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2009 Report on International Religious Freedom - Serbia

[Covers the period from July 1, 2008, to June 30, 2009]

The Constitution provides for freedom of religion; however, the law places limits on religious practice by discriminating among religious groups and denies some groups legal status. There is no state religion, but the majority Serbian Orthodox Church and other "traditional" religious communities received some preferential consideration.

The Government's respect for religious freedom remained problematic because of the religion law and the Religion Ministry's arbitrary implementation of the law. Police investigations of acts of hate speech and vandalism tended to be slow and inconclusive. There continued to be isolated reports that officials made public, negative statements against minority religious groups.

There were fewer reports of societal abuse or discrimination based on religious affiliation, belief, or practice. Leaders of minority religious communities reported acts of vandalism, hate speech, physical attacks, and negative media reports.

U.S. embassy representatives continued to advocate for changes in the laws on religion and restitution that would rectify the discriminatory aspects of the legislation. Embassy officials met with representatives of all religious groups and encouraged interfaith cooperation. Embassy representatives discussed religious freedom with members of the divided Islamic community and conducted outreach activities.

Section I. Religious Demography

The country has an area of 30,000 square miles and a population of 7.5 million. In the 2002 census, 95 percent of the population declared themselves followers of one of the seven "traditional" religious communities. Approximately 84 percent of citizens are Serbian Orthodox and 5 percent are Muslim. The Muslim community includes Slavic Muslims in Sandzak (a region lying along the borders with Montenegro and Kosovo), ethnic Albanians in the south, and Roma located throughout the country. Roman Catholics constitute 5 percent of the population and are predominantly ethnic Hungarians and Croats in Vojvodina. Protestants make up 1.5 percent of the population. The Jewish community consists of an estimated 3,000 persons.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion; however, the religion law discriminates among religious groups and requires minority groups, including those that

were previously recognized, to reregister through an invasive and burdensome procedure to attain or retain their status as recognized religious groups. Many of the groups required to reregister had been recognized officially for more than 50 years and present in the country for as long as 150 years.

Throughout the reporting period, "nontraditional" religious communities and nongovernmental organizations (NGOs) continued to advocate changing the law but did not put forth concrete proposals. During her April 2009 visit, UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir recommended that the procedures for registration of religious groups be simplified. The Religion Ministry characterized the law as symptomatic of a society in transition and focused its efforts on monitoring the law's implementation.

On April 24, 2009, the NGO Coalition for a Secular State called upon the Constitutional Court to rule on the group's request, submitted a year earlier, to determine whether certain provisions of the law violate constitutional guarantees for separation of church and state and equal treatment. At the end of the reporting period, the request was on the docket but had not been considered by the Constitutional Court.

There is no state religion; however, the law on religion recognizes seven "traditional" religious communities: the Serbian Orthodox Church, Roman Catholic Church, Slovak Evangelical Church, Reformed Christian Church, Evangelical Christian Church, Islamic community, and Jewish community.

The Orthodox Church received preferential treatment. The Government continued to subsidize salaries for Serbian Orthodox clergy working in other countries.

The Government observes the following religious holidays as national holidays: Orthodox Good Friday, Easter, and Christmas. Employees of other confessions are entitled to time off in observance of their religious holidays, such as Catholic Christmas, Good Friday and Easter; Kurban and Ramadan Bajram; and Yom Kippur.

Although registration is not mandatory for religious communities, those who do not register encounter considerable difficulties when opening a bank account, purchasing or selling property, or publishing their literature. The property and tax laws grant property and value-added tax (VAT) exemptions only to registered communities; implementation of these laws allow registered communities to claim VAT refunds, including retroactively to January 1, 2005. A case challenging the tax law was pending in the Constitutional Court at the end of the reporting period.

Registration requirements include submission of members' names, identity numbers, and signatures; proof that the religious group has at least 100 members (0.001 percent of the population, including that of Kosovo); the group's statute and summary of its religious teachings, ceremonies, religious goals, and basic activities; and information on sources of funding. The law also provides that no religious community can be registered if its name includes part of the name of an existing registered group. For example, no group including the word "Orthodox" or "Evangelical" in its title may be registered, since those terms are found in the names of the "traditional" churches.

Students in primary and secondary schools are required to attend classes either on one of the seven "traditional" religious communities or on civic education.

Restrictions on Religious Freedom

The Government's respect for religious freedom remained problematic because of the religion law and the Religion Ministry's arbitrary implementation of the law. Minority religious groups reported confusion and irregularities after attempting to register with the Ministry, which at times failed to respond within the legal 60-day limit. Unlike in previous periods, there were no reports that the Ministry advised some groups that they should register as "citizen associations" with the Ministry of State Administration and

Local Self-Government, which in turn advised the communities to register with the Ministry of Religion.

