

23 May 2006

SERBIA: No changes to controversial Religion Law

By Drasko Djenovic, Forum 18

Despite Serbian President Boris Tadic requesting amendments to the new Religion Law as it breaks the European Convention on Human Rights, and strong criticism from the OSCE and Council of Europe, the Religion Ministry "is not preparing any amendments and no-one has sent any amendments to the Ministry," it told Forum 18 News Service. Religion Minister Milan Radulovic refused to comment on either the President's request, or the strong criticism of the Law. Sonja Biserko of the Helsinki Committee for Human Rights told Forum 18 that "I believe that the pressure of international organisations - including the OSCE, the Council of Europe and the US Congress – is needed." Vidan Hadzi-Vidanovic of the Belgrade Centre for Human Rights states that they will challenge the Law in the Constitutional Court. But, "we will need help to ensure that an appeal to the Constitutional Court does not end up in some file," Zarko Djordjevic of the Serbian Baptist Union told Forum 18.

After the rushed adoption of Serbia's controversial new Religion Law, uncertainty surrounds the regulations to apply it. According to article 47 of the Law, the Religion Ministry must prepare these "within 90 days of this Law coming into force" (on 4 May). The Ministry has told Forum 18 News Service that it is actively working on these regulations, but the details are not yet known. Once the regulations are prepared and implemented, religious communities can apply for registration.

Also still unclear are the practical implications of being designated as a "confessional community" under Article 17 of the Law. Communities so designated are the "Christian Baptist Church, Christian Adventist Church, the Evangelical Methodist Church, the Pentecostal Church, evangelical Christian churches and other religious organisations registered on the basis of the Law on the legal status of religious communities (State Gazette of the Federal National Republic of Yugoslavia no. 22/1953) and the Law on the legal status of religious communities (State Gazette of the Socialist Republic of Serbia no. 44/1977)."

The rushed passage of the Religion Law was marked by much confusion as to what was in the Law, and religious communities – contrary to the claims of the Religion Ministry – and citizens were unaware of its exact contents (see F18News 21 April 2006 http://www.forum18.org/Archive.php?article_id=766).

On signing the Law, President Boris Tadic acknowledged that it "is not absolutely in agreement with the European Convention on Human Rights which was ratified by the Parliament of Serbia and Montenegro in 2004, but that it is possible with some amendments and additions to remove all its deficiencies." Tadic also stated that he was requiring the National Assembly to amend the Law "in an urgent vote" (see F18News 28 April 2006 http://www.forum18.org/Archive.php?article_id=771).

Douglas Wake, Deputy Head of the Organisation for Security and Co-operation in Europe's (OSCE) Mission to Serbia and Montenegro said that "unfortunately" no further changes were made in the text of the Law after the OSCE and the Council of Europe issued a joint statement expressing their concerns on 25 April. "Those concerns about the Law, which was subsequently signed and entered into force, remain valid," he told Forum 18 on 12 May.

Despite President Tadic's acknowledgement that the Law breaks the European Convention on Human Rights, the protests of the OSCE and the Council of Europe, as well as the Serbian President's request for changes, Forum 18 has learnt that the Religion Ministry is not preparing any amendments to the Law. Jelena Savovic, secretary to Religion Minister Milan Radulovic, told Forum 18 on 22 May that "the Ministry is not preparing any amendments and no-one has sent any amendments to the Ministry".

Radulovic's office told Forum 18 on 23 May that he had no comments on either criticism of the Law by the OSCE and Council of Europe, or on President Tadic's request for amendments to the Law. Radulovic also refused to comment on what parliamentary procedures should be used to amend the Law.

There are distinct financial advantages to being registered by the state. The seven "traditional" religious communities - the only communities to be automatically registered by the Law – do not have to pay Value Added Tax and are able to receive financial help from the state, for example with salaries, pensions and health insurance. The Religion Law recognises only the Serbian Orthodox Church, Roman Catholic Church, Slovak Lutheran Church, Reformed Church, Evangelical Christian Church (another Lutheran Church), the Islamic and Jewish communities as "traditional."

All other religious communities have to pay Value Added Tax and will not automatically receive financial help for the state. In addition, these communities are regarded for tax purposes as businesses, which makes telephone and electricity costs expensive. In 2005, for example, the Jehovah's Witnesses were regarded as a business even though they have no employees.

The Serbian Orthodox Church – the majority religious community – told Forum 18 on 23 May that it is not making statements until the current meeting of the Holy Synod is over.

Reaction to the Religion Law among religious minorities varies. "I have seen the new religious law and I must say that I am very concerned," Fr Seraphim (Branislav Zorz), the only Old Catholic priest in Serbia, told Forum 18 on 10 May. He showed Forum 18 documents proving legal recognition from 1874 under the then Austro-Hungarian Empire, which recognition was renewed in 1923 under the then Kingdom of Serbs, Croats and Slovenes.

