

SERBIA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees the freedom of religion, as well as the right to change one's religion. It states everyone shall have the freedom to worship individually or with others, in private or in public. It also states the freedom to express one's religious beliefs may be restricted by law only as necessary to protect the lives and health of the people, to preserve public safety and order and the country's democracy. The constitution forbids the establishment of a state religion, guarantees equality for all religious groups, and prohibits incitement of religious hatred. The law grants special treatment to seven religious groups it defines as "traditional." In February the parliament adopted a law on the restitution of heirless and unclaimed Jewish property seized during the Holocaust. In two instances police issued citations to Jehovah's Witnesses for displaying their religious literature in public. Some minority religious groups continued to report difficulties registering under the law. Religious groups defined as traditional by the government as well as those considered to be nontraditional continued to criticize the government, saying its implementation of the law with regard to the registration of religious groups was biased. The government continued its restitution of religious properties confiscated since 1945. The posthumous rehabilitation process of Nazi-era government leader Milan Nedic, under whose rule 90 percent of the Jewish population in the country was killed, continued.

Small publishing houses and groups characterized as ultranationalist continued to sell translations of anti-Semitic literature. Articles critical of nontraditional religious groups continued to appear in the press. The Jehovah's Witnesses reported several instances of vandalism against their property across the country. In none of the cases were the perpetrators apprehended by police.

U.S. embassy officers continued to urge the government to eliminate bias in the application of the law with regard to the registration of religious groups, especially nontraditional groups. The U.S. Special Envoy for Holocaust Issues visited in December to discuss with the foreign minister the new law on restitution of heirless and unclaimed Jewish property seized during the Holocaust. Embassy officers continued to meet with representatives of the Serbian Orthodox Church (SOC) and a wide range of minority religious groups to discuss the interaction between traditional and nontraditional religious groups, property restitution, and interfaith dialogue.

Section I. Religious Demography

The U.S. government estimates the population at 7.1 million (July 2016 estimate). According to the 2011 census, approximately 85 percent of the population is Orthodox Christian, 5 percent Roman Catholic, 3 percent Sunni Muslim, and 1 percent Protestant. The remaining 6 percent includes Jews; Buddhists; members of the International Society of Krishna Consciousness; agnostics; atheists; other Christian and non-Christian groups; and individuals without a declared religious affiliation. The vast majority of the population identifying as Orthodox Christian are members of the SOC, a category not specifically listed in the census. Adherents of the Macedonian, Montenegrin and Romanian Orthodox Churches may be included in the numbers of “Orthodox Christians” or in the “other Christian” category which is part of the remaining 6 percent, depending on how they choose to self-identify.

Catholics are predominantly ethnic Hungarians and Croats residing in Vojvodina Province. Muslims include Bosniaks (Slavic Muslims) in Sandzak, ethnic Albanians in the south, and Roma located throughout the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states the freedom of belief and religion is guaranteed, as is the right to change one’s religion. It states everyone shall have the freedom to worship and practice religion individually or with others, in private or in public, but no one shall be obliged to declare one’s religion. The constitution states the freedom to express one’s religion or beliefs may be restricted by law only as necessary to protect the lives and health of the people, the morals of democratic society, the freedoms and rights guaranteed by the constitution, public safety and order, or to prevent incitement of religious, national, and racial hatred. The constitution forbids the establishment of a state religion, guarantees equality for religious groups, and calls for separation of religion and state. It states churches and religious communities shall be free to organize their internal structure, perform religious rites in public, establish and manage religious schools and social and charity institutions in accordance with the law. The constitution prohibits incitement of religious hatred, calls upon the government to promote religious diversity and tolerance, and states religious refugees have a right to asylum, the procedures for which shall be established in law.

The law bans incitement of discrimination, hatred, or violence against an individual or group on religious grounds and carries penalties ranging from one to 10 years in prison, depending on the type of offense.

The law grants special treatment to seven religious groups defined as “traditional” by the government. These are the SOC, the Roman Catholic Church, the Slovak Evangelical Church, the Reformed Christian Church, the Evangelical Christian Church, the Islamic Community, and the Jewish Community. “Church” is a term reserved for Christian religious groups, while the term “religious community” refers to non-Christian groups and to some Christian entities. The Islamic Community is divided between the Islamic Community *of* Serbia, with its seat in Belgrade, and the Islamic Community *in* Serbia (emphasis added), with its seat in Novi Pazar.