As of the end of the reporting period, there were 11 "nontraditional" religious communities registered. The Ministry of Religion continued to deny registration to the League of Baptists, Jehovah's Witnesses, Hare Krishna Movement, Pentecostal Church, Protestant Evangelical Church of Leskovac, Protestant Evangelical Church of Subotica, and Seventh Day Adventist Reform Movement. At the end of the reporting period, according to Supreme Court data, there were eight cases filed by six religious communities – the League of Baptists, Seventh Day Adventist Reform Movement, Church of Christian Oath, Jehovah's Witnesses, Montenegrin Orthodox Church, and Protestant Evangelical Church of Leskovac – pending before the Supreme Court appealing the Ministry's decision to deny registration. The League of Baptists and the Evangelical Church of Leskovac also had cases pending before the Constitutional Court.

Two appeals filed by Jehovah's Witnesses contesting the Ministry's refusal to register the group remained pending before the Supreme Court and the European Court of Human Rights at the end of the reporting period. In May 2008 the Supreme Court rejected the two complaints due to technical insufficiencies in one of the complaints. Lawyers for Jehovah's Witnesses appealed to the Supreme Court to rule on the merits of its second complaint on the grounds that the technical error did not apply to that case.

In October 2008 Jehovah's Witnesses filed a third request for registration with the Religion Ministry. On December 30, 2008, the Ministry denied the request, citing the group's proselytizing activities and blood transfusion policy. Ministry representatives also underlined the necessity of waiting for the Supreme Court to rule on the group's previous appeal before taking a decision on registering the group. On January 29, 2009, Jehovah's Witnesses filed an appeal of the December 2008 denial with the Supreme Court; the case was pending at the end of the reporting period.

Although the Greek and Russian Orthodox Churches were not registered, they were recognized by the Government and operated freely. However, the Government has not recognized other Orthodox churches, despite attempts by the Macedonian and Montenegrin Orthodox Churches to gain recognition. Religion ministry officials stated in the past that the groups could not be registered because "Orthodox" is included in the name of a previously recognized church. Ministry officials also stated that the attempts of the Macedonian and Montenegrin Orthodox Churches to register separately from the Serbian Orthodox Church, which does not recognize either church, were the result of an internal schism in which the state could not become involved.

During the reporting period, the Religion Ministry rejected for a second time an application for registration from the Montenegrin Orthodox Church (MOC); the Supreme Court had ruled in June 2008 that the Religion Ministry violated procedure in its November 2007 rejection of the MOC's application and ordered the Ministry to reconsider the application. In response to the second denial, the MOC filed a new appeal, which was pending before the Supreme Court at the end of the reporting period.

NGOs claimed that the Government's refusal to register minority religious groups signaled that it would tolerate attacks on those groups. In some cases police responded to attacks against houses of worship only after confirming that the group was registered. Police response to vandalism and other societal acts against religious groups rarely resulted in arrests, indictments, or other resolution of incidents. In addition, government actions made it difficult for Orthodox churches that were not recognized by the Serbian Orthodox Church to operate.

Unlike in previous periods, there were no reports that police interrupted Romanian-language services at Romanian Orthodox churches in the eastern region. According to press reports, however, local authorities in Negotin reportedly decided to demolish a Romanian Orthodox church for which a construction permit had been previously issued.

During his May 18-20, 2009, visit to Sandzak, Mustafa Cerić, reis-ul-ulema of the Bosnian

Islamic community, alleged that the rights of Muslims in Serbia were not respected, citing his inability to deliver a public address and the heavy police presence in towns he visited. Government officials, including Minister for Human and Minority Rights Svetozar Ciplic, denied these charges and pointed out that two Bosniak Muslims from Sandzak were government ministers. The Ministry of Religion released a statement on May 22, 2009, declaring that Ceric was not a welcome guest in the country due to his "threatening and offensive remarks." Although the Ministry later softened its stance, the Islamic Community in Serbia, which supports Ceric, called for Religion Minister Bogoljub Sijakovic to resign. The Ministry responded by issuing a statement on May 26 in which it criticized the Islamic Community in Serbia for assuming the right to judge the work of the Ministry on behalf of all religious communities.

