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2010 Report on International Religious Freedom - Serbia

[Covers the period from July 1, 2009, to June 30, 2010]

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 dominant Serbian Orthodox Church and other "traditional" religious communities receive some preferential consideration.

The government's respect for religious freedom remained problematic because of the religion law as well as the Religion Ministry's arbitrary implementation and interpretation of the law and its associated by-laws. 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 about minority religious groups.

There continued to be fewer reports of societal abuse or discrimination based on religious affiliation, belief, or practice. However, 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 Muslim 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 1,300-1,400 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 previously recognized, to register 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.

At the end of the reporting period, the Constitutional Court had not considered the request of the NGO Coalition for a Secular State, submitted in 2008, to determine whether certain provisions of the law violate constitutional guarantees for separation of church and state and equal treatment.

There is no state religion; however, the Serbian Orthodox Church received preferential treatment. The government continued to subsidize salaries of Serbian Orthodox clergy working in other countries. Other welfare benefits, such as health care and pensions, were provided by the government to clergies of various churches on the basis of individual arrangements with the state, but these benefits were not universal.

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. The Roman Catholic Church continued to call for Catholic Christmas to be observed as a national holiday.

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 Religion Ministry's Web site contains links only to these "traditional" communities.

In addition to the seven "traditional" communities explicitly listed in the law (thereby conferring automatic entry in the Register of Churches and Religious Communities), the Religion Ministry has given this status to the Diocese of the Romanian Orthodox Church Dacia Felix, with its seat in Romania and administrative seat in Vrsac (Vojvodina).

Although registration is not mandatory for religious communities, those who do not register encounter considerable difficulties when seeking to open a bank account, purchase or sell property, or publish their literature. The property and tax laws grant property and value-added tax (VAT) exemptions only to registered communities; implementation of these laws allows registered communities to claim VAT refunds, including retroactively to January 1, 2005. In June 2010 the Constitutional Court dismissed a case challenging the tax law on the grounds that the plaintiff failed to address the court's request to correct technical deficiencies in the suit.

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. However, during the reporting period, the Religion Ministry registered several "nontraditional" churches and religious communities bearing the words "Protestant" and "Evangelical" in their names. Religion ministry officials explained that this was the result of efforts

to "creatively interpret" the law to permit registration of groups so long as similarities between the names would not cause confusion among the public.

Students in primary and secondary schools are required to attend classes either on one of the seven "traditional" religious communities or on civic education. A study commissioned by the Religion Ministry to evaluate the impact of religious education since its introduction in 2001 found that students who opted for religion classes wanted to learn more about their religion (32 percent), were religious (26 percent), were interested in culture and tradition (18 percent), or wanted "to become a better person" (7 percent). The main recommendations of the first phase of the study, which focused on Belgrade, were the need to introduce changes in training programs and to provide greater professional support and assistance to religion teachers.

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.

At the end of the reporting period, there were 16 "nontraditional" religious communities registered. However, some of these communities, such as The Church of Jesus Christ of Latter-day Saints (Mormons), were registered as "religious organizations" instead of as "religious communities." This status reportedly did not afford these groups the same rights and privileges as "religious communities." The Ministry of Religion continued to deny registration to the League of Baptists, Hare Krishna Movement, Pentecostal Church, and Protestant Evangelical Church of Subotica. At the end of the reporting period, according to Supreme Court data, there were cases filed by three religious communities--the League of Baptists, Church of Christian Oath, and Montenegrin Orthodox Church--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.

None of the non-Christian religious communities were registered by the end of reporting period.

Although the Greek and Russian Orthodox Churches were not registered, they were recognized by the government and allowed to operate 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.

The application for registration of the Montenegrin Orthodox Church remained pending before the Supreme Court at the end of the reporting period. The Religion Ministry continued to insist that the group was not a viable religious community.

NGOs claimed that the government's refusal to register minority religious groups signaled that it would tolerate attacks on those groups. Although NGO and religious community representatives noted some improvement, 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.

