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SERBIA: Legal status possible "in 450-500 years"?

By Drasko Djenovic, Forum 18

Serbia continues to deny legal status to religious minority communities for reasons – if they are given – which are not found in the Religion Law, Forum 18 News Service has found. The principal person responsible appears to be former Religion Minister Milan Radulovic, who is now an adviser in the Ministry. He refuses some registration applications if the community: refuses to unite with similar communities; is an Orthodox church which is not viewed as part of the Serbian Orthodox Church; is not monotheist; does not have a headquarters in another country; or is seen as non-traditional or philosophical. Speaking to Forum 18, Radulovic has repeatedly said that communities "who are not monotheistic cannot be registered." Radulovic also said that "some of these groups might become part of the structure in 450-500 years when they pass historical tests." Current Religion Minister Radomir Naumov appears to be content to let Radulovic make the decisions.

The reasons why Serbia's Religion Ministry has denied state registration, and hence legal status, to religious communities have little to do with the requirements of the Religion Law, Forum 18 News Service has found. Officials – particularly former Religion Minister Milan Radulovic, who is an adviser in the Ministry – appear to refuse registration applications for one of five reasons. These are that the religious community: refuses to unite with other similar communities; is an Orthodox church which is not viewed as part of the Serbian Orthodox Church; is not monotheist; does not have a headquarters in another country; or is seen by officials as either non-traditional or philosophical.

Despite Forum 18's repeated efforts to discuss the situation with current Religion Minister Radomir Naumov, Forum 18 has been repeatedly told that he "is in meetings." Non-registered communities cannot, amongst other obstacles, pay tax, legally own, buy or sell property, run a bank account, or employ anyone.

Members of minority religious communities – and officials in other Serbian government ministries - have also often complained about the arbitrary ways in which the Religion Ministry, in particular former Religion Minister Radulovic, handles registration applications. No decision has yet been made by the Supreme Court on appeals launched in mid-2007 by both the Serbian Baptist Union and the Jehovah's Witnesses. Both communities made their appeals after they were refused registration (see F18News 14 August 2007 http://www.forum18.org/Archive.php?article_id=1007). However, the smaller Evangelical Baptist Union was registered on 15 October 2007 by the Religion Ministry. Both these Baptist unions are part of the European Baptist Federation.

The Serbian Baptist Union has launched a case in the Constitutional Court (see F18News 14 August 2007 http://www.forum18.org/Archive.php?article_id=1007). However, the Constitutional Court did not operate between October 2006 and 10 January 2008. It is estimated that – if the Court receives no new appeals – it will need at least the next three years to clear its backlog of cases.

Religion Ministry officials have tried to pressure smaller religious communities to unite, in an apparent bid to grant legal status only to centralised communities. For example, Radulovic, repeating earlier claims, on 27 November 2007 told Seventh-day Adventist Reform Movement secretary Djordje Bosanac, in Forum 18's presence, that they must unite with the registered Seventh-day Adventist Church to be registered. The Reform Movement broke away from the Adventist Church in 1921. Branko Bosanac of the Reform Movement told Forum 18 on 17 January 2008 that they have now launched a Supreme Court appeal.

Other smaller evangelical churches are also being urged by the Religion Ministry to unite into one church in Serbia, under the leadership of Lazar Stojacic, former General Secretary of the Serbian Evangelical Alliance. Stojacic has for some years been known to be close to successive Religion Ministers and is responsible within the registered Evangelical Church of Serbia for dealings with the Religion Ministry.

Also complaining about registration denial is the Montenegrin Orthodox Church – a jurisdiction not recognised as canonical by most of the Orthodox world. A 22 November 2007 decision signed by Minister Naumov, which has been seen by Forum 18, rejected their registration application outright. However, Naumov conceded in his letter that the church might appeal against his decision to the Supreme Court. This church meets for worship in the open air about five or six times a year in Lovcenac, where about 2,000 worshippers from the area gather. It continues to hope that it will be allowed to build a church (see F18News 14 September 2005 http://www.forum18.org/Archive.php?article_id=650).

The Religion Ministry uses Article 19 of the Religion Law in a discriminatory way. This bars any "religious organisation (..) whose name contains a name or part of a name expressing the identity of a Church, religious community or religious organisation" from gaining state registration (see F18News 10 August 2006 http://www.forum18.org/Archive.php?article_id=825). However, some religious communities have been granted registration despite breaking this article, such as the two Evangelical-Lutheran churches and the Evangelical-Methodist Church. Others have had registration applications denied, such as some smaller Pentecostal evangelical churches. When Snezana Ilic of the Centre for Development of Civil Society asked Radulovic on 4 December to explain this, she told Forum 18 that he "tried to outline theological differences between some of these Churches, but was unable to give a coherent answer."