The seven traditional religious groups recognized by law are automatically registered in the Register of Churches and Religious Communities. In addition to these groups, the government grants traditional status, solely in Vojvodina Province, to the Diocese of Dacia Felix of the Romanian Orthodox Church, with its seat in Romania and administrative seat in Vrsac in Vojvodina.

There are 17 “nontraditional” religious groups registered: the Seventh-day Adventist Church; the Evangelical Methodist Church; The Church of Jesus Christ of Latter-day Saints (Mormons); the Evangelical Church in Serbia; the Church of Christ’s Love; the Spiritual Church of Christ; the Union of Christian Baptist Churches in Serbia; the Nazarene Christian Religious Community; the Church of God in Serbia; the Protestant Christian Community in Serbia; the Church of Christ Brethren in Serbia; the Free Belgrade Church; the Jehovah’s Witnesses; the Zion Sacrament Church; the Union of Seventh-day Adventist Reform Movement; the Protestant Evangelical Church Spiritual Center; and the Evangelical Church of Christ.

The law does not require religious groups to register, but the law treats unregistered religious groups as informal groups, which do not receive any of the legal benefits registered religious groups receive. For example, government laws on property ownership and social welfare distinguish between registered and unregistered religious groups. Only registered religious groups may build new places of worship. The law authorizes the government to provide social and health insurance and fund retirement plans only for clerics from registered religious groups and only registered groups may receive state funding for their activities. The law also grants value-added tax refunds and property tax exemptions only to

registered groups. Registered religious groups are also exempt from paying administrative taxes and filing annual financial reports.

To obtain registration a group is required to submit the following: the names, identity numbers, and signatures of at least 100 members of the group; the group's statutes and a summary of its religious teachings, ceremonies, religious goals, and basic activities; and information on sources of funding. The law prohibits registration if an applicant group's name includes part of the name of an existing registered group. The Ministry of Justice (MOJ) maintains the Register of Churches and Religious Communities and responds to registration applications.

According to the constitution, the Constitutional Court may ban a religious community for activities infringing on personal and family rights granted in the constitution, public safety, and order, or if it incites religious, national, or racial intolerance. It also states the Constitutional Court may ban an association that incites religious hatred.

The MOJ's Directorate for Cooperation with Churches and Religious Communities manages all expert and administrative issues pertaining to the cooperation of the state with churches and religious communities, including assistance to national minorities in protecting the religious traditions integral to their cultural and ethnic identity; cooperation between the state and Serbian Orthodox dioceses abroad; support for religious education; and support for and protection of the legal standing of churches and religious communities. The government office for Human and Minority Rights, which addresses policy and monitors the status of minorities, also covers religious issues.

The law recognizes restitution claims for religious property confiscated in 1945 or later for registered religious groups only. The private property restitution law permits individual claims for properties lost by Holocaust victims during World War II, but religious groups may not claim property confiscated prior to 1945. Legally registered endowments may apply for restitution. Religious communities that were beneficiaries of seized endowments may apply for the restitution of their benefits.

In February parliament adopted a law on the restitution of heirless and unclaimed Jewish property seized during the Holocaust, allowing the Jewish Community to file restitution claims based on these seizures, while still allowing for a future claimant to come forward. The law defines "heirless property" as any property that was not the subject of a legitimate claim for restitution under the General

Restitution Law. The community must prove the former owner of the property was a member of the Jewish Community and the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish Community worth 950,000 euros (\$992,170) per year for a 25-year period.

The constitution states parents and legal guardians shall have the right to ensure the religious education of their children in conformity with their own convictions. By law, religious education is only offered in public schools for the seven traditional groups. Students in primary and secondary schools are required to attend classes in one of the seven traditional religions or an alternative civic education class. Parents choose which option is appropriate for their child. The curriculum taught in the religion classes varies regionally, reflecting the number of adherents of a given religion in a specific community. The Commission for Religious Education appoints religious education teachers. The commission is comprised of representatives of traditional religious groups, the Ministry of Education, Science and Technology, and the Directorate for Cooperation with Churches and Religious Communities. Representatives of the Islamic Community *of* Serbia and the Islamic Community *in* Serbia participate in the work of the commission.

