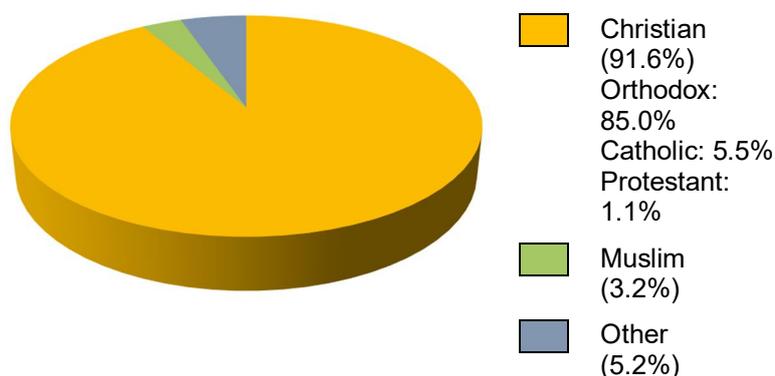


SERBIA



Area:	Population:	Political system:	Major Language(s):
77,474 km ²	7.2 million	Democracy	Serbian

Legal framework on Freedom of Religion and actual application

Serbia is a landlocked country in the west-central Balkans. It borders Hungary to the north; Romania and Bulgaria to the east; Macedonia to the south; and Croatia, Bosnia and Herzegovina, Montenegro and Kosovo to the west. Religion and ethnicity are fundamentally linked in Serbia. After decades of suppression under communism, religion again flourished in the 1990s. The dissolution of Yugoslavia entailed the need for new values and restoring religion and tradition. In today's Serbia Orthodoxy remains central to the Serb identity.

Serbia is a secular state, where the separation of Church and state is regulated by the Constitution. The main provisions of the Law on Churches and Religious Communities are freedom of religious denomination, prohibition of religious discrimination and limiting the expression of religious freedom.¹

The Law provides that legal status is enjoyed by those registered under the law. The law recognizes seven 'traditional' churches and religious communities that have a "historical continuity of multiple centuries in Serbia" and include: the Serbian Orthodox Church, the Roman Catholic Church, the Slovak Evangelical Church, the Reformed Christian Church, the Evangelical Christian Church, the Islamic community, and the Jewish community.² These seven 'traditional' communities inherited their legal status from the days of the Kingdom of Yugoslavia. In addition to these groups, the government grants traditional status to the Diocese of Dacia Felix of the Romanian Orthodox Church, with its seat in Romania and administrative seat in Vrsac in Vojvodina.

The 2005 Law on Finance only recognizes these seven religious groups and grants them tax exemptions. The state funding regarding religious instructions in public schools is provided for the seven traditional religions. From the entire state budget, 0.12 percent is allocated to finance the activities of churches and religious communities.

Other religious groups are forced to go through tiresome and inconsistent registration procedures. Article 18 provides that religious communities that are not considered 'traditional' have to supply a memorandum with the names and signatures of at least 100 members of the religious organization. The law prohibits registration if an applicant's group name includes part of the name of an existing registered group. The Law on Churches and Religious Communities was challenged before the Constitutional Court on 5th October 2010. On 16th January 2013, the Constitutional Court rejected a request for the assessment of the constitutionality of a number of provisions of the Law.³

“Non-traditional” churches that have been officially registered in Serbia are: the Seventh Day Adventist Church, the United Methodist Church, the Church of Jesus Christ of Latter-day Saints, the Evangelical Church, the Church of Christ’s Love, Christ Spiritual Church, the Union of the Christian Baptist Churches in Serbia, the Apostolic Christian Church of Nazarenes, the Church of God, the Protestant Christian Fellowship, Brethren Church, the Free Church, Jehovah Witnesses, the Covenant church “Sion”, the Union Reform Movement Seventh-day Adventist, the Protestant Evangelical Church “Spiritual Light” and Christ’s Evangelical Church.⁴

The Greek and Russian Orthodox Churches are not registered but they are recognized by the state and allowed to operate freely.

The Montenegrin Orthodox Church has still not been able to register, on the grounds that, under Orthodox canon law, territorial overlapping between dioceses has to be avoided.

The Romanian Orthodox Church has no right to operate in certain parts of Serbian territory and the Romanian minority does not always have access to worship in Romanian language. The members of the Bulgarian national minority have also requested access to worship in their mother tongue.⁵

Religion made its first entry into public schools in July 2001 when the Government of the Republic of Serbia passed the Decree on religious instruction and of an alternative subject in elementary and high schools.⁶

Classes in religious instruction or civic education are scheduled only once per week and attendance is mandatory. Religious instruction is taught by priests and laypersons who are selected by the churches and religious communities, and appointed and paid by the Ministry of Education.

In January 2014, Serbian state media reported that more than 50 percent of religious property had been returned to the Serbian Orthodox Church, the Roman Catholic Church and the Jewish Religious Community. According to the Agency for Restitution, all confiscated properties will be returned in the coming four to five years.

The Law on Restitution of Property to Churches and Religious Communities adopted in September 2011 still provides only for the restitution of property confiscated in 1945 or later.⁷

The Jewish community is asking for the return of property taken during the Second World War. The Jewish community sent 520 requests for the return of 199 hectares of land, 63 business and 205 housing buildings and 59 graveyards.⁸

The Catholic Church in Serbia asked for a return of 3,396 hectares of land and 113,865m² of buildings. According to data from Archdiocese of Belgrade, the Catholic Church got 14 percent of its property back.

