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Serbia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

The constitution protects religious freedom, but other laws and policies restrict religious freedom by discriminating among religious groups. In practice the government generally enforced these restrictions. There is no state religion, but the dominant Serbian Orthodox Church and other "traditional" religious communities receive some preferential consideration. Police investigations of acts of hate speech and vandalism tended to be slow and inconclusive.

The government's respect for religious freedom remained inconsistent. There was no change in the status of respect for religious freedom during the reporting period.

There were reports of societal abuse or discrimination based on religious affiliation, belief, or practice. Leaders of minority religious communities reported acts of vandalism, hate speech, physical attacks, and negative media reports.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. 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. Roman Catholics constitute 5 percent of the population and are predominantly ethnic Hungarians and Croats in Vojvodina. The Muslim community constitutes 3 percent of the population and 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. Protestants make up 1.5 percent of the population. The Jewish community consists of an estimated 1,300 to 1,400 persons.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution protects religious freedom, but other laws and policies restrict religious freedom. In practice the government generally enforced these restrictions.

Throughout the reporting period, "nontraditional" religious communities and nongovernmental organizations (NGOs) continued to advocate changing the law but did not put forth concrete proposals.

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, Muslim 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.

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, 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 uncontroversial groups so long as similarities between the names would not cause public confusion.

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 provisions 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.

Students in primary and secondary schools are required to attend classes either on one of the seven "traditional" religious communities 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 have attempted to do so.

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

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The 2006 Law on Restitution to Churches and Religious Communities recognizes claims for religious property confiscated in 1945 or later. The law is currently being challenged in court on grounds that it is discriminatory, since it provides restitution of one category of property, religious, while others, including private restitution claimants, lack a mechanism to regain their property.

Some religious groups--particularly the Jewish and Muslim communities, which lost land prior to 1945--opposed using the 1945 benchmark of the Law on Restitution to Churches and Religious Communities 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.

Restrictions on 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 seven "traditional" churches. There were also cases of building restrictions and problems in restitution of properties seized by previous governments.

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.

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 Union of Baptist Churches, Church of Christian Oath, and Montenegrin Orthodox Church--pending before the Supreme Court appealing the ministry's decision to deny registration. The Union of Baptist Churches and the Evangelical Church of Leskovac also had cases pending before the Constitutional Court.

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. 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. 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.

The Religion Ministry's interreligious council, created in June, continued to meet to promote religious freedom and to speak out on social matters. Consisting of Religion Minister Bogoljub Sijakovic and representatives of leaders of various "traditional" religious groups, it continued to exclude "nontraditional," registered churches.

Authorities continued at times to deny unregistered religious communities building permits and refused to recognize their official documents. Jehovah's Witnesses 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 Catholic Church reported difficulties and delays in obtaining the required permits for the construction of new churches in Sabac and Belgrade. The Muslim Community of Serbia cited the lack of a Muslim cemetery in Belgrade as an ongoing problem.

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.

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 Serbia, Republika Srpska in Bosnia and Herzegovina, and other neighboring countries.

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

Improvements and Positive Developments in Respect for Religious Freedom

During the year schools in Belgrade began offering religion courses on Islam in addition to Serbian Orthodoxy.

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 2006 to 2008 by the Serbian Orthodox Church, 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 returned 283,160 square kilometers of land to date, 40 percent of the 821,974 square kilometers that have been claimed. The Serbian Orthodox Church accounts for the vast majority of claims, receiving 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 Muslim community has received none of the property that it claimed.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

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

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, Seventh-day Adventists, and Mormons 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.

On December 14, the European Court of Human Rights fined Serbia 11,200 euros (\$14,672) for failing to investigate attacks "that were likely motivated by religious hatred" against Zivota Milovanovic, a member of the Hare Krishna community, in 2007. The court found Serbia in violation of Article 3 of the European Convention on Human Rights which prohibits torture and inhumane treatment as well as Article 14 on antidiscrimination.

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.

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.

The retrial of 20 persons indicted for attacking and burning the Bajrakli Mosque in Belgrade in 2004 began in June and continued at the end of the reporting period. The trial began again due to a change in the presiding judge resulting from general judicial reform.

The law bans hate speech, but translations of anti-Semitic literature were available from ultranationalist groups and small conservative publishing houses. Speaking in a seminar on the Holocaust on December 14, Vojvodina Assembly Speaker Sandor Egeresi said that more than 100 different anti-Semitic books were freely sold in bookshops throughout the country. Right-wing youth groups and Internet fora continued to promote anti-Semitism and use hate speech against the Jewish community.

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 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 Muslim community and hosted an iftar (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.

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