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SERBIA: Simultaneously legal and illegal religious communities

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

Nearly seven months after Serbia's controversial new Religion Law - admitted by Serbian President Boris Tadic to break the European Convention on Human Rights - entered into force, no so-called "non-traditional" religious communities have received state registration and legal status, Forum 18 News Service has found. Many communities, such as smaller Protestant communities and Jehovah's Witnesses, that have applied have had their applications arbitrarily stalled. Others - such as the Baptist Union - have told Forum 18 they will not apply, as they regard the Law as discriminatory and the conditions it sets as unacceptable. Some communities, such as the Hare Krishnas, are afraid that information supplied to the authorities may be misused. Technically, the Religion Ministry claims, non-registered religious communities can legally operate. But this is legally unworkable, as to legally have a bank account, and undertake activities such as employing staff, legal documents are necessary - which non-registered religious communities have not been able to acquire.

Nearly seven months after Serbia's controversial new Law on Churches and Religious Communities entered into force, no so-called "non-traditional" religious communities have received state registration and legal status, Forum 18 News Service has found. Many communities that have applied have had their applications arbitrarily stalled, while others have told Forum 18 they will not apply, as they regard the Law as discriminatory and the conditions it sets as unacceptable. Many smaller religious communities fear they will lose legal status altogether next May, as they will be unable to meet the requirements of the law.

The highly controversial new Religion Law - described by Serbian President Boris Tadic as breaking the European Convention on Human Rights - gives automatic legal registration and status to only the seven "traditional" religious communities: the Serbian Orthodox Church, the Catholic Church, Slovak Lutheran Church, Reformed Church, Evangelical Christian Church (another Lutheran Church), and the Islamic and Jewish communities (see F18News 23 May 2006 <http://www.forum18.org/Archive.php?article_id=785>). Religion Minister Milan Radulovic later stated that the Romanian Orthodox Church in the Banat would be registered under the Serbian Orthodox Church and that both the Greek and Latin-rite Catholic Churches would be registered as one church. He also broke the law which his ministry drafted by illegally raising the number of signatures required to gain state registration (see F18News 9 August 2006 <http://www.forum18.org/Archive.php?article_id=825>).

The Religion Ministry, was unable to state whether any "non-traditional" religious communities have yet received state registration, Elizabeta Kitanovic, spokesperson for the Ministry, told Forum 18 on 30 November. The Religion Ministry's Regulations issued following the Law allow - in paragraph 7.6 - previously registered religious communities to carry on their activities without registration. Paragraph 7.7 goes further, allowing non-registered religious communities to operate, based on the right to religious freedom in the Serbian Constitution and international human rights agreements. The lack of clear definitions and unexplained additions in the Religion Law have raised concerns amongst some about whether this does in fact protect religious freedom (see F18News 9 August 2006 <http://www.forum18.org/Archive.php?article_id=825>).

However, a major problem remains, which makes the theoretical freedom allowed to non-registered religious communities by the Religion Ministry legally unworkable. In order to legally have a bank-account, and undertake activities such as employing staff and renting, buying or selling properties, legal documents are necessary - which non-registered religious communities have not been able to acquire. This same problem plagues Serbian religious-based associations, which are not churches and do not conduct worship (see F18News 28 November 2006 <http://www.forum18.org/Archive.php?article_id=879>).

As in the case of the religion-based associations, unregistered religious communities' legal inability to provide the required legal documents to run a bank account poses major problems. Pastor Aleksandar Mitrovic, who leads a Pentecostal church in Novi Sad and is President of the Serbian Evangelical Alliance, commented to Forum 18 on 22 November that "in the law we have constitutionally guaranteed rights and the Religion Minister says that we don't need to register. But," he continued, "if you try to do any legal transactions, everyone asks for a certificate from the Religion Ministry. Without registration, it is almost impossible to build a church or own any legal property. If we use normal, legal, bank transactions, we will break the law."

Many of the smaller Protestant churches and the Old Catholics have not decided whether or not to apply for state registration. Stefan Stankovic, a well-known Pentecostal leader in southern Serbia, pointed out another legal pressure on communities to apply for

registration. "If we decide not to register, new ministers will not be able to make payments into state social security and pension funds, as it is legally impossible to be the minister of a technically non-existent non-registered church," he told Forum 18 on 25 November.