The constitution recognizes the right of conscientious objection based on religious beliefs. It states no person shall be obliged to perform military or any other service involving the use of weapons if this is inconsistent with his religion or beliefs, but it states a conscientious objector may be called upon to fulfill military duty not involving carrying weapons, in accordance with the law.

The constitution allows a “relevant court” (any court with legal jurisdiction) to prevent the dissemination of information advocating religious hatred, discrimination, hostility, or violence.

The country is party to the International Covenant on Civil and Political Rights.

Government Practices

The Jehovah’s Witnesses reported a police officer in Pozarevac issued a citation on February 12 to a Jehovah’s Witness who was displaying literature on a mobile cart in a public area after asking if the individual had a permit for this activity. On July 29, the Jehovah’s Witness gave a statement to the Pozarevac Minor Offense Court. As of the end of the year, the court had not issued a decision. On September 21, a policeman in Sabac reportedly also issued a citation to another Jehovah’s Witness

who was using a mobile cart to display literature. The second individual was also awaiting a decision by the court at year's end.

Religious groups and NGOs continued to complain about both the law and the government's implementation of the law regarding religious groups and their activities. Minority religious groups, NGOs, and other observers continued to state the law was biased because of its differentiation between so-called traditional and nontraditional religious groups. Protestant churches and civil society organizations continued to urge the government to repeal the parts of the law categorizing religious groups in this way. These organizations also continued to advocate for the removal of the prohibition on registering new religious groups with names similar to those of groups previously registered. They said removing the prohibition would allow for other Orthodox churches to register. Some minority groups stated the law also placed burdensome restrictions on unregistered groups, including creating difficulties for them in opening bank accounts, purchasing or selling property, and publishing literature.

Representatives of both traditional and nontraditional groups also continued to complain of bias by the government in its implementation of the law. Minority communities complained about what they said was the state's preferential treatment of traditional churches, while the Roman Catholic Church, a traditional church, complained about what it said was preferential treatment of the SOC, another traditional church. Minority religious groups also reported government institutions often made it difficult for nontraditional groups to register, although they said this might have been a result of administrative incompetence in addition to intent. Nontraditional groups including Baptists, evangelicals, and other Protestants, reported government authorities continued to place additional requirements – not specifically called for in the law – when implementing the law with regard to registration for those religious groups.

During the year, the Protestant Church of Roma in Leskovac and the Baptist Church in Backi Petrovac filed applications for registration. The MOJ rejected the application from the Protestant Church on the grounds the paperwork was incomplete, but provided instructions on how to correct and amend the application. As of the end of the year, the MOJ was still reviewing the Baptist Church's application.

The MOJ also rejected, on the grounds of incomplete paperwork, an application filed in 2015 by the Diocese of Raska and Prizren, a small group that had broken

away from the Serbian Orthodox Church in 2010. The MOJ also provided instructions to the diocese on how to correct and amend its application.

The Macedonian and Montenegrin Orthodox Churches, whose autocephaly the SOC continued not to recognize, remained unregistered by the government. Government officials continued to state the canons of the Orthodox churches should govern issues among individual Orthodox churches and secular authorities should not try to resolve them. Dialogue between the SOC and the Macedonian Orthodox Church continued regarding the latter's potential recognition in the country, but no such dialogue existed between the SOC and the Montenegrin Orthodox Church.

The government continued to provide pension and health care benefits for clergy of registered religious groups.

The government continued its policy of not providing access to religious services for members of the armed forces who were adherents of religions other than the seven traditional ones.

Romanian Orthodox priests continued to hold services in the Romanian language in the eastern part of the country, in accordance with their agreement with the SOC. The Romanian Orthodox Church reported the government continued to deny construction permits for new church buildings in the eastern part of the country, forcing the Romanian Orthodox Church to repurpose existing buildings for religious use. The government stated the issue was one between the SOC and Romanian Orthodox Church and the government would not interfere in the matter.

The government continued restitution of religious properties previously confiscated in 1945 or later. By the end of the year the government had returned agricultural land, forests, and construction land to the Serbian Orthodox, Roman Catholic, Romanian Orthodox, Evangelical Christian, Greek-Catholic, Reformed Christian, and Slovak Evangelical Churches and the Jewish Community. Real estate was also returned to Roman Catholic, Serbian Orthodox and Evangelical Christian Churches and the Jewish Community.

