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USDOS – US Department of State

2018 Report on International Religious Freedom: Serbia

Executive Summary

The constitution guarantees the freedom of religion, as well as the right to change one's religion, forbids the establishment of a state religion, guarantees equality for all religious groups, and prohibits incitement of religious hatred. Some religious groups and nongovernmental organizations (NGOs) criticized the government for granting special privileges to seven religious groups it defined as “traditional” and protested difficulties in the registration process, without which religious groups lacked property rights, tax exemptions, and legal status. Four religious groups applied for registration or had applications pending during the year, and the government approved two of them, the Buddhist Religious Community Nichiren Daishonin and the LOGOS Christian Community in Serbia. In March the government appointed a chairperson to the supervisory board charged with overseeing the proper implementation of the law on Holocaust-era heirless and unclaimed property, enabling the board to commence work. During the year, the government restituted to religious groups 1,151.4 hectares (2,845 acres) of land and 1,618 square meters (17,416 square feet) of office and residential space confiscated since 1945.

Jehovah's Witnesses reported two incidents of physical assault and two instances of verbal death threats against their members and said prosecutors failed to respond adequately to the incidents. Protestants said persons frequently branded their religious groups as “sects,” which has a very strong negative connotation in the Serbian language. One Protestant group said its members sometimes hid their religious affiliation for fear of discrimination. Many smaller or nontraditional religious groups reported low-level public bias or discrimination against their members without citing specific examples. A Baptist group said religious documentaries critical of Protestant groups occasionally played on conservative television stations but did not cite specific examples. Anti-Semitic literature was available in some bookstores, and the Jewish community reported one incident of pro-Nazi graffiti at a public park in Belgrade.

U.S. embassy officials urged the government to continue implementing restitution of Holocaust-era heirless and unclaimed Jewish property and closely monitored plans for a memorial at the World War II (WWII)-era Staro Sajmiste concentration camp site. The Ambassador met with the head of the Restitution Agency to express support for the agency's work in restituting WWII-era Jewish heirless and unclaimed property. Embassy staff met with local and national officials in efforts to assist these restitution efforts and

advocated the appointment of a chairperson to the supervisory board charged with oversight of the Holocaust-era heirless and unclaimed property law. Embassy officials continued to meet with representatives of a wide range of religious groups to discuss issues of religious freedom and tolerance, cooperation with the government, interaction between traditional and nontraditional religious groups, and property restitution. In May the embassy hosted an iftar that brought together representatives of the two different Islamic communities, which rarely met, to encourage the groups to work together and overcome long-standing divisions. An embassy officer visited a series of religious sites in Belgrade in January and February, spotlighting U.S. support for religious tolerance via the embassy's social media outlets. In December the embassy hosted an interfaith discussion and networking event for 20 religious leaders and others. One speaker said it was the first occasion in almost 20 years that brought together such a wide cross-section of the religious community.

Section I. Religious Demography

The U.S. government estimates the total population at 7.1 million (July 2018 estimate). According to the 2011 census, approximately 85 percent of the population is Orthodox Christian, 5 percent Roman Catholic, 3 percent Sunni Muslim, and 1 percent Protestant. The remaining 6 percent includes Jews, Buddhists, members of the International Society of Krishna Consciousness, members of other religious groups, agnostics, atheists, , and individuals without a declared religious affiliation. The vast majority of the population identifying as Orthodox Christian are members of the Serbian Orthodox Church (SOC), a category not specifically listed in the census. Adherents of the Macedonian, Montenegrin, and Romanian Orthodox Churches may be included in the numbers of “Orthodox Christians” or in the “other Christian” category that is part of the remaining 6 percent, depending on how they self-identify.

Catholics are predominantly ethnic Hungarians and Croats residing in Vojvodina Province. Muslims include Bosniaks (Slavic Muslims) in the southwest Sandzak region, ethnic Albanians in the south, and Roma located throughout the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees the freedom of belief and religion as well as the right to change one's religion. It states everyone shall have the freedom to worship and practice religion individually or with others, in private or in public, and no one shall be obliged to declare one's religion. The constitution states the freedom to express one's religion or beliefs may be restricted by law only as necessary to protect life or health, the morals of democratic society, freedoms and rights guaranteed by the constitution, or public safety and order or prevent incitement of religious, national, or racial hatred. The constitution forbids the establishment of a state religion, guarantees equality for religious groups, and calls for separation of religion and state. It states churches and religious communities shall be free to organize their internal structure, perform religious rites in public, and establish and manage religious schools and social and

charity institutions in accordance with the law. The constitution prohibits religious discrimination or incitement of religious hatred, calls upon the government to promote religious diversity and tolerance, and states religious refugees have a right to asylum, the procedures for which shall be established in law.

