

SERBIA 2017 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 privileges and treatment to seven religious groups it defines as "traditional"; some other religious groups and nongovernmental organizations (NGOs) criticized these privileges as unconstitutional. Some minority religious groups also protested the registration process, which smaller religious groups said was difficult and costly to fulfill, rendering them without property rights, tax exemptions, and legal status. The government continued its restitution of religious properties confiscated since 1945, estimating it had returned 70 percent of the properties.

Reports and instances of discrimination primarily involved smaller and nontraditional groups. Media reported some public discrimination against Protestant groups around the October celebrations of the 500th anniversary of the Protestant Reformation. Articles critical of nontraditional religious groups continued to appear in the press and web portals, describing some religious groups as "sects." Anti-Semitic literature was available in some bookstores, and the Jewish community reported incidents of anti-Semitic comments in online media. The Jehovah's Witnesses reported two incidents of physical assault and two instances of vandalism against their property.

U.S. embassy and visiting U.S. government representatives urged government officials from the Directorate for Cooperation with Churches and Religious Communities and the Office for Human and Minority Rights to eliminate bias in the registration of religious groups. The embassy also urged the government to continue implementing restitution of Holocaust-era heirless and unclaimed Jewish property and closely monitored the development of a memorial at the World War II (WWII)-era Staro Sajmiste concentration camp site. Embassy officials continued to meet with representatives of a wide range of religious groups to discuss the interaction between traditional and nontraditional religious groups, property restitution, and interfaith dialogue. The Ambassador hosted an interreligious

luncheon on National Religious Freedom Day to discuss the status of interfaith cooperation and religious groups' interactions with the government on religious freedom issues. In June he hosted an iftar, where he brought together members of two competing Islamic communities to encourage cooperation between the groups. A senior embassy officer hosted an interfaith dialogue in October to hear concerns of nontraditional religious groups.

Section I. Religious Demography

The U.S. government estimates the population at 7.1 million (July 2017 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 religious groups, and individuals without a declared religious affiliation. The vast majority of the population identifying as Orthodox Christian are members of the Serbian Orthodox Church (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 that is part of the remaining 6 percent, depending on how they self-identify.

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

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees the freedom of belief and religion as well as 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, and 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, freedoms and rights guaranteed by the constitution, or public safety and order or prevent incitement of religious, national, or 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 religious discrimination or 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, Roman Catholic Church, Slovak Evangelical Church, Reformed Christian Church, Evangelical Christian Church, Islamic community, and 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 (emphasis added), with its seat in Belgrade, and the Islamic Community in Serbia (emphasis added), with its seat in Novi Pazar. Although the law generally prohibits the registration of multiple groups with the same name, both Islamic communities are officially registered with the government.

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.

The law also grants the seven traditional religious groups the right to receive value-added tax (VAT) refunds, to have their faith taught in public schools, and to provide chaplain services to military personnel.

There are 20 “nontraditional” religious groups registered with the government: the Seventh-day Adventist Church, Evangelical Methodist Church, The Church of Jesus Christ of Latter-day Saints (Mormons), Evangelical Church in Serbia, Church of Christ’s Love, Spiritual Church of Christ, Union of Christian Baptist Churches in Serbia, Nazarene Christian Religious Community (associated with the Apostolic Christian Church [Nazarene]), Church of God in Serbia, Protestant Christian Community in Serbia, Church of Christ Brethren in Serbia, Free

Belgrade Church, Jehovah's Witnesses, Zion Sacrament Church, Union of Seventh-day Adventist Reform Movement, Protestant Evangelical Church Spiritual Center, Evangelical Church of Christ, and, added during the year, the Slovak Union of Baptist Churches, Union of Baptist Churches in Serbia, and Charismatic Community of Faith in Serbia. Several of these organizations are umbrella groups that oversee many individual churches, sometimes of slightly differing affiliations.

The law does not require religious groups to register, but it treats unregistered religious organizations as informal groups that do not receive any of the legal benefits registered religious groups receive. For example, only registered religious groups may build new places of worship, own property, apply for property restitution, or receive state funding for their activities. Registration is also required for opening bank accounts and hiring staff. The law authorizes the government to provide social and health insurance and fund retirement plans only for religious clerics of registered groups. The law also grants property tax exemptions to all registered groups. Registered religious groups are 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, copies of notarized identity documents, and signatures of at least 100 citizen 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 the right to life or health, the rights of the child, the right to personal and family integrity, 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 matters pertaining to the cooperation of the state with churches and religious communities. These includes 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's Office for Human and Minority Rights, which addresses policy and monitors the status of minorities, also oversees some religious issues.

