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July-December 2010 International Religious Freedom Report

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The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

There were reports of societal abuse and discrimination based on religious affiliation, belief, or practice. The number of incidents targeting religious property, clerics, or symbols increased.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. Embassy officials met with representatives of religious groups, promoted interfaith cooperation, and conducted other outreach activities.

Section I. Religious Demography

The country has an area of 5,417 square miles and a population of 630,000. According to the 2003 census, more than 74 percent of the population is Orthodox, 18 percent is Muslim, and 3.5 percent is Roman Catholic. The remaining 4.5 percent is composed of members of other religious groups, agnostics, atheists, and persons whose religion is undeclared.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.

There is no state religion; however, legislation recognizes religious communities, which according to the

constitution are separate from the state and are equal and free in the exercise of religious affairs. There are four principal religious communities: the Serbian Orthodox Church (SPC), the Montenegrin Orthodox Church (CPC), the Roman Catholic Church, and the Muslim community. Other registered religious communities include the Seventh-day Adventist Church (Christian Adventist Church), Jehovah's Witnesses, Evangelical Church, and others. The Government Commission for Political System and Internal and Foreign Policy, chaired by the deputy prime minister, is responsible for regulating relations between the state and religious communities according to the 1977 Law on the Legal Position of Religious Communities, which is the basic legal framework for religious life; however, many persons were concerned that the law is outdated and does not adequately regulate relations between the state and religious communities. There are also other laws that regulate the status of churches and religious communities.

Official funds are available to support religious communities and are allocated according to individual requests submitted by the communities upon approval of the government's Secretariat General. Those funds are used mainly for payment of pension and disability insurance for clergy and for restoration of shrines and holy sites.

Religious communities receive limited tax exemptions. If they provide services to meet the needs of their members, they are exempt from paying Value Added Tax (VAT) and reporting their income. However, if they engage in providing or producing market-oriented services or products exceeding annually 18,000 euros (\$22,200), they are subject to VAT.

When a religious community is founded, it must register with the local police within 15 days. Religious communities are given the status of a legal entity.

By law, religious studies are not included in primary or secondary school curricula. The SPC Orthodox theological school in Cetinje and the Islamic religious secondary school in Tuzi are not included in the national educational system.

The government observes Orthodox Christmas and Easter as national holidays. Orthodox believers may also celebrate their family's patron saint's day at their discretion. Catholics are entitled to celebrate Christmas, Easter, and All Saints' Day. Muslims are entitled to celebrate Greater Bairam and Ramadan. Jews are entitled to celebrate Passover and Yom Kippur. In practice no state institutions function during Orthodox holidays, while during Muslim and Catholic holidays, only employees observing those holidays do not come to work. Some religious leaders complained that some employees in the retail sector had to work on religious holidays.

Restrictions on Religious Freedom

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

By the end of the reporting period, the Ministry of Environment and Spatial Planning, despite its September 2009 announcement of its intention to do so, had not implemented the decision of the former Urban Planning Ministry to remove an SPC church from the top of Rumija Mountain in the southern part of the country.

The restitution of religious properties remained a problem. The law envisions that property confiscated from religious communities by the former Yugoslav government after World War II would be regulated by separate legislation; however, at the end of the reporting period, no such legislation had been adopted. Religious communities may file claims for restitution, but no action on the religious communities' claims may be taken under the existing law.

Various religious groups had filed extensive claims for restitution, but major religious communities complained of a general lack of progress. The CPC and the SPC had outstanding property restitution claims. The Catholic Church and Islamic community also asserted claims to property in several locations. The Jewish community from Belgrade, Serbia, asked for the return of a rest and rehabilitation center for women in Prcanj, in the municipality of Kotor. Major religious communities complained of a general lack of progress on restitution claims. By the end of the reporting period, the number of unresolved restitution claims related to religious property was unknown, but the Ministry of Finance confirmed that the religious communities had submitted claims.

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

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were reports of societal abuse and discrimination based on religious affiliation, belief, or practice. Religion and ethnicity are intertwined closely throughout the country, and it was difficult to categorize such acts as either primarily religious or ethnic in origin.

On July 10, a group of local residents attacked a CPC archpriest in Risji Do during a visit to a proposed church site.