The law bans incitement of discrimination, hatred, or violence against an individual or group on religious grounds and carries penalties ranging from one to 10 years in prison, depending on the type of offense.

The law grants special treatment to seven religious groups the government defines as “traditional.” These are the SOC, Roman Catholic Church, Slovak Evangelical Church, Reformed Christian Church, Evangelical Christian Church, Islamic community, and Jewish community. The law considers Islam in general a traditional religion, and the Islamic community is divided between the Islamic Community *of* Serbia (emphasis added), with its seat in Belgrade, and the Islamic Community *in* Serbia (emphasis added), with its seat in Novi Pazar. Both Islamic communities are officially registered with the government and can conduct most normal business. Neither group, however, has absolute authority over matters regarding the Islamic community as a whole. “Church” is a term reserved for Christian religious groups, while the term “religious community” refers to non-Christian groups and to some Christian entities.

The seven traditional religious groups recognized by law are automatically registered in the Register of Churches and Religious Communities. In addition to these groups, the government grants traditional status, solely in Vojvodina Province, to the Diocese of Dacia Felix of the Romanian Orthodox Church, with its seat in Romania and administrative seat in Vrsac in Vojvodina.

The law also grants the seven traditional religious groups, but not other registered religious groups, the right to receive value-added tax (VAT) refunds and to provide chaplain services to military personnel.

There are 22 “nontraditional” religious groups registered with the government: the Seventh-day Adventist Church, Evangelical Methodist Church, The Church of Jesus Christ of Latter-day Saints, Evangelical Church in Serbia, Church of Christ’s Love, Spiritual Church of Christ, Union of Christian Baptist Churches in Serbia, Nazarene Christian Religious Community (associated with the Apostolic Christian Church [Nazarene]), Church of God in Serbia, Protestant Christian Community in Serbia, Church of Christ Brethren in Serbia, Free Belgrade Church, Jehovah’s Witnesses, Zion Sacrament Church, Union of Seventh-day Adventist Reform Movement, Protestant Evangelical Church Spiritual Center, Evangelical Church of Christ, Slovak Union of Baptist Churches, Union of Baptist Churches in Serbia, Charismatic Community of Faith in Serbia, and, added during the year, the Buddhist Religious Community Nichiren Daishonin and the LOGOS Christian Community in Serbia. Several of these organizations are umbrella groups that oversee many individual churches, sometimes of slightly differing affiliations.

The law does not require religious groups to register, but it treats unregistered religious organizations as informal groups that do not receive any of the legal benefits registered religious groups receive. Only registered religious groups may build new places of

worship, own property, apply for property restitution, or receive state funding for their activities. Registration is also required for opening bank accounts and hiring staff. Registered clerics of registered groups are entitled to government support for social and health insurance and a retirement plan. According to government sources, 17 registered groups use these benefits. The law also exempts registered groups from property and administrative taxes and from filing annual financial reports.

To obtain registration, a group must submit the following: the names, identity numbers, copies of notarized identity documents, and signatures of at least 100 citizen members; its statutes and a summary of its religious teachings, ceremonies, religious goals, and basic activities; and information on its sources of funding. The law prohibits registration if an applicant group's name includes part of the name of an existing registered group. The Ministry of Justice (MOJ) maintains the Register of Churches and Religious Communities and responds to registration applications. If the MOJ rejects a registration application, the religious group may appeal the decision in court.

According to the constitution, the Constitutional Court may ban a religious community for activities infringing on the right to life or health, the rights of the child, the right to personal and family integrity, public safety, and order, or if it incites religious, national, or racial intolerance. It also states the Constitutional Court may ban an association that incites religious hatred.

