

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	490
Land:	Serbien
Kilde:	U.S. Department of State
Titel:	2011 Report on International Religious Freedom – Serbia
Udgivet:	30. juli 2012
Optaget på baggrundsmaterialet:	14. august 2012

Title	2011 Report on International Religious Freedom - Serbia
Publisher	United States Department of State
Country	Serbia
Publication Date	30 July 2012
Cite as	United States Department of State, <i>2011 Report on International Religious Freedom - Serbia</i> , 30 July 2012, available at: http://www.unhcr.org/refworld/docid/5021058950.html [accessed 9 August 2012]
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2011 Report on International Religious Freedom - Serbia

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies restrict religious freedom, and, in practice, the government generally did not respect religious freedom. While there were no belief-related restrictions, there were restrictions related to manifestation of belief. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

U.S. embassy representatives continued to advocate for changes in the laws on religion and restitution that would rectify the discriminatory aspects of some current legislation. Embassy officials met with representatives of all religious groups and encouraged interfaith cooperation. Embassy representatives discussed religious freedom with members of the divided Islamic Community and conducted outreach activities.

Section I. Religious Demography

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. Roman Catholics constitute 5 percent of the population and are predominantly ethnic Hungarians and Croats in Vojvodina. Muslims constitute 3 percent of the population and include Slavic Muslims in Sandzak, ethnic Albanians in the south, and Roma located throughout the country. Protestants make up 1.5 percent of the population. The Jewish community consists of an estimated 1,300 to 1,400 persons. Most observers suggest that actual church attendance, especially among Serbian Orthodox Christians, is very low.

At year's end there were 16 "nontraditional" religious communities registered: Seventh-day Adventist Church, Evangelical Methodist Church, The Church of Jesus Christ of Latter-day Saints (Mormons), Evangelical Church in Serbia, Church of Christ's Love,

Spiritual Church of Christ, Union of Christian Baptist Churches in Serbia, Nazarene Christian Religious Community, Church of God in Serbia, Protestant Christian Community in Serbia, Church of Christ Brethren in Serbia, Free Belgrade Church, Jehovah's Witnesses-Christian Religious Community, Zion Sacrament Church, Union Reform Movement Seventh-day Adventist, and the Protestant Evangelical Church Spiritual Center.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies restrict religious freedom.

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. 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 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.

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 religious communities; implementation of these laws allows registered communities to claim VAT refunds.

Registration requirements include submission of members' names, identity numbers, and signatures; proof that the religious group has at least 100 members; 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 may register if its name includes part of the name of an existing registered group. However, the religion ministry has 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 non-controversial groups as long as similarities between the names would not cause public confusion or provoke legal challenges.

Students in primary and secondary schools are required to attend classes on one of the seven "traditional" religions or on civic education. Representatives from the Ministry of Religion stated that the law also permits registered, nontraditional religious groups to offer classes, but none has attempted to do so.

The 2006 Law on Restitution to Churches and Religious Communities recognizes claims for religious property confiscated in 1945 or later. In 2009, the law was challenged in the Constitutional Court on the grounds of discrimination, since it provided for restitution solely of religious property and ignored private restitution claims. On April 20 the court dismissed the challenge, ruling that the law did not violate the principles of legal equality and non-discrimination envisaged by the constitution and the European Convention for the Protection of Human Rights and Fundamental Freedoms. However, in September, parliament approved a private property restitution law that embodies different principles of compensation than the 2006 religious property law.

The government observes the following religious holidays as national holidays: Orthodox Good Friday, Easter, and Christmas. Employees adhering to other religions are entitled to time off in observance of their holidays, such as Christmas, Good Friday, and Easter; Kurban and Ramadan Bajram; and Yom Kippur. The Roman Catholic Church continued to call for Western Christmas to be observed as a national holiday.

Government Practices

There were no reports of abuses of religious freedom. The government sometimes enforced legal and policy restrictions on religious freedom. These restrictions generally stemmed from the religion law's special treatment of the seven "traditional" churches. There were also cases of building restrictions and problems in the restitution of properties seized by previous governments. Protestant churches called on the government to amend the law by abrogating parts of the law that categorize religions as either "traditional" or "nontraditional" and, specifically, to amend the registration requirements for "nontraditional" churches.

