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SERBIA: Religion law rushed through parliament

By Drasko Djenovic, Forum 18

Serbia's National Assembly has with great haste passed the controversial new religion law, Forum 18 News Service has learnt. It has long been in preparation, and there is suspicion about why the law has been rushed through parliament just before the Serbian Easter holiday. Serbian President Boris Tadic has been asked to sign the Law into force "immediately." Many NGOs, religious communities and the Council of Europe's Venice Commission are highly critical of the law, but in an undated Religion Ministry report obtained by Forum 18, it is claimed that the law "is agreed by all churches, religious communities and other religious communities in Serbia." This is strongly denied by many religious communities, who are very concerned that the law's final text is not publicly available. "We cannot see the text. We cannot complain because we do not know what to complain about," Dane Vidovic of the Baptists told Forum 18, in a comment echoed by many.

Serbia's National Assembly yesterday (20 April) passed the controversial new Law on Churches and Religious Communities with 120 votes for the law, 4 votes against and 5 abstentions, Forum 18 News Service has learnt. The rest of the 250 parliamentary deputies were absent. The law has long been in preparation, and some are suspicious of the government's motivation in rushing it through parliament just before the Serbian Easter holiday weekend.

Predrag Markovic, speaker of the Assembly, on 20 April asked Serbian President Boris Tadic to sign the Law "immediately" so it could be formally promulgated in the Official Gazette. Many NGOs, religious communities and the Council of Europe's Venice Commission are highly critical of the law (see F18News 17 April 2006 http://www.forum18.org/Archive.php?article_id=760).

Predrag Markovic told RTS television on 20 April that he wanted President Tadic to sign the law quickly, so that on either 4 or 5 May, the government can approve the draft text of a law on returning properties to the Churches and send it to the Parliament. Forum 18 notes that if only the "traditional" religious communities are recognised, this will discriminate against the right of many smaller religious communities to receive back property confiscated from them after 1945. These properties include churches, old people's homes, a Methodist Church hospital in Novi Sad, and a large building confiscated from the Adventists in Belgrade.

Forum 18 has obtained an undated report on public discussion of the draft law from the office of Serbian Minister of Religion Milan Radulovic, which pre-dates the parliamentary debate. This report contains the statement - underlined on Forum 18's copy - that the law "is agreed by all churches, religious communities and other religious communities in Serbia." However, the Ministry's statement is strongly denied by many religious communities.

Vladimir Majersky, president of the representative body of the Brethren Church, told Forum 18 on 18 April that his predecessor, Jan Cizmansky - who held the post from 2002 to early 2006 - told him that he did not receive any version of the draft law. "He was therefore not able to agree to something he had not read." Aleksandar Mitrovic, President of Serbia's Evangelical Alliance, told Forum 18 on 18 April that "As far as I know, smaller religious communities did not receive any copies of the draft versions." Damir Porobic, a legal representative of the Jehovah's Witnesses, also told Forum 18 on 18 April that "we did not receive any draft laws and so do not have an official standpoint."

The General Secretary of the Serbian Baptist Union, Zarko Djordjevic, also denied the Ministry's statement, as did Stefan Stankovic a prominent Pentecostal church leader in Leskovac in southern Serbia. "We, as a local church, did write a letter protesting against the 2004 draft," Stankovic told Forum 18 on 19 April, "and also wrote protesting against the summer 2005 draft. We have made no comment on the latest draft law."

The next week is a holiday period in Serbia, but President Tadic has promised that he will sign the law after he has consulted with religious leaders. In Serbian law, the President must either sign the law into force within 7 days, or refer it back to the National Assembly.

Consideration of the law by the National Assembly has been rushed, with the law being accepted in principle - after the normal length of parliamentary session was extended - on Monday 17 April, with detailed discussion taking place on Wednesday 19 April, when the parliamentary session was extended until 11 pm. The final vote on the bill was on the morning of Thursday 20 April. Parliamentary discussion was heated, with the sitting being suspended several times as a result.

Ksenija Miliwojevic, President of the Board for European Integration of the Serbian Parliament, voted against the Law. She commented that "I voted against the Law because it is not in harmony with European standards, and it is not good for Serbia as a multiethnic civil society. I will be interested in what the Constitutional Court will have to say about the Law, as many of the Law's articles are contrary to the Constitution."

The text of the Law as amended and passed by parliament, and now sent to the President for final approval, was not publicly available today (21 April). As a result of the authorities not making the law's final text available to citizens, several religious communities asked Forum 18 for the final version.

"I do not know how to comment on the law, as no-one knows what has been decided by the National Assembly," Miodrag Zivanovic of the Seventh-day Adventist Church told Forum 18 on 21 April. Catholic Archbishop Stanislav Hocevar said that the text of the law was changed, compared to the wording that had been agreed with the "traditional" churches. "But we do know why everything is kept secret, and we have tried to get the final text without success. The parliamentary discussion [which was screened live on Serbian TV] was so controversial that, in the end, we do not know what was decided."

Dane Vidovic, a Baptist pastor and a member of the Freedom and Justice Commission of the Baptist World Alliance, told Forum 18 on 21 April that "the worst thing is that the Law is hidden and that we cannot see the text. We cannot complain because we do not know what to complain about. We have tried to get the text, but everyone is now on holiday."

Damir Porobic of the Jehovah's Witnesses told Forum 18 on 21 April: "I cannot comment on something I cannot read."

Romanian President Traian Basescu this week visited Serbia, and requested during his visit that the Romanian Orthodox Church be recognised by the Serbian government as one of the favoured "traditional" religious communities. Much tension has arisen in recent years between the Serbian Orthodox Church and Romanian Orthodox Church (see eg. F18News 19 September 2005 http://www.forum18.org/Archive.php?article_id=654).

The Law currently recognises seven "traditional" churches and religious communities – the Serbian Orthodox Church, Roman Catholic Church, Slovak Lutheran Church, Reformed Church, Evangelical Christian Church (another Lutheran Church), the Islamic and Jewish communities. (see F18News 17 April 2006 http://www.forum18.org/Archive.php?article_id=760). Article 10 of the draft version of the law was deleted by parliament, thus removing continuity of legal status gained by communities on the basis of previously applicable laws on Churches and religious communities. Also deleted was Article 17, thus removing state registration from several Protestant and Evangelical churches which were registered in the then Yugoslavia between 1953 and 1977.

There are unconfirmed reports in Belgrade newspapers of what has been passed by the National Assembly. 'Blic' reports that Jelena Markovic of the Serbia and Montenegro Ministry of Human and Minority Rights has stated that registration of new religious communities will need 8,000 signatures.

Zdravko Sordjan of the Belgrade-based Centre for Tolerance and Inter-religious Relations is very concerned by the latest moves. "This law will deepen the gulf between religious communities which already existed," he told Forum 18 in Belgrade on 21 April. "We are afraid this will be the beginning of persecution of the smaller religious communities, mainly those with a Protestant and Evangelical orientation. Although the law is with the President for signature, we cannot find out what it says and this worries us." (END)

For a personal commentary by a religious freedom lawyer arguing that Serbia should not follow Austria's system of dividing religious communities into different categories with differing legal rights, see F18News http://www.forum18.org/Archive.php?article_id=403

For more background, see Forum 18's Serbia religious freedom survey at http://www.forum18.org/Archive.php?article_id=387 and survey of attacks on religious minorities in 2004 and early 2005 at http://www.forum18.org/Archive.php?article_id=581 and survey of attacks later in 2005 at http://www.forum18.org/Archive.php?article_id=647

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

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