The MOJ's Directorate for Cooperation with Churches and Religious Communities manages all matters pertaining to the cooperation of the state with churches and religious communities. These include assistance to national minorities in protecting the religious traditions integral to their cultural and ethnic identity, cooperation between the state and SOC dioceses abroad, support for religious education, and support for and protection of the legal standing of churches and religious communities. The government's independent Office for Human and Minority Rights, which addresses policy and monitors the status of minorities, also oversees some religious issues.

The law recognizes restitution claims for religious property confiscated in 1945 or later for registered religious groups only. The law permits individual claims for properties lost by Holocaust victims during WWII, but religious groups may not claim property confiscated prior to 1945. Registered religious groups that had property and endowments seized after WWII may apply for their restitution.

In accordance with the Terezin Declaration on Holocaust-era assets, the law provides for the restitution of heirless and unclaimed Jewish property seized during the Holocaust, allowing the Jewish community to file restitution claims based on these seizures, while still permitting future claimants to come forward. The law defines "heirless property" as any property not the subject of a legitimate claim for restitution. The Jewish community must prove the former owner of the property was a member of the community and the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish community of 950,000 euros (\$1.09 million) per year for a 25-year period, which began with an initial payment in 2017. The law requires the appointment of a supervisory board with representatives from the country's Jewish community, the World Jewish Restitution Organization, and a

government-appointed chairperson to oversee implementation of the restitution law's provisions and use of the state payment. The board is primarily responsible for auditing use of the annual financial payments from the government to the Jewish Federation. The government appointed a chair for the board in March after more than a year without an established supervisory body.

The constitution states parents and legal guardians shall have the right to ensure the religious education of their children in conformity with their own convictions. The law provides for religious education in public schools, but only for the seven traditional groups. Students in primary and secondary schools must attend either religious or civic education class. Parents choose which option is appropriate for their child. The curriculum taught in the religion classes varies regionally, reflecting the number of adherents of a given religion in a specific community. Typically, five interested students is the minimum needed to offer instruction in a particular religion. In areas where individual schools do not meet the minimum number, the Ministry of Education attempts to combine students into regional classes for religious instruction. The Commission for Religious Education appoints religious education instructors in schools throughout the country from lists of qualified candidates supplied by each religious group. The commission comprises representatives from each traditional religious group, the Ministries of Education and of Science and Technological Development, and the Directorate for Cooperation with Churches and Religious Communities. Representatives of the Islamic Community in Serbia have not participated in the work of the commission. Instead, they have submitted their list of religious teachers directly to the education ministry for approval. According to the Islamic Community in Serbia, appointment of their religious teachers in schools throughout the Sandzak region has depended on local authorities rather than the education ministry. The Islamic Community of Serbia participates in the commission.

The constitution recognizes the right of conscientious objection based on religious beliefs. It states no person shall be obliged to perform military or any other service involving the use of weapons if this is inconsistent with his or her religion or beliefs, but that a conscientious objector may be called upon to fulfill military duty not involving carrying weapons. By law, all men must register for military service when they turn 18, but there is currently no mandatory military service.

The constitution allows any court with legal jurisdiction to prevent the dissemination of information advocating religious hatred, discrimination, hostility, or violence.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

According to the Jehovah's Witnesses, public prosecutors provided unsatisfactory levels of follow-up on the two cases of physical assault and two cases of death threats against their members during the year, although they reported that police generally took appropriate action.

The MOJ reported it approved two registration applications from religious groups during the year, one for the LOGOS Christian Community in Serbia that applied during the year, and one for the Buddhist Religious Community Nichiren Daishonin that applied in 2017. The approval of Nichiren Daishonin’s application marked the first time the government approved the registration of a non-Christian religious group. The government rejected three other applications: one submitted during the year by Christian Community Golgotha because the government said the application was incomplete, and two submitted in 2017, by the Old Orthodox Catholic Church in Serbia and the Diocese of Raska and Prizren in Exile of the Serbian Orthodox Church. The government was still reviewing two other applications submitted during the year, by Christian Center – Good News, and Theravada Buddhist Community in Serbia.

