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2018 Report on International Religious Freedom: Montenegro

Executive Summary

The constitution guarantees freedom of religion as well as the right to change one's religion. It specifies there is no state religion and guarantees equality and freedom for all religious communities. The law prohibits religious discrimination and hate speech. Religious groups, particularly the Serbian Orthodox Church (SOC), continued to say the laws governing their legal status were inadequate. The SOC said the Ministry of Interior (MOI) denied visas to its clergy based on discriminatory registration procedures. Police on occasion prevented Montenegrin Orthodox Church (MOC) and SOC members from engaging in religious activities at Orthodox sites at the same time, citing security concerns over potential clashes. Construction was halted for several months during the year on a new synagogue in Podgorica begun in 2017 by the Jewish community, pending the granting of necessary permits and documentation, which the Jewish community said was a bureaucratic issue rather than discrimination. The government maintained its policy of not restituting religious properties confiscated by the communist government, although it discussed a new religion law that could potentially address restitution. The prime minister said that an SOC church in a spot revered by Catholics, Muslims, and Orthodox would have to be removed because it did not have the proper permits. SOC Metropolitan Amfilohije stated, “The destruction of the church would be equal to a crime.”

The SOC and the MOC continued to dispute ownership of religious sites, and to call on the government to protect their interests.

The U.S. Ambassador and other embassy officials met throughout the year with government representatives to discuss relations between the government and religious groups, specifically regarding the new religion law and outreach the government reports it is conducting. The Ambassador spoke with MOC Metropolitan Mihailo about the MOC's status and interreligious relations; the Charge d'Affaires held similar talks with Rifat Fejzic, the Islamic Community Reis (leader). In June the Ambassador hosted an iftar with representatives of different religious communities to discuss interfaith tolerance and moderation. The embassy also hosted the visit of a U.S. law enforcement specialist who discussed countering violent extremism with representatives of the Islamic Community.

Section I. Religious Demography

The U.S. government estimates the population at 614,000 (July 2018 estimate). According to the 2011 census, approximately 72 percent of the population is Orthodox, either SOC or MOC. Local media estimate the SOC accounts for 70 percent of the Orthodox population, while the MOC makes up the remaining 30 percent. The census reports 19.1 percent of the population is Muslim, 3.4 percent Roman Catholic, and 1.2 percent atheist. Additionally, 2.6 percent of respondents did not provide a response, and several other groups, including Seventh-day Adventists (registered locally as the Christian Adventist Church), Buddhists, Jehovah’s Witnesses, other Christians, and agnostics, together account for less than 1 percent of the population. According to press estimates, the Jewish community numbers approximately 350.

There is a strong correlation between ethnicity and religion: ethnic Montenegrins and ethnic Serbs are generally associated with the MOC and the SOC, respectively, ethnic Albanians with Islam or Catholicism, and ethnic Croats with the Catholic Church. Many Bosniaks (ethnic Bosnians who are Muslim) and other Muslims live along the eastern and northern borders with Albania, Kosovo, and Serbia.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of religion as well as the right to change one’s religion. It guarantees the freedom of all individuals to express their religion in public and private, alone or collectively, through prayer, preaching, custom, or rites, and states individuals shall not be obliged to declare their religious beliefs. The constitution states the freedom to express religious beliefs may be restricted only if required to protect the life and health of the public, peace and order, or other rights guaranteed by the constitution. It specifies there is no state religion and guarantees equality and freedom for all religious communities in religious activities and affairs. The constitution permits courts to prevent propagation of religious hatred or discrimination and prohibits organizations from instigating religious hatred and intolerance.

By law, it is a crime to cause and spread religious hatred, which includes publication of information inciting hatred or violence against persons on the basis of religion, the mockery of religious symbols, or the desecration of monuments, memorial tablets, or tombs. Violators may receive prison sentences ranging from six months to 10 years. If the violation is committed through the misuse of an official position or authority or leads to violence, or if the courts determine the consequences are detrimental to the coexistence of people, national minorities, or ethnic groups, the prison sentence ranges from two to 10 years.

The criminal code prescribes a fine between 200 euros (\$230) and 16,000 euros (\$18,300) or up to two years’ imprisonment for restricting an individual’s freedom to exercise a religious belief or membership in a religious group or for preventing or obstructing the performance of religious rites. The code also provides for a fine of between 600 euros (\$690) and 8,000 euros (\$9,200) or a maximum of one year in prison

for coercing another person to declare his or her religious beliefs. Any government official found guilty of these crimes may receive a sentence of up to three years in prison.