Following a decline in the number of teachers representing the Islamic Community *in Serbia*, the education minister on September 9 added 40 religious teachers from the Islamic Community *in Serbia* back into the religious education program, most of who had previously worked in the program at some point. The education minister also signed a decision allowing classes with fewer than 15 students (the

minimum number required for elective courses) to organize instruction about their religion in agreement with local school directors.

The Higher Court in Belgrade continued its deliberations on the posthumous rehabilitation of Milan Nedic, the leader of the collaborationist National Salvation government responsible for killing 90 percent of the country's Jewish population during the Holocaust. The proponents of his rehabilitation continued to try to prove Nedic was not a war criminal responsible for the killing of Jews and Roma at the Banjica concentration camp. In a separate ruling in June about the restitution of Nedic's property, the Restitution Agency found Nedic's descendants ineligible for property restitution because Nedic was a member of the "occupying forces."

National TV RTS continued to broadcast a daily 10-minute *Religious Calendar* program about major holidays celebrated by monotheistic religions.

The government is a member of the International Holocaust Remembrance Alliance.

Section III. Status of Societal Respect for Religious Freedom

Small publishing houses and groups characterized in the press and by NGOs as ultranationalist continued to sell translations of anti-Semitic literature, such as the *Protocols of the Elders of Zion*. Several online portals run by individuals and groups which were similarly characterized posted material which observers said promoted anti-Semitism, although not always explicitly.

Articles critical of nontraditional religious groups continued to appear in the press, primarily in the tabloid media, including private and government-owned outlets. Several nontraditional religious leaders reported the media often labeled nontraditional religions as "sects," which they stated contributed to negative stereotyping. Some leaders of traditional churches complained media coverage also misrepresented the nature of their religious groups.

In October the tabloid *Informer* ran a story warning citizens of 60 "religious sects" operating in the country, which the paper said were recruiting children at camps and luring single adults to join them. The article stated the groups were cult-like and potentially dangerous. The same week, a local news website in the city of Kragujevac warned citizens about Jehovah's Witnesses "lurking" in city centers and appearing unannounced at residents' doors.

In June the website BalkanInsight quoted an expert on human rights in the country as saying anti-Islamic sentiment was increasing in the country's media following news reports on migrants. According to other observers, however, while there were periods of increased antimigrant articles appearing in the media, those articles did not reflect increased anti-Islamic sentiment.

Religious leaders reported there were initiatives to improve relations among religious communities, including an interfaith television program in which a mufti, a rabbi, and an archbishop participated as part of an effort to encourage tolerance between religious groups.

The Jehovah's Witnesses reported several instances of vandalism against their property during the year. On March 3, unknown perpetrators threw stones at a Kingdom Hall as religious services were ending. On March 15, an unknown individual damaged a Kingdom Hall by throwing a glass bottle filled with flammable liquid at it. Police arranged for a regular night patrol in the area, but there were no further developments in the cases. During May and June in Belgrade, unknown youth threw bricks at a building owned by the Jehovah's Witnesses, causing damage to the roof. Police were called and patrolled the area during the day and night, but no arrests were made.

Section IV. U.S. Government Policy

In meetings with the director of the Office for Cooperation with Churches and Religious Communities and the director of the Office for Human and Minority Rights, U.S. embassy officers and visiting U.S. government officials continued to urge the government to eliminate both intentional and unintentional bias in the application of the law with regard to the registration of religious groups, especially nontraditional groups. The Special Envoy for Holocaust Issues visited in December to meet with the foreign minister and other government officials to discuss the new law on the restitution of Holocaust-era heirless and unclaimed property and its implementation.

Embassy representatives continued to meet regularly with representatives of the SOC, the Roman Catholic Church, the Jewish Community, the Romanian Orthodox Church, Protestant organizations, and leaders of the Islamic Communities to discuss interaction and cooperation between traditional and nontraditional groups, property restitution, and interfaith dialogue.

The embassy provided financial support to an NGO-implemented program aimed at helping local and regional media understand and properly report on religious minorities while also helping religious minorities learn how to engage with the media. A second NGO program funded by the embassy involved the distribution of information via social media and networks for the purpose of countering the potential of increased support for violent extremism among the country's youth.