In July 2009 registered "nontraditional" religious communities and NGOs based in Vojvodina objected to the terms of an open competition for funds for churches and

religious communities. The competition, announced by the Vojvodina provincial government, permitted applications only from "traditional" religious communities. The Zrenjanin-based NGO Center for Development of Civil Society appealed to the Vojvodina ombudsman to annul the competition as discriminatory. In January 2010 the Vojvodina ombudsman issued a recommendation to the Provincial Secretariat for Regulations, Administration, and National Minorities that the distribution of funds should not be limited to "traditional" communities, but his recommendation referred only to registered "nontraditional" churches and religious communities and did not address the issue of unregistered groups.

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 self-styled expert on "sects," continued to publish articles and interviews in which he warned of the expanding influence of "sects." In Internet articles in December 2009 and in a February 2, 2010, article in *Press*, a daily tabloid, Lukovic claimed that the effects of the global economic crisis had made the country more vulnerable to the "increasing and ever more dangerous" activities of "sects."

During the reporting period, the Belgrade District Court rejected an appeal filed by the Jehovah's Witnesses in a libel case against Lukovic, claiming that the group failed to provide Lukovic's address in its complaint. In March 2009 the Jehovah's Witnesses had filed a libel complaint with the First Municipal Court in Belgrade, which rejected the complaint, stating that the group failed to demonstrate that Lukovic intended to insult the group.

In his speech at the National Defense School in January 2010, First Deputy Prime Minister and Interior Minister Ivica Dacic underlined the so-called destructive effect that "sects" and "cults" had on the country's overall security and stability and stated that the police would do their best to suppress the harmful impact of such groups.

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 grade to justify establishment of a specific religion class.

Students and the dean of the Faculty of Islamic Studies in Novi Pazar protested against the Religion Ministry's decision to exclude their university from its yearly competition for student stipends. They claimed that the terms of the competition were discriminatory because they provided preferential treatment to ethnic Serb students from Serbia, Republika Srpska in Bosnia and Herzegovina, and other neighboring countries.

Authorities continued at times to deny unregistered religious communities building permits and refused to recognize their official documents. Jehovah's Witnesses members 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, filed in 2009, remained pending at the end of the reporting period.

The Roman Catholic Church reported difficulties and delays in obtaining the required permits for the construction of new churches in Sabac and Belgrade. The Islamic Community of Serbia cited the lack of a Muslim cemetery in Belgrade and difficulties gaining permission to build a larger mosque in Belgrade as ongoing problems.

The 2006 Law on Restitution to Churches and Religious Communities recognizes claims for religious property confiscated in 1945 or later. Some religious groups--particularly the Jewish and Muslim communities, who lost land prior to 1945--expressed opposition to this using 1945 as the benchmark to determine the eligibility of claims. Representatives of the Union of Jewish Communities also expressed concern that linking religious community restitution with individual restitution would cause delays. Representatives of several religious communities lamented the slow pace of restitution and advocated for equal status with the Serbian Orthodox Church. 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.

Improvements and Positive Developments in Respect for Religious Freedom

On June 17, 2010, the Religion Ministry founded an interreligious council to promote religious freedom and culture and to speak out publicly on the most important social matters. Religion Minister Bogoljub Sijakovic, Serbian Orthodox Bishop Irinej of Backa, Roman Catholic Archbishop of Belgrade Stanislav Hocevar, Rabbi Isak Asiel, and Islamic Community of Serbia Reis-ul-ulema Adem Zilkic were named members of the council. The ministry announced that the council would be open to additional members but only representatives from "traditional" religious communities.

On February 8, 2010, the Religion Ministry approved the Jehovah's Witnesses' request for registration. The decision followed several denied requests, which had led the Jehovah's Witnesses to file appeals with the Supreme Court and the European Court of Human Rights (ECHR). The ministry's decision allowed the group to begin importing religious literature tax free and to obtain visas for its missionaries. However, members of the group expressed some concern about the implications of the fact that the registration was dated February 2010 instead of 2006, when the group originally applied. According to Jehovah's Witnesses representatives, the community proposed to the Religion Ministry a "friendly settlement" of the ECHR case and was awaiting a response at the end of the reporting period.

