

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	22
Land:	Montenegro
Kilde:	U.S. Department of State
Titel:	International Religious Freedom Report 2009
Udgivet:	26. oktober 2009.
Optaget på baggrundsmaterialet:	22. januar 2010

Title	2009 Report on International Religious Freedom - Montenegro
Publisher	United States Department of State
Country	Montenegro
Publication Date	26 October 2009
Cite as	United States Department of State, <i>2009 Report on International Religious Freedom - Montenegro</i> , 26 October 2009, available at: http://www.unhcr.org/refworld/docid/4ae8611e5f.html [accessed 14 January 2010]

2009 Report on International Religious Freedom - Montenegro

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

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

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

There were some instances of societal abuses and discrimination based on religious affiliation, belief, or practice.

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. More than 74 percent of the population is Orthodox, 18 percent is Muslim, and 3.5 percent is Roman Catholic. The remaining population is composed of members of other religious groups, agnostics, atheists, and "undeclared" persons.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors.

The Constitution provides for the right to freedom of thought, conscience, and religion as well as the right to change one's religion or belief and the freedom to, individually or collectively, publicly or privately, express that religion or belief by prayer, preaching, customs, or rites. No one is obliged to declare one's own religious beliefs. According to the Constitution, freedom to express religious beliefs may be restricted only if necessary to protect the life and health of citizens, public peace and order, and other rights guaranteed by the Constitution.

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), Montenegrin Orthodox Church (CPC), Roman Catholic Church, and Islamic Community. The Government Commission for Political Systems, 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. Many members of religious communities alleged that the 1977 law is outdated and advocated for a new law to regulate relations between the state 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 Secretariat General of the Government. During 2008 the Government allocated \$162,000 (€121,380) to the SPC, \$113,000 (€85,000) to the CPC, \$113,000 (€85,000) to the Islamic Community, and \$46,000 (€35,000) to the Catholic Church.

The Government observes Orthodox Christmas and Easter as national holidays. Orthodox believers may also celebrate the family 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.

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.

Religious studies are not included in primary or secondary school curriculums.

Restrictions on Religious Freedom

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

In January 2009, prompted by a CPC appeal, the Administrative Court revoked the decision of the Ministry of Finance to return 20 local churches and 2 monasteries in Cetinje to the SPC and ordered the Ministry to make a new decision. The SPC described the Administrative Court's ruling as a "political decision that was not founded in the existing legislation."

In contrast with previous reporting periods, there were no reports that SPC Bishop Filaret, who resides in Serbia, had any difficulties travelling to Montenegro to perform his religious services as he had in the past. Filaret was allegedly associated with Hague Tribunal fugitives Radovan Karadzic, the Bosnian Serb war time political leader, and Ratko Mladic, the Bosnian Serb military commander, during the 1990s, and Montenegrin authorities prevented him from entering the country on three occasions in 2007, based on his inclusion on a list of persons suspected of assisting war criminals.

By the end of the reporting period, the Ministry of Economic Development had not implemented the decision of the former Urban Planning Ministry to remove a Serbian Orthodox church from the top of Rumija Mountain in the southern part of the country. The CPC threatened to file a claim with the European Court of Human Rights (ECHR) against the Government for its failure to implement its decision on removal.

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

At the end of the reporting period, various religious groups had filed claims for restitution, but no significant progress on their claims was reported. The SPC accused the Government of delaying the return of SPC property and filed suit with the ECHR. Press reports claimed that up to one third of the country's territory, including adjoining forests, orchards, and other areas, could be affected. The Catholic Church and Islamic Community also filed claims on property in several locations. Reis Rifat Fejzic, leader of the Islamic Community, expressed his dissatisfaction with the fact that the law concerns only claims for property expropriated after 1945, arguing that significant Islamic Community properties had been confiscated earlier. He urged the Government to establish a central registry of confiscated property and assist in recovering documentation pertaining to this property.

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

Forced Religious Conversion

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

Section III. Status of Societal Respect for Religious Freedom

There were some instances of societal abuse and discrimination based on religious affiliation, belief, or practice; however, 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.

The press reported an increase number of church burglaries and cemetery vandalism, although no official statistics were given.

Tensions were high between the two Orthodox Churches, the SPC and the CPC. They continued to struggle over property and to gain predominance, with both claiming to be the "true" Orthodox Church in the country.

On May 11, 2009, National Parks of Montenegro filed a lawsuit against Budimir Lopicic for illegal construction on state-owned land. Lopicic financed construction of the CPC Church of Saint George at Gavrilovac on Skadar Lake, which the CPC claimed was the first CPC church built since 1918.

On April 14, 2009, the Basic Court in Niksic fined eight women from the village of Dragovoljici for insulting police and violating the public order on September 21, 2008. On that day, followers of the SPC tried to block Miras Dedejic, head of the CPC, and followers of the CPC from passing through Dragovoljici on their way to the village of Risji Do, where CPC members intended to lay the foundation stone at a new church building site. Police briefly detained 65 protesters, of whom 10 received fines for holding up traffic.

On April 14, 2009, the CPC and SPC traded accusations in the media over ownership of the Church of St. Nikola in Cevo, near Cetinje. The SPC threatened to sue the CPC for stealing objects from the church on April 12, 2009. On the same day, the CPC complained of "the devastation of Montenegrin cultural heritage by the SPC."

On January 16, 2009, the media reported that a group of Cossacks from Russia would provide protection to the monastery in Cetinje, which is the seat of the SPC in the country, following an earlier announcement by the CPC that it intended to take possession of all monasteries and churches in Montenegro built before 1918. However, at the end of the reporting period, no Cossacks were providing protection to the monastery.

On October 26, 2008, the CPC and SPC exchanged accusations in the media over ownership of the Church of St. John the Baptist in Bajice near Cetinje, and the SPC

announced that it would sue CPC leader Miras Dedejic for allegedly vandalizing the church. On January 20, 2009, police forbade priests of both the SPC and the CPC from entering the church to perform a liturgy on the same day. According to the press, police cordoned off the area and used force to stop SPC and CPC members from entering the church. On February 6, 2009, SPC attorney Dalibor Kavaric filed suit against Miras Dedejic, along with Milan Martinovic, Dusan Martinovic, and Bojan Bojovic (all CPC members) for changing the lock at the church on January 28 and violating the SPC's freedom to conduct services in the church. The Cetinje Basic Prosecutor, Luka Martinovic, dismissed the case and opened an investigation into allegations that SPC priests Gojko Perovic and Obren Jovanovic had entered the church illegally to perform a religious service. SPC lawyer Kavaric appealed the Cetinje prosecutor's decision and asked the Chief State Prosecutor of Montenegro to investigate the Cetinje prosecutor for being biased in favor of the CPC.

On September 4, 2008, the SPC issued a public statement requesting the protection of rights, property, and dignity of the SPC. They urged judicial bodies to stop passing decisions under duress and accused the police, media, and state officials of violating the public peace and religious freedom by tolerating the allegedly violent conduct of the CPC. The SPC requested that state institutions provide protection against illegal construction near SPC shrines and that spiritual, religious, and cultural objects be included in building plans.

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 leaders of religious and ethnic minorities, as well as with SPC and CPC representatives, to promote respect for religious freedom and human rights.