Minority religious groups continued to state the law was inherently biased in differentiating between traditional and nontraditional religious groups and in conflict with constitutional guarantees of freedom of religion and equality among religious groups. One religious community stated the government was not transparent with the application process to apply for benefits and grants the government provided to religious groups. Director of the Directorate for Cooperation with Churches and Religious Communities Mileta Radojevic said the directorate focused its expenditures on the traditional groups because they represented the vast majority of the population. He also stated there was no open call for project proposals to fund; rather, the directorate distributed information on the availability of funds directly to specific religious groups. One Protestant Church in the city of Nis reported it faced difficulty navigating the process to apply for pension and health-care benefits for its clergy, stating central government officials gave it a list of additional requirements to prove its valid status as a Church, despite belonging to a registered umbrella organization. The Directorate for Cooperation with Churches and Religious Communities stated it provided scholarships only for members of religious groups with a formal, university-level religious institution within the country. Prospective clergy from smaller denominations who relied on seminaries outside the country were ineligible for such scholarships.

The Macedonian and Montenegrin Orthodox Churches remained unregistered. The government recognizes only one Orthodox Church in Serbia and thus defers to the SOC for approval of any other Orthodox Church to operate in the country. The SOC continued not to recognize the autocephaly of the Macedonian or Montenegrin Orthodox Church, and government officials stated that secular authorities should not try to resolve issues among individual Orthodox Churches. The registered Romanian Orthodox Church (ROC) Diocese of Dacia Felix operated in the Banat region of Vojvodina Province in an agreement with the SOC. Government and SOC officials criticized the activities of ROC priests outside Vojvodina Province in the eastern part of the country, where the ROC remained unregistered, who continued to hold services in the Romanian language and to repurpose buildings for religious use.

Representatives from the First Baptist Church of Belgrade continued to protest the legal requirement that groups register in order to obtain legal status by refusing to apply for registration, citing its long-held legal standing in the country under previous legal frameworks. Representatives from the Church of Christ said the requirement to submit

legal documents and the signatures of 100 citizens was costly, time consuming, and often impossible to fulfill for many smaller churches and those whose members were primarily noncitizens.

One Tibetan Buddhist group stated the registration requirement to submit religious texts for review was difficult for Buddhist groups to comply with, given the breadth of texts used in their practice. The same group said, prior to the government’s approval of Nichiren Daishonin’s application, that the government had not registered any Buddhist groups under the religion law during several years of attempts by various groups to do so.

Multiple groups, including the First Baptist Church of Belgrade, Protestant Evangelical Church, Anglican Church, Church of Christ, and one Tibetan Buddhist group, continued to state that lack of registration did not directly prevent a religious organization from worshiping. They said, however, it did impose restrictions, including inability to apply for property restitution, open bank accounts, purchase or sell property, obtain visas for religious travel, and publish literature. The First Baptist Church of Belgrade reported that lack of legal recognition became more onerous over time, as it impeded a variety of activities.

At year’s end, a 2013 complaint by the Christian Baptist Church and the Protestant Evangelical Church, both of which had declined to apply for registration under the law, to the European Court of Human Rights, alleging the law violated the rights and freedoms safeguarded by the European Convention on Human Rights, remained pending.

In March the government appointed a chairperson to the supervisory board charged with overseeing the proper implementation of the law on heirless and unclaimed property confiscated during the Holocaust. The appointment effectively established the board, which immediately began auditing the use of funds by the Jewish community and compliance with the law’s general provisions.

At least one religious researcher and an evangelical group said the religious education system in public schools discriminated against nontraditional groups. These same observers noted the separate religious classes inhibited interreligious dialogue, religious tolerance, and basic understanding of other groups.

The Jehovah’s Witnesses reported that, unlike in previous years, they did not encounter legal difficulties in publicly distributing religious literature or conducting door-to-door ministry activities.

The government continued restitution of religious properties confiscated in 1945 or later, returning 1,073 hectares (2,651 acres) of agricultural land, 78 hectares (193 acres) of forest, 0.4 hectare (one acre) of construction land, 185 square meters (1,991 square feet) of residential building property, and 1,433 square meters (15,425 square feet) of business facilities to the SOC, Roman Catholic, Romanian Orthodox, Evangelical Christian, Greek Catholic, and Reformed Christian Churches and the Islamic Community. The government estimated it had returned 56 percent of previously

confiscated properties since the beginning of implementation of the law on religious restitution in 2006, 76 percent of confiscated land and 36 percent of confiscated buildings.