During the reporting period, the ministry also registered the Free Church of Belgrade, Votive Church of Zion (Zavetna Crkva Zion), the Seventh Day Adventist Reform Movement, and the Protestant Evangelical Church "Spiritual Center."

Progress slowed but continued on restitution of religious property seized in 1945 or later. The Directorate for Restitution of Communal and Religious Property continued to process 3,049 restitution requests filed from October 2006 to September 2008 by the Serbian Orthodox Church, Roman Catholic Church, Jewish community, Romanian Orthodox Church, Reformation Church, Muslim community, Evangelical Church, and Association of Christian Baptist Churches. According to the Directorate it has ruled on 456 claims to date. Properties were returned in 303 cases, 126 claims were abandoned, and two were rejected. The majority of properties returned were woods, agricultural land, construction zones, a number of apartments and houses, and some business premises. During the reporting period, the Directorate for Restitution returned 1,850 acres of woodland seized in 1946 from the Saint Prohor Pcinjski (Serbian Orthodox) monastery in Vranje diocese, and officials from the Belgrade municipality of Palilula returned 12,700 square feet of business space and 6.2 acres of land to the (Serbian Orthodox) Church of Saint Mark.

According to press reports, at its June 10, 2010 session, the government adopted a decision to return more than 20,000 records seized from religious communities in 1946, ostensibly to allow the state to copy the records. Patriarch Irinej of the Serbian Orthodox Church welcomed the decision as beneficial to believers, religious communities, historians, and genealogists.

Section III. Status of Societal Respect for Religious Freedom

There were fewer reports of societal abuse and discrimination based on religious affiliation, belief, or practice. However, leaders of minority religious communities continued to report acts of physical attacks, vandalism, hate speech, 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 motivation.

On February 27, 2010, unidentified persons attacked a member of the Jehovah's Witnesses in Belgrade. The police investigated and passed the case to prosecutors, who initially qualified the attack as "light injuries." However, after determining that the individual suffered a broken rib, they reopened the investigation, which continued at the end of the reporting period.

In July 2009 two Jehovah's Witnesses in Smederevo were threatened at gunpoint by an individual upset that they had left religious literature at his residence. Police arrested the individual, who eventually received a three-month suspended sentence.

According to NGO reports, on January 25, 2010, a court sentenced Miroslav Savic to 10 months in prison for a 2007 attack on two Jehovah's Witnesses missionaries in Stari Banovci.

NGOs reported a decreasing number of religiously motivated attacks, but religious communities, especially minority religious communities, continued to experience vandalism of church buildings, cemeteries, and other religious premises. The Jehovah's Witnesses, Seventh-day Adventists, and The Church of Jesus Christ of Latter-day Saints were targets in most of these incidents. Most attacks involved spray-painted graffiti; thrown rocks, bricks, or bottles; or vandalized tombstones. NGOs criticized authorities for their slow or inadequate response. Minority religious leaders believed that the decline in number of attacks on minority religious communities was tied to the country's desire to join the EU and growing popular understanding that respect for human rights was one prerequisite.

There were several attacks on Serbian Orthodox Church sites throughout the reporting period, but NGO observers noted that the group typically did not report the incidents.

During the night of June 20-21, 2010, unidentified individuals damaged a fence surrounding the Christian Adventist church in Palic. Vencel Sili, the local Christian Adventist pastor, told the press that he believed the church was targeted, since nothing else in its vicinity was damaged. He noted that the police and investigative judge reacted quickly to the incident. On June 22, Subotica police detained four minors and announced plans to charge them for inciting ethnic, racial, and religious hatred and intolerance.

