

30 July 2004

SERBIA: "Discriminatory" religion bill

By Branko Bjelajac, Forum 18

Religious minorities and human rights activists have told Forum 18 News Service that a draft Serbian religion bill is discriminatory. If passed, the bill would give full rights only to religious communities recognised by the parliament of the Kingdom of Yugoslavia between 1918 and 1941. These communities are the Serbian Orthodox Church, Catholics, Muslims, Jews, Slovak and Hungarian/German Lutherans, and the Hungarian Reformed Church. They will receive substantial state financial support and the right to perform marriages, burials and to maintain marriage registers. Other religious communities would be denied these rights and have strongly criticised the bill, the Baptists pointing out to Forum 18 that the only communities recognised are essentially mono-ethnic, and so the bill discriminates against "multi-ethnic" religious communities and is thus un-constitutional. Milan Radulovic, Minister of Religion, has dismissed criticisms as "communist".

Many of Serbia's religious minorities and human rights activists have condemned as "discriminatory" a draft bill on Religious Freedoms, Churches, Religious Communities and Religious Associations that would give full rights only to seven "traditional" religious communities, above all the Serbian Orthodox Church, leaving other religious communities with lesser rights. Serbia's Ministry of Religion forwarded the draft bill at the beginning of July to registered religious entities, requesting their responses by 10 August.

The Adventists have complained to Forum 18 News Service that this bill is about "religious non-freedoms", while the Baptists pointed out that all the religious communities recognised by this bill are essentially mono-ethnic, and that the bill therefore discriminates against "multi-ethnic" religious communities and is thus un-constitutional. Several NGOs, including the Helsinki Committee for Human Rights in Serbia, joined the criticism, as did one political party, the Social Democratic Union.

But at a 28 July press conference in the capital Belgrade, Milan Radulovic, the Minister of Religion, dismissed all these criticisms as "communist". The Ministry asserted in a press release issued on 6 July, when the bill was sent to religious communities, that the text had been prepared taking into consideration "the rule of law and defining relations between the state and church under a single law and in a democratic manner".

The draft bill recognises seven religious communities and Churches as "traditional", thus according them the most rights. The Serbian Orthodox Church is given the status of "primus inter pares" - first among equals. The remaining faith communities are the Catholic Church, the Islamic Faith Community, the Jewish Religious Community, Slovak Lutheran and Hungarian/German Lutheran Churches, and the Hungarian Reformed Church.

The draft bill gives these Churches and religious communities substantial rights in social security, pensions, salary support for communities in remote areas, access to local communities' building funds, rights to perform marriages, burials and to maintain marriage registers.

The status of a "traditional" faith is given to those communities recognised by parliament in the Kingdom of Yugoslavia (1918-1941). Although some other minor churches were recognised at that time, including the Baptists and the Mennonites, they are not given the status of a "traditional" faith in this draft.

Zarko Djordjevic, pastor of the Baptist Church in the northern town of Novi Sad, reported that the Baptist Human Rights Committee has already met and drawn up its views. "Except for the first five articles, this draft bill shows exclusivity, is contradictory, diverges from existing social practice and context, and some of the norms are even against the Constitution of Serbia and Montenegro," he told Forum 18 from Novi Sad on 29 July. "To cite just one example: the category of religious association is a new name for those who were earlier pejoratively named 'sects'. So this draft gives legitimacy to something that is not legal."

Pastor Djordjevic said that the Baptist Human Rights Committee has sent its opinion to the Ministry, but pledged it will carry on campaigning against the draft bill. "We will continue to contact various NGOs and our international faith family, as well as politicians and people's deputies in parliament."

Their opposition was echoed at a meeting on 25 July in Belgrade of representatives of the Adventist Church, Baptist Church, Christ's

Spiritual Church, Church of Christ, Reformed Adventist Movement, Free churches, Church of the Evangelical Christians, Serbian Evangelical Alliance and the Association for Religious Freedom. "This draft has shortcomings, is full of inadequacies, is not precise and is unclear, with its undefined and inadequately-defined concepts and terms," a joint statement adopted at the meeting declared categorically.