In accordance with the law on Holocaust-era heirless and unclaimed property, the government continued to return heirless and unclaimed property taken during WWII to the Jewish community and to individuals. This law governs personal property taken from members of the Jewish community during the Holocaust, primarily consisting of nonreligious residential and business property and agricultural land. The government began processing claims under the law in 2016 and reported it had returned a total of 7,180 square meters (77,285 square feet) of buildings and 625.24 hectares (1,545 acres) of land, of which 625.19 hectares (4,724 acres) was agricultural land and 442 square meters (4,758 square feet) was unfinished construction land.

In November the Restitution Agency returned a building located in the southwest city of Novi Pazar to the Islamic Community in Serbia. This was the first restitution claim returned to either Islamic community. Previously, representatives of both communities, Organization for Security and Cooperation in Europe observers, and local political leaders speculated the Restitution Agency had been unwilling to resolve the claims because the government did not want to decide which was the “rightful” Islamic group. The two Islamic communities said they had each submitted claims on the same set of properties. The Restitution Agency stated it had been processing the claims from both communities and confirmed the Novi Pazar property was the first returned to either Islamic group. In explaining the lack of progress on other claims, the agency said that, in general, the claims were poorly substantiated and required extra resources to process. The agency said it had already rejected three requests from the Islamic Community of Serbia because of insufficient evidence the community had owned the property prior to appropriation.

Following the July death of Hatidza Mehmedovic, President of the Mothers of Srebrenica, an advocacy group representing survivors of the Srebrenica massacre during the Bosnian war, Member of Parliament and Serbian Radical Party member Vjerica Radeta posted a tweet mocking the woman’s loss of her husband and two sons in the 1995 killings of 8,000 Bosnian Muslim men and boys. Radeta’s tweet called the group “businesswomen of Srebrenica” and asked, “Who will bury her? Her husband or sons?” The tweet sparked outrage among some media and officials – including Prime Minister Ana Brnabic; Deputy Prime Minister and Minister of Construction, Transportation, and Infrastructure Zorana Mihajlovic; and Deputy Prime Minister and Minister of Trade, Tourism, and Telecommunications Rasim Ljajic. Members of the Serbian Radical Party defended the tweet, which Radeta quickly removed.

On July 11, the Belgrade Higher Court ruled against the petition to rehabilitate WWII-era Prime Minister Milan Nedic, who headed the Nazi-collaborationist government in 1941-44, during which 90 percent of the country’s Jews were killed in the Holocaust. The court ruled that the presumption that “Milan Nedic was arrested without any court or administrative decision and was a victim of persecution for political or ideological reasons” was groundless.

A commission dedicated to development of a memorial at the location of the WWII-era Staro Sajmiste concentration camp met monthly from January through September. The commission also continued work on, but did not complete, a 2017 draft law authorizing the memorial, undertaking new rounds of edits and reviews in consultation with community members and various government ministries. The government did not transfer responsibility for the commission from the city of Belgrade to the Office of the President as it announced it would do in 2017, leaving the commission with unclear guidance. The commission held no meetings in the last three months of the year; commission head Bishop Jovan Culibrk of the SOC said that, without a clear government mandate or an approved law, the commission could make little progress.

The national television service, Radio Television of Serbia, continued to broadcast a daily 10-minute *Religious Calendar* program about major holidays celebrated by monotheistic religions.

The government is a member of the International Holocaust Remembrance Alliance.

Section III. Status of Societal Respect for Religious Freedom

The government did not keep records of religiously motivated violence, and reporting from individual religious organization remained sparse.

The Jehovah’s Witnesses reported two incidents of physical assault against members engaged in field ministry and two death threats.

On March 31, in Belgrade, an unknown assailant punched a Jehovah’s Witness in the head while he engaged in door-to-door ministry. Jehovah’s Witnesses said police passed the case on to the public prosecutor, but neither the group nor the victim had received any updates on the status of the case by year’s end.

On April 13, in Zitkovac, an unidentified assailant hit a Jehovah’s Witness in the face and overturned his mobile literature cart. Police informed the public prosecutor, who declined to pursue the case. The case concluded with a police warning to the perpetrator.