On August 23, a security officer at the Hipotekarna Bank in Bijelo Polje did not allow a Muslim female to enter the bank because she wore a headscarf. Bank management and the contracted security company apologized for the incident after the Muslim community and the state ombudsman issued public statements criticizing this behavior.

The press continued to report burglaries, theft, and vandalism involving religious properties.

On August 14, unknown persons threw stones at a SPC parish rectory in Rozaje.

On September 23, unknown perpetrators threw stones at five SPC followers in the municipality of Bijelo Polje.

On November 5, unknown perpetrators threw bricks and tiles at a house in the municipality of Tivat used by the Islamic Community in Montenegro. Police opened an investigation but found no perpetrators. This attack followed an October 29 incident in which the facilities of the Muslim community in Dumidran, in the municipality of Tivat, were desecrated. Police arrested Zana Mitic and Zoran Raicevic, who were charged with the "provocation of national, racial, or religious hatred" by the State Prosecutor's Office.

Prior to the first attack, 670 local residents had signed a petition against the construction of a mosque and Islamic cemetery in Tivat. The reis (grand mufti) of the Islamic Community in Montenegro stated that "in democratic countries, house pets have more rights than Muslims in Tivat," accusing the municipal authorities of depriving the Muslim community of its right to receive land to build a mosque and a cemetery. The Muslim National Council demanded that "the campaign against Muslims" be stopped; however, the mayor of Tivat asserted that the attack was an isolated event.

The SPC and CPC were generally critical of the government's alleged practice of favoring the one side over the other, claiming that the government's behavior was not impartial.

In November opposition politicians harshly criticized National Parliament Speaker, Ranko Krivokapic, for his statements about the "disgraceful role of SPC clergymen" and the "occupying role of Serbia" in the country during the visit of the SPC Patriarch Irinej. Krivokapic refused to apologize; he claimed that he was irritated by the patriarch's statements that he believed questioned the country's existence.

Relations between the major religious groups (Orthodox, Islamic, and Catholic) were generally amicable and tolerant. The exceptions were longstanding tensions between the SPC and the CPC, which remained a constant problem with political connotations. Both groups continued to quarrel over property and for predominance and official recognition, with both claiming to be the "true" Orthodox Church in the country. Some dignitaries and political leaders used the conflict for political purposes. According to their editorial policies, media outlets occasionally reported stories involving negative and slanderous content about both the SPC and CPC.

On August 19, police blocked the entrance of the Church of the Transfiguration, near Cetinje, where members of both the CPC and SPC had gathered to celebrate the Feast of Christ's Transfiguration. Both churches protested the blockage, which the police stated was done to prevent clashes between the two groups.

On July 30, the Basic Court in Niksic sentenced eight women from the villages of Dragovoljici and Zupa to a 500 euro (\$675) fine or 19 days in prison for obstructing police officers in September 2008, when police briefly arrested 65 SPC followers who were protesting the construction of a CPC monastery in Risji Do.

On August 5, the High Court in Podgorica ruled against the SPC in its claim that in 2007 CPC Metropolitan Mihailo tried to enter forcibly the monastery in Cetinje and the Church of Saint George at Cipur. The SPC filed the suit against Mihailo for hampering a religious service and trying to take another's property by force.

The court case regarding the ownership of the Church of Saint John the Baptist in Bajice near Cetinje remained unresolved. The court hearing of SPC priests Gojko Perovic and Obren Jovanovic, scheduled for June 2009 in Cetinje, was delayed because SPC lawyer Dalibor Kavaric requested that Cetinje Basic State Prosecutor Luka Martinovic be excluded from the case for alleged bias in favor of the CPC.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. U.S. embassy officials met regularly with clergy and lay leaders of religious and ethnic minorities to promote respect for religious freedom and human rights.

On July 16, the ambassador and embassy personnel met with SPC Metropolitan Amfilohije and on July 23, they met with CPC Metropolitan Mihailo to discuss religious issues in the country.

On August 25, the embassy hosted an iftar. Guests included the reis of the Islamic Community and other religious, cultural, business, and civic leaders of the Muslim community. This was the sixth iftar dinner organized by the embassy.

The embassy maintained an active agenda of events with the Romani community as well, underscoring the importance of tolerance for all minorities in the country.

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