The Baptists are launching a Constitutional Court case as the Religion Law, they think, contradicts the Serbian Constitution (see F18News 1 March 2007 http://www.forum18.org/Archive.php?article_id=924).

Damir Porobic of the Jehovah Witnesses told Forum 18 on 24 April that they had received no responses from either the Supreme Court or the Religion Ministry. "We have tried several times to arrange meetings with the Ministry of Religion," Porobic said. "A secretary has always taken our phone number, but they never return our calls or try to arrange the meeting."

One problem faced by the Jehovah's Witnesses and the Baptist Union is that the last Constitutional Court President was retired because of his age. Because of the unclear result of the last Serbian elections, a caretaker government is in office and attempts are being made to form a coalition government. This means that it is unclear when a new Constitutional Court President will be nominated – and without a President, the Constitutional Court cannot function normally.

If the Supreme Court and Constitutional Court cases fail, appeals will almost certainly be made to the European Court of Human Rights in Strasbourg. Commenting on this possibility, Vidan Hadzi-Vidanovic of the Belgrade Center for Human Rights told Forum 18 on 8 March that "there is a very clear breach of religious freedom and human rights." (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=yugos>, under the title 'Serbia and Montenegro'.

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