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 year, according to Supreme Court data, there were cases filed by three religious communities – the Union of Baptist Churches, Church of Christian Oath, and the Montenegrin Orthodox Church – pending before the Supreme Court appealing the ministry's decision to deny them registration.

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 registered other Orthodox churches, despite attempts by the Macedonian and Montenegrin Orthodox Churches to gain recognition. Ministry officials state 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 with which the state could not become involved. The Romanian Orthodox Church faced a similar situation outside of its recognized diocese in Vojvodina. Religion ministry officials stated in the past that the groups could not be registered because "Orthodox" is included in the name of a previously registered church and the Serbian Orthodox Church would have grounds to sue if the ministry registered them.

Protestant leaders and nongovernmental organizations (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 comprised of civil servants from the religion ministry and representatives of the seven "traditional" religious communities.

Students and the dean of the Faculty of Islamic Studies in Novi Pazar continued to protest the fact that the religion ministry excluded 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 the country, from Republika Srpska in Bosnia and Herzegovina, and from other neighboring countries.

Some religious groups – particularly the Jewish and Muslim communities, which lost land as a result of confiscations prior to 1945 – opposed using the 1945 benchmark of the Law on Restitution to Churches and Religious Communities to determine the eligibility of claims. Partially as a result of that opposition, the new private property restitution law permits individual claims for properties lost by Holocaust victims during World War II. Representatives of several religious communities lamented the slow pace of restitution and advocated for status equal to that of the Serbian Orthodox Church. Under the 2006 Law on Restitution to Churches and Religious Communities, unregistered religious communities could not seek restitution of property. Under the law passed during the year, individuals can now seek restitution of private property, but the law still does not

allow for the restitution of properties that previously belonged to unregistered religious communities.

Progress slowed but continued on the restitution of religious properties seized in 1945 or later. The Directorate for Restitution of Communal and Religious Property continued to process 3,049 restitution requests filed from 2006 to 2008 by the Serbian Orthodox Church, Catholic Church, Jewish community, Romanian Orthodox Church, Reformation Church, Islamic Community, Evangelical Church, and Association of Christian Baptist Churches. According to the directorate, it has returned 283,160 square kilometers of land, which is 40 percent of the 821,974 square kilometers that have been claimed. The Serbian Orthodox Church accounts for the vast majority of claims, and has received 44 percent of its claimed property. The Catholic Church has received 11 percent of its claimed property, while the Jewish community has received 0.5 percent of its claimed property, and the Islamic Community has received none of the property that it claimed.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Leaders of minority religious communities continued to report physical attacks, vandalism, hate speech, and negative media reporting. Police response to vandalism and other societal acts against religious groups rarely resulted in arrests, indictments, or other resolution of incidents. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

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. Jehovah's Witnesses and Seventh-day Adventists 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 the number of attacks on their communities was tied to the country's desire to join the European Union and growing popular understanding that respect for human rights was one prerequisite.

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

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, Jehovah's Witnesses, and other smaller religious groups, as "sects" and claimed they were dangerous.

The law bans hate speech, but translations of anti-Semitic literature were available from ultranationalist groups and small conservative publishing houses. Right-wing youth groups and Internet fora continued to promote anti-Semitism and use hate speech against the Jewish community. In February pop star Maja Nikolic said on a popular reality TV show, "I don't like Jews." The minister of justice denounced Nikolic's comment as hate speech and the public prosecutor opened an investigation. The trial had not finished by the end of the year, but prosecutors stated Nikolic could face criminal charges for inflicting national racial and religious hatred and a prison sentence from six months to five years. The Radio Broadcasting Agency subsequently changed the rules to prohibit live broadcast of reality television to prevent hate speech from being transmitted.

Section IV. U.S. Government Policy

U.S. embassy officials continued to advocate for changes in the religion and restitution laws that would eliminate discriminatory elements. Embassy officials met regularly with government officials, representatives of the Serbian Orthodox Church, and leaders of a

wide range 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 Islamic Community and hosted an iftar (an evening meal during Ramadan), to which leaders of many 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. The U.S. government invited a group of five leaders from various faiths to participate in an international visitor exchange program on the role of religion in addressing social issues in the United States.