As in previous periods, there were some reports that government officials criticized minority religious groups, using pejorative terms such as "sects," "satanists," and "deviants." Zoran Lukovic, head of the section for polygraph examinations for the Belgrade police and a member of the Interministerial Mission for Monitoring and Combatting Cultic Deviances (MIVILUDES), stated in a March 27, 2009, newspaper article that Jehovah's Witnesses was a "hermetic sect" whose members should not be allowed to act as adoptive or foster parents. Lukovic previously equated Protestant churches with "satanic sects." In March 2009 Jehovah's Witnesses filed a libel complaint against Lukovic with the First Municipal Court in Belgrade, which rejected the complaint, stating that Jehovah's Witnesses failed to demonstrate that Lukovic intended to insult the group. Jehovah's Witnesses appealed this decision to Belgrade District Court, and the case was pending at the end of the reporting period.

NGOs called attention to contradictory provisions in a mandatory broadcasting code of conduct issued by the Republic Broadcasting Agency in 2007. The code bans discrimination on the basis of gender, race, ethnicity, and religion but also requires broadcasters to "draw a clear line between recognized churches and religious communities on the one hand and sects on the other." It also states that only registered churches and religious communities are permitted to have programs on public broadcasting and that sects can be mentioned only in the context of analysis of social processes. The code does not provide a definition of "sects."

Protestant leaders and NGOs continued to object to the teaching of religion in public schools, while leaders of religious groups excluded from the program continued to express dissatisfaction with the Government's narrow definition of religion. The Government Committee for Religious Education in Elementary and Secondary Schools was composed of civil servants from the Religion Ministry and representatives of the seven "traditional" religious communities; there were no representatives of minority religious groups on the committee.

NGOs reported that only Orthodox religion classes were offered in multiconfessional Belgrade. The Religion Ministry refuted this claim but explained that there must be a minimum of five students in a given grade to justify establishment of a specific religion class.

The appointment of new religion teachers – supporters of the Belgrade-based Islamic Community of Serbia – in elementary schools in Tutin and Sjenica provoked protests from the Novi Pazar-based Islamic Community in Serbia that the teachers were unqualified. The Islamic Community also criticized as state interference in religious affairs existing provisions that assign responsibility for appointing religious teachers to the Ministry of Education.

Authorities continued at times to deny unregistered communities building permits and refused to recognize their official documents. Jehovah's Witnesses in Bor were not able to obtain an occupancy permit for an already constructed house of worship, although they filed an appeal with the Ministry for Environment and Zoning district office in Zajecar; the appeal was pending at the end of the reporting period. The League of Baptists in Belgrade, which conducted its services and other activities in an old building it purchased to use as a church, reported that municipal authorities continued to refuse,

without explanation, a permit to renovate the building. The Romanian Orthodox Church continued to receive no response to its request for a permit to build a monastery in Vojvodina.

The law on restitution of communal and religious property recognizes claims for religious property confiscated in 1945 or later. Some religious groups – particularly the Jewish and Islamic communities, who lost land prior to 1945 – expressed opposition to this benchmark. Representatives of the Union of Jewish Communities also expressed concern that linking religious community restitution with individual restitution would cause delays. In April 2009 representatives of the Islamic Community in Serbia told visiting UN Special Rapporteur Jahangir that there was discrimination against Islamic groups in the restitution process. Unregistered religious communities were ineligible to seek property restitution.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

On November 26, 2008, Assistant Religion Minister Dragan Novakovic expressed to the NGO Forum 18 news service his regret that most attacks on religious communities were prosecuted as minor offenses such as disturbing the peace instead of as incitement of hatred, which carries more severe penalties. This statement echoed comments by the Center for Development of Civil Society in Zrenjanin that both police and prosecutors increasingly were reluctant to press charges under Article 317 of the Criminal Code (incitement of national, racial, and religious hatred and intolerance).

In April 2009 Assistant Minister Novakovic visited a licensed Adventist high school in Novi Sad. On December 18, 2008, he met with Jehovah's Witnesses' representatives in Belgrade, the first such visit of a government official to the group's premises.

Local authorities in Mladenovac issued a permit to the Christian Adventist Church to continue construction of its place of worship, a project that had been halted for more than two years due to previous decisions ordering destruction of the building.

Progress continued on restitution of religious property seized in 1945 or later. The Directorate for Restitution of Communal and Religious Property received 3,049 restitution requests from the Serbian Orthodox Church, Roman Catholic Church, Jewish Community, Romanian Orthodox Church, Reformation Church, Islamic Community, Evangelical Church, and Association of Christian Baptist Churches. According to the Directorate, by the end of 2008, 160 requests had been completed and approximately 2,000 requests were being processed; the most common problem in processing requests was incomplete documentation submitted by claimants. During the reporting period, some property was restored to the Serbian Orthodox Church in the dioceses of Backa, Zica, and Srem; the Catholic Church received property in Pancevo and Sremska Mitrovica; and the Jewish community received approximately 5,400 square feet of apartments and business space in Belgrade.