The law provides for the recognition of religious groups through registration with local and federal authorities; religious groups that existed before 1977 are not obligated to register in order to obtain recognition. New religious groups must register with local police within 15 days of their establishment to receive the status of a legal entity, although there is no penalty specified for failing to do so. The police must then file this registration with the MOI, which maintains a list of all religious organizations in the country. To register, a religious group must provide its name and organizing documents, the names of its officials, the address of the group's headquarters, and the location(s) where religious services will be performed. Registration entitles groups to own property, hold bank accounts in their own name, and receive a tax exemption for donations and sales of goods or services directly related to their religious activities; however, lack of registration or recognition does not affect a group's ability to conduct religious activities. An unregistered religious community may register as another type of organization in order to open a bank account, but may not receive the tax exemptions granted to registered religious groups.

There are 21 recognized religious groups in the country: the SOC, MOC, Islamic Community of Montenegro (ICM), Roman Catholic Church, Church of Christ's Gospel, Catholic Mission Tuzi, Christian Adventist Church, Evangelistic Church, Army Order of Hospitable Believers of Saint Lazar of Jerusalem for Montenegro, Franciscan Mission for Malesija, Biblical Christian Community, Baha'i Faith, Montenegrin Community, The Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, Montenegrin Catholic Church, Montenegrin Protestant Church, Montenegrin Demochristian Church, and Montenegrin Adventist Church, as well as the Buddhist and Jewish communities. All these groups are registered, except for the SOC, which has not applied to register, as it existed before 1977.

The government has agreements with the ICM, the Jewish communities, and the Holy See further defining the legal status of their respective groups and regulating their relationship with the state. In the agreement with the Holy See, the government recognizes Catholic canon law as the Church's legal framework and outlines the Church's property rights. The agreements with the ICM and Jewish communities have similar provisions. The agreements establish commissions between each of the three religious communities and the government. There are no similar agreements with the SOC, MOC, or the other recognized religious groups.

The Directorate for Relations with Religious Communities within the Ministry of Human and Minority Rights (MHMR) regulates relations between state agencies and religious groups, and is charged with protecting the free exercise of religion and advancing interfaith cooperation and understanding. The MHMR provides some funds to religious communities and is in charge of communication between the government and the religious communities. The ministry is also in charge of drafting new legislation defining the status and rights of religious organizations.

The law allows all religious groups, including unrecognized ones, to conduct religious services and rites in churches, shrines, and other premises designated by local governments, but requires approval from municipal police for such activities at any other public locations.

The law forbids “the abuse of religious communities or their religious sites for political purposes.”

The law provides prisoners the right to engage in religious practice and have contact with clergy. Prisoners may request a diet conforming to their religious customs.

The constitution recognizes the right of members of minority national communities, individually or collectively, to exercise, protect, develop, and express “religious particularities” (i.e., religious customs unique to their minority community); to establish religious associations with the support of the state; and to establish and maintain contacts with persons and organizations outside the country who share the same religious beliefs.

By law, religion may not be taught in public primary or secondary schools. The Islamic Community operates one private madrassah at the secondary school level, and the SOC operates one secondary school, both of which follow the state curriculum in nonreligious matters.

The law prohibits discrimination, including on religious grounds. Offenses are punishable by a prison term of six months to five years. The Office of the Protector of Human Rights (ombudsman) is responsible for combating discrimination and human rights violations, including those against religious freedom, by government agencies. It may investigate complaints of religious discrimination and, if it finds a violation, may request remedial measures. Failure to comply with the ombudsman’s request for corrective action within a defined period is punishable by fines of 500 to 2,500 euros (\$570 to \$2,900). Generally, government agencies implement the ombudsman’s recommendations, although often with delays. If necessary, the courts may enforce the recommendations.

The constitution exempts conscientious objectors, including those objecting for religious reasons, from military service. Alternative service is not required.

The constitution states foreign nationals fearing persecution in their home countries on the grounds of religion have the right to request asylum.

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

Government Practices

On August 19, for the ninth year in a row, police banned members of both the MOC and SOC from celebrating the transfiguration of Christ at the Church of Christ the Transfiguration at Ivanova Korita, citing concerns over potential clashes. The SOC controls the site, which is near the seat of the MOC in the historical capital of Cetinje.

The MOC said the ban constituted a violation of members’ basic human rights and requested state authorities allow MOC priests to practice in SOC-controlled Orthodox churches and monasteries. The SOC stated that by preventing the services from taking place in the church, police were attacking the centuries-old canonical order and church property rights, and were toying with the deepest feelings of Orthodox believers.

Religious groups, especially the SOC, continued to say the law regulating their legal status was outdated and inadequate, particularly in regards to property, as it was drafted during the time of the former Yugoslavia. For the third consecutive year, the government said it was revising a draft of a new law on religious communities. By year’s end, the government had not completed the draft.

