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SERBIA/MONTENEGRO: Will controversial religion law come back?

By Branko Bjelajac, Forum 18

Adventist and Baptist leaders and human rights activists have said they hope any new religion law in Serbia and Montenegro will not be modelled on the controversial old draft law, whose adoption has now come to a halt with the end of the Federal Republic of Yugoslavia and its replacement by the new country of Serbia and Montenegro. Goran Miletic of the Humanitarian Law Centre in Belgrade insists that lawmakers must now start again from scratch. "There has to be a completely new draft of the law on religious freedom," he told Forum 18 News Service. Miodrag Zivanovic of the Adventists complained that although the old law was not adopted, some discriminatory provisions are already being applied.

Adventist and Baptist leaders and human rights activists in Belgrade have told Forum 18 News Service that they hope any new religion law in Serbia and Montenegro will not be modelled on the controversial old draft law, whose adoption has now come to a halt. Goran Miletic, regional coordinator for the investigation of human rights violations at the Humanitarian Law Centre in Belgrade, insists that lawmakers must now start again from scratch. "There has to be a completely new draft of the law on religious freedom," he told Forum 18 in Belgrade on 3 March. "Despite the fact that the existing draft was adopted by one chamber of parliament, it was not adopted by the other. Therefore it is not adopted at all as a law. And now, as of two days ago, there is no two-chamber parliament any more and no Federal Republic of Yugoslavia."

The ending of the Federal Republic of Yugoslavia on 28 February and its replacement on 1 March by the new country of Serbia and Montenegro brought the process of adopting a new federal religion law to a halt. A new version of this law was expected to be sent to the new single-chamber federal parliament later this year, but is likely to be delayed following the political turmoil in the aftermath of the assassination of Serbian prime minister Zoran Djindjic in Belgrade on 12 March.

The proposed federal religion law, announced in early 2002 amid strong criticism from minority religious communities, was adopted by the upper chamber of the federal parliament at the beginning of this year, but withdrawn in the lower chamber because of amendments. In the wake of the ending of the Federal Republic of Yugoslavia, all draft laws came to a halt and will have to be redrafted to comply with the newly-adopted constitution of the new state.

"We have used all possible means to stop the adoption of this law," declared Miodrag Zivanovic, secretary to the Southeast European Union of the Seventh Day Adventist Church (which covers Serbia and Montenegro, Bosnia and Macedonia), "because the current draft seriously undermines human rights, human dignity and discriminates against many religious communities." He told Forum 18 News Service in Belgrade on 3 March that the Adventists had sent an appeal in January to all foreign embassies, human rights groups and the general public in Serbia, asking that voting should be postponed until a text is drafted that "will grant equal rights and all civil liberties to all citizens". "Our main concern was the preamble where only certain religious communities are listed." He said the Adventists had lobbied parliamentary deputies to have this preamble removed completely.

Religious communities listed in the preamble of the draft law are the Serbian Orthodox Church, the Roman Catholic Church, the Islamic religious community, the Jewish religious community, the Lutheran church (both Slovak and Hungarian) and the Reformed Church.

"It is a long story with this law," Dane Vidovic, preacher of the First Baptist Church in Belgrade, told Forum 18 on 3 March. "The first draft was presented in 2001, but was not adopted by the Serbian parliament. It did not even reach the floor, but was withdrawn because at that level it was severely criticised. Then the lawmakers moved it to the federal level with some cosmetic changes."

Vidovic complains that some provisions of the draft law were implemented even before it was adopted – such as over religious education in public schools. Only some religious communities – those defined in the preamble as "traditional" – were given the right to organise such religious education. Another issue was the invitation of the regional government in the northern province of Vojvodina for financial grants, he added, where only traditional religious communities were invited to apply. "Which are 'traditional' is governed by the preamble of this not yet adopted law," Vidovic complained. "So even though this law has not been adopted we are already suffering from its negative effects, because many religious communities are not listed."

However, some minority religious communities have backed the draft law. "We consider this draft law to be satisfactory for the needs of our community," Aca Singer, president of the Jewish Communities in Serbia and Montenegro, told Forum 18 in Belgrade on 3 March. "We have been granted rights, though they were not denied in the past." He said the Jewish community is glad that, because it has been recognised as a traditional religious community, it will not need to "ask for permission for our services", being able to re-apply and re-register automatically.

Miletic said he expected that the new federal government – the Council of Ministers of Serbia and Montenegro – would adopt a new draft religion law later this year. "It will probably follow the lines of the existing draft law which we consider to be not very liberal, if not restrictive." He complained that the draft contained "elements of discrimination". He pointed to what he called a "media war" on all minority religious communities, where widely-distributed books (one by a police officer) and other publications describe them as "sects". "This creates an atmosphere where a similar draft law will be put forward," he told Forum 18.

"Right now everything has come to a halt, waiting for the new Council of Ministers to reactivate all the existing draft laws according to parliamentary procedure," an official from the secretariat of the Serbia and Montenegro parliament told Forum 18 on 3 March. "The only thing I can say is that the law has not been adopted, and when it will reach the floor of parliament we do not know. It will not happen soon."

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