On March 2, in Belgrade, a Jehovah’s Witness reported to local police that a man from his neighborhood had threatened several times to kill him because of his faith. Police informed the public prosecutor of the incident, who asked the victim to provide a supplementary statement. At year’s end, the prosecutor had not taken additional action.

On June 17, in the city of Sabac, an unnamed person made death threats against a Jehovah’s Witness. According to the Jehovah’s Witnesses, the misdemeanor court in the city of Sabac ordered the perpetrator to pay a fine of 100 euros (\$110) but declined to classify the incident as religiously motivated.

Anti-Semitic works, such as the forged *Protocols of the Elders of Zion*, were available for purchase from informal sellers or online used bookshops or posted online. Right-wing groups maintained several websites and individuals hosted chat rooms (although many were inactive) that openly promoted anti-Semitic ideas and literature.

Aleksandra Djuric Milovanovic, an anthropologist of religion, stated that society distrusted Protestant religious groups, especially smaller evangelical groups, and that most citizens lacked a basic understanding of Protestant teachings. She said that because students received religious instruction only in the specific, traditional religion of their choosing, they acquired no information in the public school system about other religious groups. Milovanovic and members of Protestant groups said persons often branded the groups with the term “sect,” which she said had “a very strong negative connotation associated with secrecy and mystifying rituals in the Serbian language.” One Protestant group reported that members sometimes hid their religious affiliation for fear of discrimination.

Many smaller or nontraditional religious groups reported low-level public bias or discrimination against their members without citing specific examples. A Baptist group said religious documentaries critical of Protestant groups occasionally played on conservative television stations but did not cite specific examples.

The Jewish community reported one incident of pro-Nazi graffiti painted on a wall in Studentski Park in Belgrade on September 20.

Section IV. U.S. Government Policy and Engagement

The U.S. embassy continued to work with the Restitution Agency and other members of government in the application of the heirless and unclaimed Jewish property law. In several meetings with government officials, the Ambassador and other embassy staff encouraged the government to appoint a member/chairman of a supervisory board to oversee proper implementation and financial responsibility of the heirless and unclaimed Holocaust-era property, as required by the law and without which the board lacked a mandate to begin work.

In March the Ambassador met with the head of the Restitution Agency and in a press conference urged the government to continue its work in returning Holocaust-era heirless and unclaimed property.

Following reports that some local archives were slow in assisting local Jewish communities in their research of claims under the law on Holocaust-era heirless and unclaimed property, embassy staff visited local archives to urge their cooperation with the Jewish community.

Embassy officials met individually with members of the SOC, Romanian Orthodox Church, Roman Catholic Church, Islamic Community in Serbia, Islamic Community of Serbia, Reformed Christian Church, Jewish community, First Baptist Church of Belgrade, Jehovah’s Witnesses, a Tibetan Buddhist group, Evangelical Student Union, Faculty of

Orthodox Theology, Directorate for Cooperation with Churches and Religious Communities, Church of Christ, NGO Centar9, Journal of the Politology of Religion, editors at Teologija.net, and individual religious researchers to discuss the status of religious freedom and interreligious cooperation.

Embassy representatives continued to attend regular meetings of, and engage with, the commission responsible for establishing a memorial at the site of the WWII-era Staro Sajmiste concentration camp in Belgrade.

In May the embassy hosted an iftar, which brought together members of the Islamic Community of Serbia and the Islamic Community in Serbia. Embassy officials encouraged the two groups to work together during Ramadan to overcome longstanding divisions in the community.

A senior embassy official conducted a series of visits to SOC, Roman Catholic, and Islamic sites around Belgrade, spotlighting U.S. support for religious tolerance and diversity via the embassy’s social media outlets.

In December the embassy hosted an interfaith panel discussion and networking event with more than 20 members of the religious community and others, including members of the SOC, Roman Catholic Church, both Islamic communities, Jewish community, Slovak Evangelical Church, several minority Protestant denominations, University of Belgrade, and Office for Cooperation with Churches and Religious Communities. The primary speaker, an SOC official, stated it was the first occasion in almost 20 years that brought such a diverse group of religious leaders together for a conversation on interfaith cooperation. Members of the smaller denominations said the gathering was a valuable opportunity to network with key religious and government officials.

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