Section III. Status of Societal Respect for Religious Freedom

There were fewer reports of societal abuse or discrimination based on religious affiliation, belief, or practice. However, leaders of minority religious communities continued to report acts of vandalism, hate speech, physical attacks, and negative media reports. Because ethnicity and religion are often inextricably linked, in some cases it is difficult to identify discriminatory acts as primarily religious or primarily

ethnic in origin.

NGOs reported a decreasing number of religious attacks, but religious communities, especially minority religious communities, continued to experience vandalism of church buildings, cemeteries, and other religious premises. Most attacks involved spray-painted graffiti; thrown rocks, bricks, or bottles; or vandalized tombstones. NGOs criticized authorities for their slow or inadequate response.

On June 1, 2009, unidentified perpetrators destroyed 11 tombstones at a Jewish cemetery in Subotica. On June 6, 2009, unknown individuals damaged an additional seven gravestones, which dated to the 19th century. Tomislav Harlbror, head of the Subotica Jewish community, told the press that the lack of chauvinistic graffiti on the destroyed grave markers likely indicated vandalism by youths rather than a religiously motivated attack.

During the night of May 31, 2009, 713 tombstones in a Serbian Orthodox graveyard in the village of Stapar near Sombor were desecrated. On June 6, police arrested a man from Stapar on suspicion that he had broken and damaged the gravestones. However, local residents expressed doubt that one individual singlehandedly could have caused the damage.

On March 30, 2009, the media reported that a group of young men unsuccessfully attempted to remove part of a crucifix from the Roman Catholic church in Temerin on the night of March 28. Police investigated but did not make any arrests. Vojvodina Ombudsman Petar Teofilovic condemned the incident.

On November 17, 2008, the Christian Adventist Church reported that unknown perpetrators damaged four vehicles in the courtyard of its church in Belgrade the previous day. The Church also reported that "hate messages" had been written on the walls of Adventist churches in Kragujevac, Leskovac, Jagodina, and Sivac during October and November 2008. Church representatives reported the damage to its vehicles to the police, which conducted an investigation. There were no arrests as of the end of the reporting period.

During the first week of August 2008, unidentified individuals twice sprayed graffiti with nationalist symbols and vulgar messages about Jehovah's Witnesses on the kingdom hall in Sremska Mitrovica.

On July 8, 2008, in the town of Bor, citizens prevented further construction of a Jehovah's Witnesses house of worship. The group eventually managed to complete one portion of the building but was unable to obtain an occupancy permit from local authorities. As a result, the house of worship was not in use at the end of the reporting period.

According to unconfirmed NGO reports, the pastor and congregation of the Adventist church in Uzice relocated to Zlatibor due to persistent threats and vandalism.

Some right-wing youth groups continued to advocate openly against "sects." In addition, the press, mostly tabloid media, continued to publish "antisect" propaganda that labeled smaller, multiethnic Christian churches – including Baptists, Adventists, and Jehovah's Witnesses – and other smaller religious groups as "sects" and claimed they were dangerous. Religious leaders continued to note that instances of vandalism often occurred soon after the publication of press reports characterizing some religious groups as sects.

In October 2008 several booksellers at the annual Belgrade Book Fair displayed *The Kingdom of the Hazars*, an anti-Semitic work by Serbian author Dejan Lucic; fair officials did not take any action to remove the book from the stalls.

The law bans hate speech, but translations of anti-Semitic literature were available

from ultranationalist groups. Right-wing youth groups and Internet forums continued to promote anti-Semitism and use hate speech against the Jewish community.

The Islamic community remained divided into two groups supported by competing political parties, causing tensions between the groups that resulted in brawls and shootings at religious buildings in Sandzak and, in one case in April 2009, in Novi Sad.

Section IV. U.S. Government Policy

The U.S. Government continued to promote ethnic and religious tolerance. U.S. embassy officials advocated for changes in the religion law that would eliminate the discriminatory elements. Embassy representatives urged senior government officials to speak out against incidents targeting ethnic minorities (including their places of worship and cemeteries) and to identify and punish the perpetrators.

Embassy officials met regularly with government officials, representatives of the Serbian Orthodox Church, and leaders of religious and ethnic minorities to promote respect for religious freedom and human rights and to encourage interfaith activities. The Embassy reached out to the divided Islamic community and hosted an iftar, to which leaders of other religious groups also were invited, to demonstrate U.S. support for the country's multiconfessional society. Embassy officials met regularly with Muslim leaders to encourage peaceful resolution of their differences. The Embassy also counseled religious groups to report all incidents targeting their property or adherents to senior government officials as a way to counter the often indifferent response by local police.