In early June 2010, unidentified persons broke windows of the Methodist church in Jabuka, (threw stones to break windows; may we say "broke windows of ... " a small village near Pancevo. The incidents occurred as part of protests by local residents after a 17-year-old Roma allegedly killed a 17-year-old ethnic Serb. The majority of the Methodist community in Jabuka is Romani. In connection with the protests, police arrested six individuals for inciting ethnic, racial, and religious hatred and intolerance. However, credible NGO reports suggested that police initially failed to react promptly.

On February 23, 2010, unidentified persons demolished two gravestones and a wooden cross in a Catholic cemetery in Becej. In response to this and previous incidents, the Vojvodina provincial ombudsman and the Becej municipality ombudsman called for an increase in police patrols of sensitive areas such as cemeteries.

In early January 2010, there were several attacks on Seventh-day Adventist churches. Windows were broken on churches in Kovilj and Kula. No further information was

available.

On December 4, 2009, unidentified individuals damaged 48 gravestones and other markers in a Catholic cemetery in Backo Gradiste. The investigative judge qualified the act as a criminal offense. On December 5, 2009, police arrested four minors ages 14 to 17 on suspicion that they damaged the grave markers. The head of the Vojvodina Executive Council Bojan Pajtic, Vojvodina Assembly Speaker Sandor Egeresi, and local officials denounced this act of vandalism.

In October 2009 the Jehovah's Witnesses kingdom hall in Sremska Mitrovica was the target of two separate incidents involving graffiti and egg throwing. Police started an investigation but had made no arrests by the end of the reporting period.

On September 13, 2009, unidentified individuals damaged a bust of Martin Luther in the center of Subotica. The mayor of Subotica, Sasa Vucinic, and the Religion Ministry publicly criticized the vandalism. Police inspected the damage but had not made any arrests by the end of the reporting period.

The trial of 20 persons indicted for attacking and burning the Bajrakli Mosque in Belgrade in 2004 resumed on June 11, 2010. The prosecutor announced there would be an investigation into the possible complicity of the then-authorities in the attack.

Some right-wing youth groups continued to openly denounce "sects." In addition, the press, mostly tabloid media, continued to publish "antisect" propaganda that labeled smaller, multiethnic Christian churches--including Baptists, Seventh-day Adventists, and Jehovah's Witnesses--and other smaller religious groups as "sects" and claimed they were dangerous. A January 24, 2010 article in the daily tabloid *Kurir* classified registered "traditional" communities such as the Slovak Evangelical Church, registered "nontraditional" communities such as the Christian Adventist Church, and nonregistered "nontraditional" communities such as the Union of Baptist Churches as "sects." In February and March 2010 the daily newspaper *Vesti* published a series of sensational articles about "sects." Religious leaders continued to note that instances of vandalism often occurred soon after the publication of press reports characterizing some religious groups as "sects."

Several booksellers at the annual international Belgrade Book Fair in October 2009, including the Nikola Pasic and Pesic and Sons publishing houses and the right-wing NGO *Dveri Srpske*, as well as booksellers at the annual Christmas Book Fair in December displayed anti-Semitic works. According to Jewish community officials, in contrast with past years, Belgrade Book Fair officials ordered such books removed from the stalls.

The law bans hate speech, but translations of anti-Semitic literature were available from ultranationalist groups. Approximately 100 different anti-Semitic books were sold in bookshops. Right-wing youth groups and Internet fora continued to promote anti-Semitism and use hate speech against the Jewish community.

The Muslim community remained divided into two groups supported by competing political parties, causing tensions between the groups. However, in contrast with the previous reporting period, there were no reports of violence between the groups.

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. 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.

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 Muslim community and hosted an iftar (evening meal during Ramadan), to which leaders of other religious groups were also 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.

During the reporting period, the embassy nominated a group of young religious leaders from both "traditional" and "nontraditional" religious communities for an exchange program that encourages interfaith dialogue through common approaches to social issues. The embassy also sponsored visits to the country by two prominent U.S. Muslim scholars, who traveled throughout the country and promoted the importance of religious belief and freedom as part of individuals' broader identity.
