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SERBIA: President signs controversial religion law

By Drasko Djenovic, Forum 18 News Service <<http://www.forum18.org>>

Despite openly recognising that the controversial new religion law approved by parliament on 20 April violates the European Convention on Human Rights, Serbian president Boris Tadic signed it into law on 27 April. He ordered parliament to amend the law "in an urgent vote" to remove the violations, though Aleksandar Mitrovic of Serbia's Evangelical Alliance told Forum 18 News Service the president "was unable to give me a clear answer as to how he thinks he can achieve this, given his status and authority". Under a last-minute amendment before parliament approved the law, all but the seven recognised "traditional" faiths lose their legal status and will have to reapply, even those present in Serbia for more than a century like the Nazarenes, Baptists and Adventists. They also lose their tax-exempt status. "This law makes some citizens more equal than others," General Secretary of the Baptist Union Zarko Djordjevic complained to Forum 18. Minority faiths also fear they will lose the chance to regain confiscated property in the restitution bill expected to begin its parliamentary process in May.

Serbian president Boris Tadic signed the controversial Law on Churches and Religious Communities on 27 April, the last day permitted by the Constitution, despite his open recognition that the law violates the European Convention on Human Rights. He has told the National Assembly the law must be improved. On 25 April, five days after its approval in parliament, the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe expressed concern about "shortcomings" in the law which, they said, appear to violate both organisations' standards. Protestant and Jehovah's Witness leaders have already condemned to Forum 18 News Service what they regard as the "discriminatory" law, particularly a last-minute change that strips all non-"traditional" faiths of their legal status, despite their existence in Serbia for up to 150 years. "This law makes some citizens more equal than others," the General Secretary of the Serbian Baptist Union, Zarko Djordjevic, told Forum 18 on 28 April.

Aleksandar Mitrovic, president of Serbia's Evangelical Alliance, told Forum 18 on 27 April that Tadic had telephoned him that day. "In his phone call today, President Tadic tried to explain to me why he signed such a discriminatory and anti-constitutional law," Mitrovic told Forum 18. "Basically he just affirmed something we already knew." However, Mitrovic regarded the call as a "small positive signal", pointing out that this is something the religion minister never did. "The president tried to encourage us by saying that even he would rather try to get this law changed through amendments. But he was unable to give me a clear answer as to how he thinks he can achieve this, given his status and authority."

Mitrovic said he and his colleagues were not surprised that President Tadic signed the law in the light of the way it reached parliament and how parliamentary discussion was conducted. He maintains that the legal status of Protestant churches and other minority faiths is now even more threatened than before. "According to the final version of the law every one of those not recognised as traditional churches and religious communities ('the great seven' as we call them) will need to provide to the government personal information about 0.001% of the population - 75 adult members - with information about the religious organisation's religious system, goals and finances under Article 18 of the law. This is just one of many discriminatory articles in the law."

Despite widespread protests from non-governmental organisations (NGOs), international bodies and religious communities within Serbia, the controversial law was rushed through parliament in Orthodox Holy Week, being approved by deputies on 20 April (see F18News 21 April 2006 <http://www.forum18.org/Archive.php?article_id=766>).

In his 27 April letter approving the law to the speaker of the National Assembly, Predrag Markovic, copied to the prime minister Vojislav Kostunica, Tadic wrote that he had "very carefully" read the law approved by the National Assembly "after consultations with representatives of state institutions of Serbia and State Union of Serbia and Montenegro, representatives of churches, religious communities and NGOs and having the views of the OSCE and the Council of Europe". "On the basis of this, I have concluded that the Law 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." He said he was requiring the National Assembly to amend the law "in an urgent vote".

Although relations between Tadic and Kostunica are reportedly not good, the Belgrade press reported that Tadic also consulted Kostunica over whether to sign the law.

In their joint 25 April statement, the OSCE Mission to Serbia and Montenegro and the Council of Europe Office in Belgrade, expressed their concern about certain provisions of the law which, they said, appear to be inconsistent with standards set by the two organisations, in particular the European Convention on Human Rights, ratified by Serbia and Montenegro in 2004. The two organisations acknowledged that a number of suggestions provided by their experts to the Serbian government in 2005 were reflected in an improved version of the bill presented by the government to parliament in March 2006. "However, a number of shortcomings remain in the recently approved legislation, in particular concerning the need for more precise criteria to define the discretionary powers provided by the law to state and religious authorities; the uncertain effect of 'non-registration' on some basic guarantees of freedom of religion; and the need for a more precise definition of the legal status of canon laws and ecclesiastical decisions."

The two organisations also noted that the hasty presentation of the legislation by the government and adoption by parliament "did not allow for a thorough review of the final draft of the law by experts, nor for a full public debate to take into consideration significant concerns raised by various stakeholders in Serbia itself". The OSCE and Council of Europe said the new law "will not contribute in the best way towards the implementation of Serbia's commitments to promote freedom of religion and belief or to positive relations and co-operation among religious communities in Serbia". They offered their help in any improvements to the law.

Mitrovic of the Evangelical Alliance described the whole law as "schizophrenic". He pointed out that Article 2 grants autonomy and that no one may be compelled to reveal their religious convictions, while Article 18 requires details on confession, religious goals and personal details of "confessional communities" (second-class groups) and "religious organisations" (the lowest level of recognised faiths). "During parliamentary discussion some deputies used the language of the beer-hall, spreading hatred and intolerance towards Protestant multi-ethnic churches like the Baptists and Pentecostals," he complained to Forum 18. "The general feeling is that the only thing they missed out was a call to start exterminating Evangelical believers."

In parliamentary discussion on 19 April, broadcast on state television, one of the closest collaborators of the late president Slobodan Milosevic, Ivica Dacic from the Socialist Party of Serbia, described the Pentecostal church as a "destructive and totalitarian organisation". At the same time, Serbia's religion minister Milan Radulovic likened some activities by the Baptists in Serbia to those of Santa Claus (a reference to the shoeboxes of gifts provided by the Samaritan's Purse charity to hundreds of thousands of children in Serbia). Some deputies from the Serbian Radical Party - whose leader Vojislav Seselj is facing war crimes charges in The Hague - verbally attacked the Catholic Church and the Pope.

Also expressing concern on 26 April about both the process and the result was the US Helsinki Commission in Washington, which called on President Tadic to veto the law. It complained of the final text which "retreats from Serbia's OSCE religious freedom commitments" and what it regarded as the Serbian authorities' "sudden loss of transparency" after a long process of consultation with international experts.

"Among the most serious problems in the legislation are ambiguous registration requirements, limitations on naming rights, ill-defined state deregistration powers, speech limitations, improper public disclosure requirements, and undue deference to registration decisions of other EU [European Union] countries," the Helsinki Commission complained, echoing concerns already expressed by many of Serbia's religious communities. "Particularly problematic was adoption of a blatantly discriminatory amendment aimed against most minority religious communities. That measure removed safeguards that would have allowed all religious communities currently registered to maintain that status."

Mitrovic of the Evangelical Alliance believes that the main problems now facing Evangelical believers in Serbia are gaining legal status for their churches and continuing demonisation of multi-ethnic Evangelical believers. "We should bear in mind that neither the religion ministry nor any other state institution has ever stood up to protect any single Evangelical church, which adds to our suspicions of the new religion law," he told Forum 18.

The Jehovah's Witnesses' legal representative, Damir Porobic, complains particularly of the "significant" last-minute change depriving non-"traditional" faiths of their existing legal status. "This clause requiring non-traditional faiths to re-register as though they never existed on this territory opens the possibility for arbitrary interpretation of the law by the registration authority authorised to judge on religious organisations' doctrine, activities and goals," he told Forum 18 from Belgrade on 28 April. He said the law is not in agreement with Serbian constitutional and other legal documents of Serbia and Montenegro, as well with international documents on human rights.

Among communities deprived of legal status are the Church of the Nazarene, which has existed in Serbia for about 150 years, and the Seventh-day Adventist and Baptist Churches, which have been present since the end of the nineteenth century and have more members than some of the "traditional" faiths. Members of faiths which have arrived in Serbia more recently - such as Hare Krishna devotees and Baha'is - have also seen their registration removed. Members of minority faiths already face physical attacks. Zivota Milanovic, a Hare Krishna devotee, was seriously beaten in July 2005 in Jagodina, while a Canadian Mormon missionary was beaten in Belgrade and spent three days in intensive care with brain concussion. The attacker was never found despite a police investigation (see F18News 9 September 2005 <http://www.forum18.org/Archive.php?article_id=647>).

Djordjevic of the Baptist Union is worried about the tax implications of the new law. "While traditional churches will not just

receive VAT back and be free of property taxes but receive financial support from the state, confessional communities will not be supported and will need to pay all these taxes," he told Forum 18. "Basically we will pay everything as though we are a business." Djordjevic is worried about whether those giving money to the Baptist Church will get tax relief on those offerings on a par with offerings to "traditional" religious communities. The annual report of the religion ministry for 2005 reveals that it spent 7.7 million dinars (687,575 Norwegian kroner, 88,580 Euros or 111,225 US dollars) supporting the Orthodox and Catholic Churches.

Adding to concern is that the process of adopting a law on returning properties to religious communities is due to being in early May. The new religion law will probably mean that property will only be returned to the seven "traditional" religious communities. Unclear is what will happen with the confiscated property of non-"traditional" minorities, including an Adventist church in Belgrade, a Baptist old people's home in Novi Sad and a Methodist hospital in Novi Sad. Also unclear is whether the Buddhist community will gain compensation for its temple built in Belgrade in 1929 with permission from the then Serbian Orthodox Patriarch Dimitrije and with a small financial contribution from the religion ministry of the Kingdom of Serbia. The temple was confiscated after the Second World War and destroyed in the early 1950s. (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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