"If later our bishop received a medal from Marshal Tito, it is not logical that we should have to register as if we have never existed," Fr Seraphim told Forum 18. "Our church building in Belgrade is owned by the government, so how could we have used this if we were not registered as a church?" He said his church has "no problem" proving that it has the required number of believers - 0.001 percent of adult resident citizens or foreign citizens with permanent residence, i.e. 75 people under the 2002 census. "But it is nonsense that after more than 80 years of existence in Serbia we should have to prove that we exist."

Interestingly, the first legal recognition documents quoted in the Law for three of the "traditional communities" - from the Kingdom of Serbs, Croats and Slovenes - post-date the Old Catholics' legal recognition documents. These are those for the Jewish Community (from 1929), the Reformed Church (from 1930) and the Islamic Community (also from 1930). The Old Catholics' legal recognition also pre-dates that of all the "confessional communities" named in the Law.

The Baptists are one of the "confessional communities" that article 17 of the Law designates. However, this uncertain status does not reassure Baptists. "According to this Law, we de facto do not exist at all. We are still not sure what documents we will need for registration [in the Religion Ministry regulations being prepared]," Dane Vidovic, a Baptist pastor and a member of the Freedom and Justice Commission of the Baptist World Alliance, told Forum 18 on 12 May. "The Law is not bad just because of some articles in the Law, but the whole concept is bad."

Buddhists in Serbia have four centres – Belgrade, Novi Sad, Subotica and Zrenjanin – with about 1,000 members. Dalibor Jovanovic from the Belgrade Buddhist Center told Forum 18 on 9 May that "the Religion Law is not perfect, but it gives us the possibility to work, so we will register according to the new Law."

Anglicans in Belgrade are a mixed community of expatriates and Serbs. "We are accepted by the Serbian Orthodox Church as a sister church even if we are not registered with the authorities," Fr Robin Fox of St. Mary's Anglican Church, who has served in Belgrade since August 2004, told Forum 18 on 9 May. "We worship in a Roman Catholic chapel and I think that we will continue to work without registration. We do not proselytise and our attendees are mainly foreigners who for longer or shorter periods live and work here."

"We have a very negative opinion about this Law. We believe that religious communities have a place in society, but not in this way," Sonja Biserko, president of the Helsinki Committee for Human Rights in Serbia, told Forum 18 on 19 May. "This Law legalises a superior position for the Serbian Orthodox Church and we object to the way the Law treats the communities not described as 'traditional'," she continued. "It opens the way to possible manipulation of the 'non-traditional' communities."

Biserko was puzzled as to why the government was in "such a hurry" to pass the Law and why it was "so deaf" to the complaints of international organisations and NGOs. "I believe that the pressure of international organisations - including the OSCE, the Council of Europe and the US Congress – is needed."

At least one official openly criticises the Law. "The law approved by the Serbian Parliament is very bad and cannot compare with similar laws in, for example, Croatia and Bosnia," Slobodan Karanovic, secretary for religious freedom in the Federal [Serbia and Montenegro] Ministry of Human and Minority Rights, and former Yugoslav Religion Minister, told Forum 18 on 22 May. "It should be amended."

He points to Article 21, which says that churches cannot be registered "whose name contains a name or part of a name expressing the identity of a Church, religious community or religious organisation which is already entered in the Register". "So any church with the word church in its name can veto another church being registered," Karanovic complained. "I cannot believe that the Law was prepared in so unprofessional a way."

Vidan Hadzi-Vidanovic of the Belgrade Centre for Human Rights says his Centre plans to challenge the Law in the Constitutional Court. "But we all know how slowly the Constitutional Court works if there is not very heavy public pressure on it, which I do not think will happen in this case," he told Forum 18 on 8 May. He hopes that the challenge may be made by the end of May.

"We will need help to ensure that an appeal to the Constitutional Court does not end up in some file," Zarko Djordjevic, General

Secretary of the Serbian Baptist Union, told Forum 18 on 12 May. Zdravko Sordjan of the Belgrade-based Centre for Tolerance and Inter-religious Relations told Forum 18 the same day of his concerns that the Constitutional Court can be slow and not very effective.

Serbia's National Assembly began last week to discuss a discriminatory draft law to restore or provide compensation for religious property confiscated after 1945. Religious communities and NGOs have also expressed concern about the provisions of the draft Restitution Law, which has been explicitly linked by the Speaker of the National Assembly to the Religion Law (see F18News 9 May 2006 http://www.forum18.org/Archive.php?article_id=776).

Vidovic of the Baptist Church told Forum 18 of his concern about getting back church property confiscated by the Communist authorities. "How we will apply to get them back if parliament approves the Restitution Law but we are not registered under the Religion Law?"

Parliamentary discussion has already revealed pressure for discrimination to be increased. Ivica Dacic from former President Slobodan Milosevic's Socialist Party demanded that Catholic and Lutheran church properties should not be returned. Some are concerned that the Restitution Law will reinforce the discriminatory attitude towards religious minorities exemplified in Religion Minister Radulovic's often-repeated comment that "being equal does not mean to be the same". (END)

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>

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY