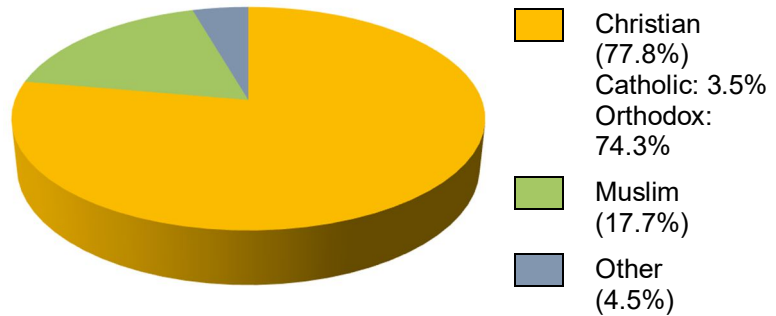


# MONTENEGRO



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<b>Area:</b> 13,812 km <sup>2</sup>	<b>Population:</b> 620,029	<b>Political system:</b> Democracy	<b>Major Language(s):</b> Montenegrin
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## Legal framework on Freedom of Religion and actual application

Montenegro is situated in south-east Europe on the Adriatic Sea. It borders Croatia, Bosnia and Herzegovina, Serbia, Kosovo and Albania. Montenegro, meaning Black Mountain, takes its name from the dark forests that cover the country. Montenegro is a multi-religious and multi-ethnic country. Its religious breakdown is complex, as no faith group claims the allegiance of a majority of the population. Apart from being home to Orthodox Christians, the country is home to Catholics as well as a sizeable Muslim community. In 2012 Judaism was recognized as the fourth official religion of Montenegro. Many of the country's official public holidays are based on traditional Orthodox traditions. Additional Catholic, Muslim and Jewish holidays are also observed.

The Serbian Orthodox Church is by far the larger of the two Orthodox denominations and is the largest single faith group in the country. The Serbian Orthodox Church in Montenegro strongly opposes the country's accession to NATO and urges the authorities to organize a referendum on NATO membership.

The Montenegrin Orthodox Church was formed, or re-established, in the 1990s, and bases its claim for recognition on the fact that the Kingdom of Montenegro had its own Orthodox Church before it was forcibly merged into Yugoslavia at the end of the First World War. The Serbian Church disputes its existence, however, and calls it a schismatic organisation. It has not been recognised by any other Orthodox Church, either.

There are around 100 Orthodox monasteries, most of which are active but some are in ruins or are being rebuilt. The exact number of Orthodox churches is not known, but some data shows that there are more than 570 around the country.

The number of Catholic places of worship is somewhat smaller at 184. There are 140 Islamic mosques. Most of the ethnic Slav Muslims live in the Sandzak area, while ethnic Albanian Muslims live in the area bordering Albania and Kosovo. Muslims in Montenegro are predominantly Sunni.

The Jewish community in Montenegro is the youngest and probably one of the smallest Jewish communities in the world today. According to the last census, about 300 Jews live in Montenegro.

The constitution guarantees freedom of religious belief, which is provided for under Article 46 of the constitution. The right to express religious beliefs may only be limited to protect the life and health of others, public peace and order. Article 14 of the constitution stipulates that religious communities shall be equal and free in the exercise of religious rites and religious affairs and are separated from the state. Article 48 of the constitution as well as Article 177 of the Law on Military recognizes everyone's right to conscientious objection.

Religious groups must register with local police within 15 days of being set up. This enables them to receive the status of a legal entity. The police must then file this registration with the Ministry of Interior. Religious organizations must have at least two members to register.

There are 20 religious communities registered in Montenegro:<sup>1</sup> the Church of Christ's Gospel, Catholic Mission Tuzi, Christian Adventist Church, Evangelistic Church, Army Order of Hospitable Believers of Saint Lazar of Jerusalem for Montenegro, Franciscan Mission for Malesija, Biblical Christian Community, Bahais, Montenegrin Community, Christian Adventist Church, Buddhists, Protestants, The Church of Jesus Christ of Latter-day Saints (Mormons) Jehovah's Witnesses, and the Jewish community.

Separate agreements have been concluded so far between the Government of Montenegro and the Catholic, Islamic and Jewish communities:<sup>2</sup>

- Basic Agreement between Montenegro and the Holy See on 24<sup>th</sup> June 2011
- Contract governing the relations of common interest between the Government and the Islamic community in Montenegro on 30<sup>th</sup> January 2012
- Agreement on regulation of mutual interest between the Government and the Jewish community in Montenegro on 31<sup>st</sup> January, 2012

These agreements do not replace the requirement of registration. There is no similar agreement with the Serbian Orthodox Church or the Montenegrin Orthodox Church.

## **Incidents**

A new Freedom of Religion Law was drafted to replace the 1977 one when Montenegro was one of the constitutive republics of the Socialist Yugoslavia. The new law intended to regulate the status of churches and other religious communities in secular Montenegrin society. Under the Draft Law, all the churches and monasteries built before 1918 would become state property and part of the country's cultural heritage. Religious communities would also have to start to pay taxes, as well as to "confidentially inform the government" before the appointment of officials.

Since July 2015, when the text of the Draft Law on Freedom of Religion was published, there is a fierce discussion ongoing in Montenegro. The Ministry for Human and Minority Rights states that it has received 4,500 memos with objections and suggestions of which 99 percent came from the Serbian Orthodox Church. The Serbian Orthodox's main objection is restoring the public property of all religious objects that were built prior to 1918.<sup>3</sup>

This Draft met with a defiant response from Metropolitan Amfilohije (Radović) and Serbian Patriarchate. Bishop Amfilohije opposes this Draft because the Church is going to lose a great part of its property and it will be weakened.<sup>4</sup> The Serbian Orthodox Church sees this Draft Law as an attempt by the Government to diminish its influence over the Montenegrin population. This Church initiated a petition against the Draft Law in its parish church in Podgorica and a number of public figures on good terms with the Serbian Orthodox Church issued media statements criticizing the Draft Law.

The Montenegrin Orthodox Church welcomed this Draft stating that it has established good foundations for the relations between the state and religious communities. Minority Protestant and

Evangelical Churches also have concerns regarding some of the proposals of the Draft. In particular, its requirement that the signature of 50 Montenegro citizens would be needed in order to register a religious community. Another problem would be a refusal to permit foreign citizens to be involved in teaching and their activities would only take place in religious buildings.

Metropolitan Mihailo of the Montenegrin Orthodox Church was insulted as he arrived for a public hearing on the Draft Law in Kotor on 10<sup>th</sup> September, 2015. A group of about 100 people prevented him and other representatives of the Montenegrin Orthodox Church from participating in the public debate.<sup>5</sup> In the end, the tense situation meant that the public hearing did not go ahead.

On 7<sup>th</sup> September, 2015 police in Bijelo Polje prevented citizens (supporters of the Serbian Orthodox Church) from physically attacking Metropolitan Mihailo. There too citizens verbally insulted representatives of the Montenegrin Orthodox Church and the public hearing was also cancelled.<sup>6</sup>

Public discussion on the Draft was planned to last until 14<sup>th</sup> of September, but the Government extended the deadline to 30<sup>th</sup> of September 2015. This was done in order to leave enough time for submitting suggestions, objections or proposals of all interested parties regarding the text of this regulation so it is in accordance with EU standards. In addition to the public debate, the government has submitted the Draft Law to the Venetian Commissions of the European Union for considerations and evaluation.<sup>8</sup>

The European Platform on Religious Intolerance and Discrimination (EPRID) sharply criticized the proposed Draft Law.<sup>7</sup> It stated that it would “seriously violate rights of religious freedom and autonomy for Churches and religious communities and unfairly discriminate against them”. A joint letter was signed by the Jewish Contribution to an Inclusive Europe, the Association Internationale pour la Défense de la Liberté Religieuse, Christian Solidarity Worldwide, the Conference of European Churches, the European Evangelical Alliance, Global Human Rights Defence, Human Rights Without Frontiers, Open Doors International and the International Buddhist Information Bureau.

The Montenegrin government decided to postpone the adoption of the law to 2016.

Tensions persist between the Serbian and Montenegrin Orthodox Churches over canonical recognition and property issues. Disputes continued over possession of some 750 Orthodox shrines. Both churches claimed to be the “true” Orthodox Church in the country.

The followers of the two rival Orthodox churches gathered to light their Christmas Eve Yule Logs in different places and under police protection around the churches. The Serbian Church celebration in Podgorica gathered about 1,000 people who waved Serbian flags.<sup>8</sup> Bishop Amfilohije again criticized the Montenegrin authority’s decision to join the Western alliance. Followers of the Montenegrin Orthodox Church gathered in the old royal capital of Cetinje. Parallel Christmas Eve gatherings have been held in Montenegro ever since the wars that broke up the former Yugoslavia erupted and Montenegro began distancing itself from Serbia.

### **Prospects for Freedom of Religion**

The most volatile issue in Montenegro remains a conflict between two Orthodox churches. Far from being confined to dogmatic issues, the division has national and political aspects. The Serbian Orthodox Church (SPC) and the Montenegrin Orthodox Church (CPC) continue to disagree over property and the right to be the official national representative of the Orthodox faith. The SPC’s clergy sometimes uses aggressive rhetoric and seeks to interfere in the affairs of the state and politics.

Also, despite over a decade of state building, democratic reform, and Western engagement, corruption and mismanagement remain prevalent in Montenegro. Poverty and public frustration could generate social or ethnic conflicts, which in turn would overflow to religious identities.

Montenegro throughout history managed coexistence in a multi-religious environment guided by the idea that if they cannot live with each other, they can at least live *next* to each other and respect all differences of faith and religious practice.

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<sup>1</sup> The Directorate for Religious Communities within the Ministry of Human and Minority Rights

<sup>2</sup> PR Bureau of the Government of Montenegro

<sup>3</sup> CDM, Cafe Del Montenegro 12 October, 2015

<sup>4</sup> The Metropolitanate of Montenegro and Littoral website

<sup>5</sup> CDM, 10 September, 2015

<sup>6</sup> CDM, 7 September, 2015

<sup>7</sup> EPRID, Statement Concerning the Draft Law on Freedom of Religion in Montenegro January 21, 2016

<sup>8</sup> Balkan Insight, 7 January, 2016