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

In accordance with the Teresina Declaration on Holocaust era assets, the law provides for 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 permitting future claimants to come forward. The law defines "heirless property" as any property that was not the subject of a legitimate claim for restitution. The Jewish community must prove the former owner of the property was a member of the community and the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish community of 950,000 euros (\$1.14 million) per year for a 25-year period, which began with an initial payment in March.

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. The law provides for religious education in public schools, but only for the seven traditional groups. Students in primary and secondary schools must 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. Typically, five interested students is the minimum needed to offer instruction in a particular religion. In areas where individual schools do not meet the minimum number, the Ministry of Education attempts to combine students into regional classes for religious instruction. The Commission for Religious Education appoints religious education instructors from lists of qualified candidates supplied by each religious group. The commission is comprised of representatives of each traditional religious group, 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 or her religion or beliefs, but that a conscientious objector may be called upon to fulfill military duty not involving carrying weapons.

The constitution allows any court with legal jurisdiction to prevent the dissemination of information advocating religious hatred, discrimination, hostility, or violence.

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

Government Practices

According to the Jehovah's Witnesses, public prosecutors rarely prosecuted physical assaults against their members or vandalism against their property as religiously motivated crimes, but rather as simple assault or property violations, which carried lesser penalties under the law than religiously motivated crimes, or else treated incidents as private disputes. According to Jehovah's Witnesses, prosecutors did not treat any crimes against their members as religiously motivated in either 2017 or 2016. The NGO Center9 also stated it was unaware of any prosecutions made under the statutes criminalizing religiously motivated crimes. Some observers stated they believed prosecutors intentionally filed lesser charges in these cases to minimize the appearance of religious intolerance.

The MOJ reported it approved three of six registration applications groups submitted during the year. The ministry rejected one application by the Nichiren Buddhist Community on the grounds that the paperwork filed was incomplete and explained to the group the additional information required. The community reapplied under the new name of Buddhist Religious Community; its revised application was under review at year's end. The ministry said it rejected an application for registration by the First Mennonite Roma Church because the applicant explicitly stated it would not follow guidelines from the ministry to correct the application and provide additional documents. At year's end, the ministry was still reviewing the original application of the sixth group, the Old Orthodox Catholic Church.

Minority religious groups, Center9, and other observers continued to state the law was inherently biased in differentiating between so-called traditional and

nontraditional religious groups. They also stated the laws governing churches and religious communities were in conflict with constitutional guarantees of freedom of religion and equal status among religious groups. For example, in addition to the benefits traditional religious groups received according to law, the government provided those groups with financial support for religious events and publication or printing of religious materials. Minority groups also cited an inequitable distribution of government scholarships, at all educational levels, among religious groups. They stated the Directorate for Cooperation with Churches and Religious Communities, which provided support to religious groups, had the additional mandate of protecting the Serbian national identity and cooperating with SOC eparchies (dioceses) abroad. In addition, the Roman Catholic Church, a traditional church, complained about what it said was preferential treatment of the SOC.

Critics, including Baptist and evangelical leaders, continued to urge the government to repeal the law categorizing religious groups as traditional or nontraditional.

Some NGOs and religious leaders also continued to advocate the removal of the prohibition on registering new religious groups with names similar to those of groups previously registered. One church voiced concern that this prohibition forced groups to add an additional nationalistic qualifier to their church names in order to differentiate new groups in the register – creating divisions along nationalist lines within religious groups. Examples of such naming conventions included the Slovak Baptist Union, the Slovak Lutheran Church, and the Hungarian Reformed Church. Other groups said removing the prohibition would allow for other Orthodox Churches to register. The government position was to defer recognition of other Orthodox Churches (Macedonian or Montenegrin) absent the existence of mutual agreements between those Churches and the domestic SOC, such as the agreement the SOC had with the Romanian Orthodox Church in Vojvodina Province.

Representatives from the Christian Baptist and Protestant Evangelical Churches continued to protest the legal requirement that groups register in order to obtain legal status. Representatives from Center9 said the requirement to submit legal documents and the signatures of 100 citizens was costly, time-consuming, and often impossible to fulfill for many smaller churches and those whose members were primarily noncitizens.

One evangelical leader reported that government institutions sometimes made it difficult for nontraditional groups to register, but that it seemed to depend on the

competency of individual government staff. Multiple groups, including the Christian Baptist Church, Protestant Evangelical Church, Anglican Church, and Center9, reported that lack of registration did not directly impede any organization from worshiping, but it did impose other restrictions, including difficulties in applying for property restitution, opening bank accounts, purchasing or selling property, and publishing literature. Groups with a long history in the country were sometimes able to circumvent some of these restrictions by, for example, using historical documents to open bank accounts. They said, however, that the possibility of workarounds was situational and depended on local officials.

The Christian Baptist Church and the Protestant Evangelical Church, among others, refused to register under the existing law, citing their centuries-long history in the country and legal status under previous laws. At year's end, their joint 2013 complaint to the European Court of Human Rights alleging the law violated the rights and freedoms safeguarded by the European Convention on Human Rights was still pending. Representatives from the two Churches reported they were not optimistic about a satisfactory ruling.

The Macedonian and Montenegrin Orthodox Churches, whose autocephaly the SOC continued not to recognize, remained unregistered. 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. Communication between the SOC and the Macedonian Orthodox Church continued regarding the latter's potential recognition, but no such communication existed between the SOC and the Montenegrin Orthodox Church.

The only chaplains providing religious services in the armed forces were clergy from the seven traditional religious groups.

The Jehovah's Witnesses reported police were increasingly aware of their rights to distribute religious literature publicly. They also reported that courts overturned any citations police officers issued for such activity by their members.

Romanian Orthodox priests continued to hold services in the Romanian language in the eastern part of the country, where there was no formal recognition of the Romanian Orthodox Church, in accordance with the priests' agreement with the local SOC bishop. 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 should be resolved

between the SOC and Romanian Orthodox Church, and it would not take action until the two groups reached agreement.

The government continued restitution of religious properties confiscated in 1945 or later, returning 5575 hectares of agricultural land, 776 hectares of forest, 32 hectares of construction land, 861 square feet of residential building property, and 14,047 square feet of business facilities to the SOC and Roman Catholic, Romanian Orthodox, Evangelical Christian, Greek Catholic, Reformed Christian, and Slovak Evangelical Churches, as well as the Jewish community. Government officials estimated it had returned 70 percent of previously confiscated religious properties.

Despite their status as registered groups, both Islamic communities continued to report difficulties in their claims for communist-era property restitution. Both groups said each had filed claims for the same list of properties throughout Serbia, and the Restitution Agency confirmed it had not finalized any of the claims. Representatives of both Islamic communities, international observers, and local political leaders said the Restitution Agency was unwilling to resolve the cases because it would mean deciding on the “rightful” Islamic group, which the government was unwilling to do. Each group called on the government to resolve the standoff by acknowledging it as the official representative of the Islamic community.

There was a continuing debate on the role of Milan Nedic’s collaborationist National Salvation government during the Nazi occupation. The Belgrade Higher Court held additional hearings in a court case Nedic’s family brought before it seeking Nedic’s rehabilitation. In November 2016 the Association of Jewish Communities filed a request to participate in the rehabilitation case as an intervener (an outside party having a legal interest in the proceedings). The Belgrade Higher Court rejected the request in February, arguing that non-contested cases did not recognize the institution of an intervener. In early September the Appellate Court in Belgrade confirmed that decision.

In August the government transferred oversight of the commission charged with developing a memorial at Staro Sajmiste – the WWII-era concentration camp where thousands of Jews, Serbian political opponents, and Roma were killed – from the city of Belgrade to President Aleksandar Vucic. Commission leaders said they hoped the move would increase funding for the memorial and accelerate the pace of work. By year’s end, the new commission had not yet been formed, leaving the old commission to continue working in lame-duck status. In February

the first draft law authorizing the Staro Sajmiste memorial drew criticism from international Jewish organizations and the country's Helsinki Committee for Human Rights for perpetuating "a decades-long revisionism of WWII in Serbia" and minimizing the "massive destruction of the Jewish community." The draft's language had emphasized Serb casualties at Staro Sajmiste and responsibility of the Nazi puppet government, the Independent State of Croatia, for the genocide that took place there. The commission rescinded the draft following the criticism and continued to revise it at year's end.

In August Member of Parliament (MP) Vladimir Djukanovic of the Serbian Progressive Party wrote on Twitter that he had heckled Jehovah's Witnesses handing out literature in front of a market, calling it his "good deed for the day."

The national television service, Radio Television of Serbia, 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

The government did not keep records of religiously motivated violence, and reporting from individual religious organization was sparse. The Jehovah's Witnesses reported two incidents of physical assault against members engaged in field ministry on April 14 and May 8. Both incidents involved an unknown assailant approaching a small group of Jehovah's Witnesses, and grabbing and/or pushing an individual to the ground. One incident involved damage to a mobile literature cart.

Translations of anti-Semitic literature were available from nationalist groups and publishers. Anti-Semitic literature, such as the *Protocols of the Elders of Zion*, continued to be available in many bookshops, and anti-Semitism was present in online portals. Some youth groups and internet forums continued to promote anti-Semitic speech. Several anti-Semitic statements were posted in the online comment section of a January 27 *Vecernje Novosti* article describing a Holocaust seminar in Belgrade.

Articles critical of nontraditional religious groups continued to appear in online media. Several nontraditional religious leaders reported the media often labeled

nontraditional religions as “sects,” which the leaders stated contributed to negative stereotyping.

In October during several events celebrating the 500th anniversary of the Protestant Reformation, media reported some MPs and other public officials had called Protestant groups “sects,” and openly disparaged Protestant organizations. An October 25 article in the right-leaning daily tabloid “Alo” reported on the negative reactions of several MPs to a national assembly-hosted interfaith celebration marking the Reformation anniversary. MPs Vladimir Djukanovic of the Serbian Progressive Party and Marijan Risticovic of the People’s Peasant Party criticized the event and declined to attend. On his Facebook profile, Djukanovic posted that he “received an invitation from a sect to the parliament address. To make things worse, the sect is organizing an event to mark the 500 anniversary of Reformation...Scandalous.”

Jehovah’s Witnesses reported two incidents of vandalism at the kingdom halls in Belgrade and Bor. On May 26, unidentified individuals jumped over the fences of the Belgrade kingdom hall and inflicted minor damage to landscaping and building exteriors. On April 4 in Bor, unidentified suspects threw eggs and balloons filled with paint at the facade of the kingdom hall and later that same day threw rocks on the roof, damaging tiles.

Section IV. U.S. Government Policy and Engagement

In an October meeting with the Directorate for Cooperation with Churches and Religious Communities, U.S. embassy staff again urged the directorate to engage in interfaith initiatives and 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 embassy continued to work with the Restitution Agency and other members of government in the application of the heirless and unclaimed Jewish property law, encouraging the government to move forward with appointing an oversight committee as required by the law.

Embassy officials met individually with members of the SOC, two Islamic communities, Jewish community, Baptist community, evangelical community, Jehovah’s Witnesses, and Mormon Church to discuss interaction and cooperation among religious groups, property restitution, the ability to practice their faith freely, support from the government, and societal perceptions of the groups.

Embassy representatives continued to monitor progress on the establishment of a WWII memorial at the site of the Staro Sajmiste concentration camp and to encourage communication between opposing sides concerning the memorial. Embassy staff also urged representatives in President Vucic's government to form the new commission, although the government had not done so by year's end.

During a January lunch in honor of National Religious Freedom Day, the Ambassador and members of six religious communities – the SOC, two Islamic communities, Jewish community, Roman Catholic Church, and Reformed Christian Church – discussed the status of interfaith cooperation. They also discussed the groups' struggles in working with the government, implementing religious education, and developing membership in the face of increasing secularism. The Ambassador hosted a June iftar, which brought together members of the two Islamic communities in an effort to develop additional cooperation between the groups. In October the embassy hosted a roundtable to commemorate International Religious Freedom Day and hear concerns from representatives of nontraditional religious groups, including the Association of Evangelical Students, Protestant Evangelical Church, Baptist Church in Belgrade, and Anglican Church.