The Old Catholics, also known in Serbia as the West Orthodox Church, think they face particular pressures to register because of the discriminatory Restitution Law (see F18News 20 June 2006 <http://www.forum18.org/Archive.php?article_id=802>).

"We are using an apartment of the Evangelical-Christian Lutheran church, that was confiscated after 1945, for our office and church in Belgrade," Fr. Seraphim, the administrator of the Church in Serbia, told Forum 18 on 29 November. "This place was temporary given to us by the state in the 1960s, when our Belgrade church was demolished. If we do not register, we do not know whether we will be able to continue to use this building. We may just be told 'You do not exist, so you cannot use this building anymore.' Fr. Seraphim noted also that "This whole building will probably be returned to the Lutheran Church under the Restitution Law. We are not sure what will happen then."

Some - such as the Serbian Baptist Union - have decided not to apply for state registration and are considering legal appeals against the Religion Law. Zarko Djordjevic, the Secretary of the Union told Forum 18 on 29 November that "we have decided not to register under this unfair law. Instead, we will probably appeal to the Supreme and Constitutional courts, as the Religion Law contradicts both international and domestic law."

Some religious communities may not apply for registration because they have a very small membership. But other communities - especially non-Christian communities - fear that personal details of their members, given in the course of a registration application, may be misused by the authorities. Members of these communities who work in state and educational institutions particularly fear the consequences of providing personal information.

Aleksandar Peric of the Hare Krishna community told Forum 18 from Negotin on 30 November that "we are in the final stage of preparing documentation for registration. We have enough members, but we face the problem that some members are afraid to give their details, as it is not easy to be a Hare Krishna devotee here." Peric noted that his community has also faced refusals by the Belgrade police in February 2006 to return original legal documents supplied to the police. He thinks that this was to deny the Hare Krishna community "proof that we have legally applied for changes to our address."

The experience of the United Pentecostal Church is typical of those Serbian religious minorities which have applied for state registration. The Church applied for registration on 8 August, exactly as specified in the Religion Law and Regulations. "On the 59th day after this [one day before some legal opinion thinks that a Ministry decision should be received] we received notification from the Minister that we should supply them with more forms and more details - which we did," Pavel Valenta, the Church's Secretary, told Forum 18 on 29 November from Padina. On 30 November, 30 days after the Church supplied the extra details requested, it should - according to some legal opinion legally have received a decision from the Ministry.

Legal opinion differs on the requirements that the rather confused Law imposes on the Ministry. On some legal opinion, as the Ministry did not reply to the United Pentecostal Church on 30 November, they now have state registration and legal recognition. But this remains legally unclear and has not been confirmed by the Religion Ministry.

The United Pentecostal Church easily meets the legal requirements for registration, having 30 local assemblies with about 1,000 baptised and 400 non-baptised regular worshippers. It has been active in Serbia since 1919 and from 1953 it previously held state registration.

Similar official procrastination, for example last-minute demands to provide more information to the Religion Ministry, have been encountered by other communities such as Belgrade's First Baptist Church (which is separate from the Baptist Union and previously held registration from 1936) and the Church of God (Cleveland, Tennessee). The Methodist Church and the Seventh-day Adventist churches, and the Church of Jesus Christ of Latter-day Saints (the Mormons), have received no responses from the Ministry to their registration applications.

Damir Porobic, a Jehovah's Witness lawyer, told Forum 18 on November 30 about other legal ploys used by the Religion Ministry to delay registration applications. After correctly submitting the necessary forms and supplying extra information asked for by the Ministry, "they asked us to provide name of our publishing house. But our publications are published in Germany, and so we import them and do not have a publishing house in Serbia. The Ministry also asked for a shorter version of our statement of belief than the one we gave with the original applications."

To Forum 18's knowledge, no "non-traditional" religious community has yet been given state registration and formal legal recognition by the Religion Ministry. (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 between September 2005 and September 2006 at <http://www.forum18.org/Archive.php?article_id=845>.

A personal commentary, by an Austrian lawyer, arguing that Serbia should not follow Austria's system of dividing religious communities into different categories with differing legal rights is at <http://www.forum18.org/Archive.php?article_id=403>

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at <http://www.forum18.org/Archive.php?article_id=806>.

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

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