Representatives of ethnic Albanian parties strongly criticized national authorities for failing to remove an SOC church on Mount Rumija, near Bar, a site revered by local Muslims, Catholics, and Orthodox Christians. The critics said the government’s inaction undermined multiethnic and religious harmony in the region. Prime Minister Dusko Markovic stated the construction of the church was illegal, as it lacked the necessary permits, and that it would have to be removed. Minister of Human and Minority rights Mehmed Zenka said the government would have a proper response to the SOC’s “provocation,” adding the placing of the church on top of Mount Rumija had a “negative effect” on the Albanian Muslim and Catholic populations. In an open letter to Prime Minister Markovic, Metropolitan Amfilohije of the SOC said “the destruction of the church would be equal to a crime,” while another SOC bishop said he had never before seen such hatred against Serbs in Montenegro. The statements came after Metropolitan Amfilohije reportedly blessed a new reinforcement of the church’s exterior in October. In 2005, prior to Montenegro’s independence, helicopters from the Army of Serbia and Montenegro airlifted the metal church to the top of the mountain without permission from local authorities.

There was no change in the SOC position that it need not seek registration because the controlling 1977 law grandfathered in all religious groups active within the borders of present-day Montenegro in 1977 and that reregistration could have negative repercussions for the status of the Church.

The SOC said the MOI denied visas to its clergy based on discriminatory procedures that require work documentation from a registered employer, although the SOC is not legally required to register and is fully recognized. The SOC said the MOI refused visas to 21 priests and nuns in August, September, and October. The SOC also said the Ministry of Education refused to introduce religious education into schools as an optional subject and wanted the law changed to allow for such an option.

The MHMR continued to provide funding to some religious groups, which they could use to maintain religious shrines, for education or cultural projects, or to pay for social and medical insurance for clergy. Both registered and unregistered religious communities remained eligible to apply for this funding. For the first 10 months of the year, the MOC received 45,878 euros (\$52,600), the ICM 38,765 euros (\$44,500), the SOC 32,130 euros (\$36,800), the Jewish community 17,500 euros (\$20,100), and the Catholic

Church 28,442 euros (\$32,600). Recognized religious communities also continued to receive in-kind assistance, such as property on which to build houses of worship, from other government ministries and from local governments.

The government continued its policy of not providing restitution of religious properties expropriated by the former Yugoslav communist government. Government officials said the draft law on religious communities would address restitution issues. Although the law remained highly contested, there were reports it would be passed in early 2019, but the contents were not available by the end of the year.

Delays with building permits stalled the building of a new synagogue in Podgorica, which the Jewish community started in December 2017. The community said the delay was the result of bureaucracy rather than discrimination. Government officials publicly supported the construction on a number of occasions.

Section III. Status of Societal Respect for Religious Freedom

Disputes over the ownership of 750 Orthodox sites, most of which are held by the SOC, continued between the SOC and MOC. Both sides wanted the government and draft law on religion to address the issue favorably for them. Each group continued to state it was the “true” Orthodox Church in the country. Both groups celebrated Christmas Eve, Christmas Day, and Easter at separate locations, and police continued to provide protection around each group’s churches for events celebrated by both groups. On January 6, SOC and MOC priests and followers again organized parallel, traditional Yule log lightings for Orthodox Christmas Eve: the SOC in Podgorica and the MOC in Cetinje. According to media, the events were peaceful.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officers continued to meet with government officials responsible for religious issues at the Ministry of Human and Minority Rights and at local mayoral and municipal offices throughout the country to discuss relations between the government and religious groups.

On March 16, the Ambassador met with the Metropolitan of the Montenegrin Orthodox Church, Mihailo, and discussed government relations, property concerns, the draft law on religions, and interreligious relations. On June 5, the Charge d’Affaires met with the Reis of the Islamic Community, Rifat Fejzic, and discussed interreligious relations in the country. The Ambassador also met with representatives of Muslim communities in Podgorica, Bijelo Polje, Rozaje, Pljevlja and other towns to discuss the issues they faced, including the potential rise of religious extremism. Embassy officials had regular contact with representatives of all major religious communities in the country such as the SOC, MOC, Jewish community, Islamic Community, and Catholic Church to discuss issues of concern to them related to religious freedom.

In September the embassy hosted the visit of a U.S. law enforcement specialist in building connections between police departments and local communities. He met with police academy cadets, spoke at an Organization for Security and Cooperation in Europe/ Department of State conference on countering violent extremism, met with Muslim religious leaders in the local madrassah, Mehmed Fatih, and spoke with representatives from the NGO community about conflict resolution and interreligious understanding.

On June 6, the Ambassador hosted an iftar at the Islamic Cultural Center in Bar for representatives of various religious, political, cultural, and business communities and civil society, in which participants discussed interfaith tolerance and religious moderation.

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