These churches complained that the draft bill "should be forwarded to ALL registered religious communities" and also that the period for a public debate is "unusually and unacceptably short for a public debate" and comes in the middle of summer holidays. They requested that the government withdraw the draft bill from public debate.

"We think this bill is actually about non-freedom," Miodrag Zivanovic, president of the Adventists' South-East European Union, told Forum 18 in Belgrade on 28 July. "We expected to be in the light, given the democratic changes across the whole of society, but this bill brings us back to a dark past. We Adventists are in the greatest danger, but everyone is in danger." He pointed out that the Churches termed "traditional" in the draft bill are in some other countries minority churches and warned that it will cause divisions. "I heard that some Protestants spoke on our behalf - they are content because they are in a privileged position. They cannot speak on our behalf, because we will not be privileged."

Describing at least 30 of the bill's 61 articles as "discriminatory", Zivanovic too said it should be withdrawn, adding that his Church will seek broad support to oppose the bill. "We consider the state to be a state of all of its citizens, but this bill takes care of only some of its believers. We consider that divisions are not good."

The Assemblies of God president in Serbia and Montenegro, Pastor Mane Koruga, complained that although his denomination is known worldwide, "in Serbia we are continually regarded as a sect", together with the Baptists, Pentecostals and other Protestant Churches. "The proposal states that we will not have the status of a church but only that of a citizens' organisation which has nothing to do with the Christian faith," he told Forum 18 in Belgrade on 20 July. "This new proposal will require us to de-register as a church and re-register as a citizens' organisation. We have been registered with the previous government as a legitimate church since 1952. We cannot allow this new government to destroy our freedom of religion."

But the three Protestant churches listed in the draft bill as "traditional" issued a public statement on 27 July declaring that "the draft bill is, according to our opinion, good in essence and we do not ask for its withdrawal". Two bishops and one superintendent of the two Lutheran and a Reformed church dismissed Evangelicals: "We believe that signatories of that release (25 July 2004) do not belong to any of the listed Protestant churches".

"You see," continues Pastor Djordjevic of the Baptist Church, "all these churches that are named 'traditional' are mono-ethnic. The Serbian Orthodox Church belongs to Serbs, the Catholic Church to Hungarians and Croats, the Islamic community to Bosniaks in Sandzak, etc. This bill does not recognise the existence of multi-ethnic religious communities like Baptists, Pentecostals and others. It is indeed discriminatory."

At least two other religious minority communities told Forum 18 that international lawyers are already working on this issue on their behalf, and that they will soon go public with their findings.

The Belgrade-based Association for Religious Freedom also issued a statement complaining it was "discriminatory to name only some so-called traditional churches and religious communities". The Association requested the Ministry of Religion to add a preamble to the bill defining the terms "church", "religious community" and "religious association".

In a separate criticism of the draft, the Helsinki Committee for Human Rights in Serbia singled out Article 17, which would grant the same immunity to priests and church dignitaries as enjoyed by parliamentary deputies and judges. "Immunity granted to church officers flagrantly violates the principle of separation of church and state," it declared on 23 July. "Should such a provision be adopted, it would not only invest churches and, in particular, the Serbian Orthodox Church as the predominant one with the attribute of a civil authority, but would also be an unprecedented move in the jurisprudence and legal practice of contemporary states that, apart from not recognising an immunity as such, tend to annul or curb immunity of state officials."

Church historian and sociologist Mirko Djordjevic told the Belgrade-based Beta news agency that the draft bill represents "the clericalisation of society and that should be rejected", fearing that this would give the Serbian Orthodox Church "the leading role in society".

The Social Democratic Union requested that the Ministry withdraw and totally rewrite the bill because of its "retrograde solutions" and breaching of constitutional principles. "All religious communities, political parties, citizens' associations and the whole public of Serbia are invited to participate in a public debate regarding the legislative regulation of one of the basic human rights."

Serbia has not had a law on religious communities since 1993, when the previous 1976 law was abolished as inadequate. Attempts to pass simpler and more liberal bills failed, both in the Serbian parliament in 2001 and in the federal parliament in 2002, though these too had been criticised by minority faiths (see F18News 14 March 2003 http://www.forum18.org/Archive.php?article_id=4).

A printer-friendly map of Serbia and Montenegro is available at:

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl&Mode=d&SubMode=w>

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