Former Religion Minister Radulovic told Forum 18 on 27 November that "the [Religion] Law is made for monotheistic religious organisations and churches, and those who are not monotheistic cannot be registered." Radulovic repeated this claim – which is not within the text of the Law – to Forum 18 on 4 December. Forum 18 has not been able to contact Religion Minister Naumov for his comments, despite repeated attempts. Forum 18 notes that all nine of the currently registered "non-traditional" religious communities are Christian churches, which are therefore monotheist.

Radulovic also told Forum 18 on 27 November 2007 that the Brethren Church and the Novi Sad Christian community would not be registered, as these communities do not have a headquarters in another country. However, the Apostolic Christian Church of the Nazarene – which also has no headquarters outside Serbia – was registered on 15 October 2007. Many smaller Protestant churches in Serbia had as their first members former Nazarenes, and this church had a very strong presence in Vojvodina from the 19th century. Radulovic always speaks respectfully of the Nazarenes because of their strong historical presence, although today they have approximately 2,500 mainly elderly members.

Milan Radulovic – who many see as the real power in the Religion Ministry – has quite openly admitted his hostility to religions or beliefs that he sees as non-traditional. On 18 December he told Forum 18 that it was important "to protect Serbia's multi-confessional society from random interpretations of religious freedom." He also stressed that "the Religion Law gives fully freedom to an individual person to believe whatever wants." However, he also stated that "some [unspecified] bizarre or religious experimental religious teachings or cults are not churches or religious communities." Radulovic stated that they "would be able to register as NGO organisations."

The Hare Krishna community has been a particular victim of Radulovic's refusal to register them, as they are allegedly not a religious but a philosophical community (see F18News 26 April 2007 http://www.forum18.org/Archive.php?article_id=948). Other Serbian government ministries have objected to Radulovic's insistence that religious communities can register as NGOs. "If we have to register churches, what do we have a Religion Ministry for?" Forum 18 was asked by a State Administration and Local Self Government Ministry official (see F18News 1 March 2007 http://www.forum18.org/Archive.php?article_id=924).

Asked by what authority the Religion Ministry can discriminate for or against religious teachings, Radulovic told Forum 18 that "there is a weight in history and culture. But religious experiments cannot be part of religious structure. After the test of history they might become part of the structure." Expanding his point, Radulovic stated that "I believe that some of these groups might become part of the structure in 450-500 years when they pass historical tests."

On 3 December, Religion Minister Naumov stated to the monitoring mission of the Council of Europe's Committee of Ministers that religious communities in Serbia are not obliged to possessing registration. In a public statement published on the Serbian government website, the Religion Ministry claimed that "the process of registration of churches and religious communities is in agreement with the practice of other European countries and all the religious denominations that exist in Europe and the United States are entered in the Register."

However, asked by Forum 18 on 4 December why then the Jehovah's Witnesses are not registered, Radulovic claimed that they "are not registered in every European country, such as France." Apart from Belarus, no European country breaks international human rights standards by demanding the compulsory registration of religious communities.

He then complained that Article 10 of their Statute includes door-to-door mission and this violates Article 2 of the Serbian Religion Law (see F18News 14 August 2007 http://www.forum18.org/Archive.php?article_id=1007). "They have one problem and when they fix it they will be registered," he stated, adding that "telling us that we do know what Christianity teaches but that we are in essence a pagan nation, as if they are the Apostles Paul and Peter, in the first century cannot be tolerated." (END)

For more background, see Forum 18's Serbia religious freedom survey at http://www.forum18.org/Archive.php?article_id=387 and coverage of freedom of thought, conscience and belief in Serbia at <http://www.forum18.org/Archive.php?query=&religion=all&country=53&results=50>.

A survey of attacks on religious minorities from September 2006 to September 2007 is at http://www.forum18.org/Archive.php?article_id=1030.

A personal commentary, by an Austrian lawyer, arguing that Serbia should not follow Austria's system of dividing religious communities into different categories with differing legal rights is at http://www.forum18.org/Archive.php?article_id=403.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Serbia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl>, under the title 'Serbia and Montenegro'.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY