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MACEDONIA: New Religion Law perpetuates discrimination

By Drasko Djenovic, Forum 18

Macedonia's new Religion Law – which comes into force on 1 May – is designed to prevent the Serbian Orthodox Church gaining legal status, church members have told Forum 18 News Service. It may also be used to discriminate against the Bektashi Muslim community. The Law names without defining three types of religious entities – a church, a religious community and a religious group. No official has been able to explain to Forum 18 what differences, if any, there may be between these entities. The Law also does not specify clear requirements for communities seeking legal status, or whether unregistered entities can have religious freedom. Amongst the information demanded for registration is the "Manner of expression of the religious affiliation and performance of the religious rites and rituals." A spokesperson told Forum 18 that the Human Rights Ombudsperson was not involved in drafting the Law, "even though a draft law should be sent to the Ombudsperson's office before it goes for voting."

Macedonia's new Religion Law – adopted in September 2007 and which comes into force on 1 May – is designed to prevent the Serbian Orthodox Church ever being able to gain legal status, church members and members of other Christian Churches have told Forum 18 News Service. The Law could also make it difficult for other smaller religious communities to gain legal status and does not specify clear requirements for communities seeking legal status.

Among other problems, the new Law gives dominant religious communities – in practice mainly the state-backed Macedonian Orthodox Church – the potential power of veto over the rights of smaller religious communities to build new places of worship (see F18News 31 March 2008 http://www.forum18.org/Archive.php?article_id=1108).

Forum 18 was unable to reach anyone at the State Committee for Relations with Religious Communities and Religious Groups headed by Zvonko Mucunski. The telephone went unanswered on 27 and 28 March.

Parliament in the capital Skopje approved the Law on the Legal Status of a Church, Religious Community and a Religious Group on 5 September 2007, the Law being published in both Macedonian and Albanian in the Official Gazette (no. 113) on 20 September 2007.

Earlier drafts of the Law were criticised by the Advisory Council on Freedom of Religion or Belief of the Organisation for Security and Co-operation in Europe's (OSCE) and the Council of Europe's Venice Commission (see F18News 26 February 2008 http://www.forum18.org/Archive.php?article_id=1094).

The Law names without defining three types of religious entities – a church, a religious community and a religious group, all of which are described as "a voluntary community of physical personalities." No official has been able to explain to Forum 18 what differences, if any, there may be between these entities, or indeed to state whether any definitions exist. In the Macedonian context, this lack of clarity could lead to state discrimination among religious entities.

Religious believers are also unsure what the differences may mean. Stojan Petrovski, Secretary of the Macedonian Evangelical Alliance, told Forum 18 on 25 March that he thought that "religious communities are those registered before 2003, while all others are religious groups." However, he added, "this definition is not anywhere in writing. We Pentecostals would say that we are a church. But the state would probably identify us as a religious community, while some others would say that we are a religious group."

Article 9.1 of the Law states that: "A Church, religious community and religious group are entered on the Single Court Register of Churches, Religious Communities and Religious Groups (hereinafter referred to as the Competent Register), whereby they will acquire the status of a legal entity." Among the information demanded for registration by Article 13 is the "Manner of expression of the religious affiliation and performance of the religious rites and rituals." There is no indication how, or indeed by what legal authority consistent with international human rights law and commitments, officials can or should assess religious rites.

Similarly, there is no indication in the Law on whether Macedonia intends to allow unregistered religious entities who do not wish to register, or those whose registration application has been refused, to, for example, publish literature, hold bank accounts and own property. Under existing Macedonian law, unregistered religious communities are currently unable to obtain property, run bank

accounts, and pay pensions and health insurance.

Petrovski of the Evangelical Alliance told Forum 18 that "no-one knows what will happen about unregistered entities, so we can only wait until May [when the Religion Law comes into force] to find out." When his Pentecostal church has tried to clarify the position with officials, they answer that they have more important issues to deal with, such as the long-running international dispute over the name of the country.

The new Law maintains the existing differential legal status of registered religious entities. This particularly affects three churches – the Macedonian Orthodox, Catholic and Methodist Churches - and two religious communities – the Islamic and Jewish communities - specifically mentioned in the country's Constitution. It also preserves the legal status of other "religious groups".

The Religion Law does not state how many people are required for registration of a religious entity. However, paragraph 2 of Article 12 states: "Proof of citizenship of the founders and of the person authorised to present and represent a church, religious community and a religious group." This effectively forbids non-Macedonian citizens from being involved in the registration or representation of a religious entity. Some religious communities known to Forum 18 have formally designated a Macedonian as their official representative, but in practice responsibility rests with a non-Macedonian.

Article 9.3 declares: "A church, religious community or religious group will be entered in the Competent Register, if such a church, religious community and religious group has not been registered already." Article 10.1 similarly states that: "The name and official insignia of each new church, religious community and religious group should be different from the names and official insignia of already registered churches, religious communities and religious groups."

The use of the name Macedonia or derivative words is forbidden without written permission from the Justice Ministry, as is - in Article 18 - "Any false representation as a religious servant and abuse of religious clothing and insignia of a registered church, religious community and a religious group".

Paragraph 3 of Article 18, in a possible attempt to ban worship by unregistered entities, states that: "Religious rites, prayer and other forms of worship in a religious building or in places mentioned in paragraphs 1 and 2 of this article may be performed and organised only by a religious servant of a church, religious community and religious group in the Republic of Macedonia or upon their authorisation."

These provisions appear to be designed to prevent the registration and legal activities of non-state favoured entities, such as the Serbian Orthodox Church (see F18News 26 February 2008 http://www.forum18.org/Archive.php?article_id=1094).

Fr David Ninov of the Serbian Orthodox Church's Ohrid Archdiocese complained to Forum 18 on 26 March that one of the pressures applied to his church is that "the Macedonian authorities refuse to register us." He also complained about his church being "constantly demonised" in the Macedonian media, and on-going official legal harassment of Archbishop Jovan, who leads the Archdiocese.

Fatmir Kadriju from the Bektashi Islamic community told Forum 18 on 27 March that "the Bektashi religious community is treated as a religious group, even though we have existed in Macedonia since the 16th century." He also complained about the community's continuing lack of success in legal attempts to recover two places of worship, forcibly seized in 2002 by the state-favoured Islamic Community of Macedonia.

Other religious entities may also fall foul of provisions apparently aimed at the Serbian Orthodox Church. Ivan Grozdanov, pastor of Skopje Baptist Church, told Forum 18 that various Baptist and Seventh-day Adventist churches may be affected by the provisions.

Reis ul Ulema Sulejman Rexhepi, head of the Islamic Community of Macedonia, told Forum 18 on 27 March that he welcomed the Law. He described it as "uncomplicated" and stated that it "guarantees religious freedom and respect for traditional religious communities." However, he also expressed the fear that parliamentary deputies and judges could "misapply" the Law. "There is still a fear that this Law is very democratic and could be misused in practice," he told Forum 18.

Sofija Trajkovski of the registered Methodist Church also welcomed the Law. "Our church was involved in making this law," she told Forum 18 on 26 March. "Even though this law is not perfect, as any law is not perfect, we are satisfied with it".

Uranija Pirovska, spokesperson of the Human Rights Ombudsperson, told Forum 18 on 28 March that they were not involved in drafting the Law, "even though a draft law should be sent to the Ombudsperson's office before it goes for voting." Asked whether the law prevents some religious communities from gaining legal status, she responded: "I cannot say, but what I can tell you is that up to now the Ombudsperson's office has not received complaints about religious freedom in the country." (END)

For more background, see the Forum 18 Macedonia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1094.

More reports on freedom of thought, conscience and belief in Macedonia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=50>.

A printer-friendly map of Macedonia - whose official name is the "Former Yugoslav Republic of Macedonia" - is available from <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=macedo>.

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