The three most important institutions for Muslims were all abolished in the early phase of communism: *Shari’a* courts, educational institutions and waqfs⁹ (largely expropriated and nationalized in 1945-1958).¹⁰

The division among Muslims in Serbia has resulted in no restitution whatsoever for the Islamic Community. Both the Islamic Community *in* Serbia (ICiS) and the Islamic Community *of* Serbia (ICoS) have filed requests for the restitution of identical properties as they both claim to be the legitimate successor of the Islamic Religious Community of the Kingdom of Yugoslavia, as registered in 1930.¹¹

The Serbian Orthodox Church (SOC) is the largest Church of the country, adherents of which are overwhelmingly Serbs. Other Orthodox Christian communities in Serbia include Montenegrins,

Romanians, Vlachs, Macedonians and Bulgarians. The Serbian Orthodox Church has an important place in public but also in political life. As one of the most influential national institutions, the Church receives huge support from state authorities and broad media promotion.¹² An additional paragraph of Article 11 states: "The Serbian Orthodox Church has had an exceptional historical, state-building and civilization role in forming, preserving and developing the identity of the Serbian nation."¹³ SOC is divided into six metropolitanates, 31 eparchies, and one autonomous archeparchy. According to the Government Office for Religion, the SOC has 2,863 priests and 1,461 monks and nuns. The main educational institution for Orthodox in Serbia is the Faculty of Orthodox Theology in Belgrade. Serbian Orthodox believers celebrate their feasts according to the Julian calendar.

A delegation from the Serbian Orthodox Patriarchate met with Pope Francis at the Vatican in January. According to a Serbian television news report, the patriarchate's delegation expressed opposition to the possible canonization of Blessed Aloysius Stepinac, a Croatian prelate whom Pope John Paul II beatified as a martyr in 1998.

The delegation also said that Patriarch Irinej would not object to a papal visit to Serbia in his capacity as Head of State but that "other forms of his visit require the green light of the Moscow Patriarchate," according to the report.

Roman Catholics in Serbia make up five percent of the population and live mostly in northern Vojvodina which is home to minority ethnic groups such as Hungarians, Croats, Slovaks and Czechs. The Catholic Church in Serbia is organized into four dioceses: the Archdiocese of Belgrade, and the Dioceses of Subotica, Zrenjanin and Srijem. There are more than 230 churches, with more than 200 parishes and more than 170 priests. The Catholic Church offers religious education in churches instead of schools. Educational institutions include the Saint Augustine Theological Seminary, the Theological-catechetical Institute, and Saint Paul Diocesan Classical Gymnasium and Seminary, all based in Subotica.

Muslims make up three percent of the population and form the third largest religious group. The Muslim minority of mainly Bosniaks live in Sandzak, a region in the South-West corner of the country. There are two Islamic Communities in Serbia and both claim legitimacy based on historical continuity: the Islamic Community *in* Serbia (ICiS) based in Novi Pazar and the Islamic Community *of* Serbia (ICoS) based in Belgrade. The conflict is not based on any religious differences. Both organizations consist of Sunni Muslims following the Hanafi school of Islamic Law. Consequently, both organizations claim to be the legitimate representative organization for all Muslims in Serbia.

The ICiS locates its administrative and spiritual centre in Sarajevo, and the great majority of their members are ethnic Bosniaks while the ICoS locates theirs in the Serbian capital Belgrade and the ethnic composition of their followers is very heterogeneous and consist of Roma, Bosniaks, Albanians, Ashkali, Gorani, Egyptians, Turks and others. Today, there are more than 190 mosques in Serbia, of which 120 are located in Sandzak, 60 in Southern Serbia the Presevo Valley where a significant Albanian minority lives – one in Belgrade, one in Nis, one in Mali Zvornik and one in Subotica.

The ICiS has sent requests to the government to build new mosques in the Belgrade area but the official response was that the land had to be purchased on the open market. According to ICiS, in the past 20 years they haven't been able to get any building permits for their new mosques in Novi Pazar.

Incidents

The Wahabbis¹⁴ in Serbia are most numerous in Novi Pazar, Priboj and Sjenica in Sandzak. The group's exact number is unknown. There have been instances of them causing problems in mosques, interfering with religious ceremonies and trying to impose their forms of prayer. After a

number of incidents in mosques, ICiS banned the group of Wahabbis from its mosques. Since then, they have been praying in their homes. The Wahabbi group first appeared in Sandzak in 1997. According to the International Crisis Group Report, the Wahabbis in Sandzak came from Bosnia and Herzegovina and they are being supported financially by Saudi Arabia.

Attacks and harassment against the Roma minority continued in Serbia. In April, around 15 men threw Molotov cocktails at a Romani Protestant church in the village of Bosnajce in southern Serbia, setting fire to the room where church ceremonies are held. Nobody was injured. According to the European Roma Rights Center, three people were convicted in connection with the attack and sentenced to 30 days in prison.¹⁵

Prospects for Freedom of Religion

There have been a number of initiatives to promote inter-religious dialogue in Serbia. These were started by the German CDU-funded Konrad Adenauer Stiftung and the Belgrade Open School. The SOC, ICoS, Jewish Community and the Catholic Church in Belgrade are in good terms and have participated in these efforts. The ICiS however, refuses to take part in these initiatives. In recent years, their activities have stopped.

On the state level, there was the establishment of the Inter-religious Council of the Ministry of Religions in 2010, including the Archbishop of Backa, Irinej Bulovic, Belgrade's Archbishop of the Catholic Church, Stanislav Hocevar, reis-ul-ulema Adem Zilkic and Rabbi Isaac Asiel.

A recent initiative is the Belgrade Multi-religious and Intercultural Center which was founded in 2012 by sociologist, Marko Orsolc, OFM. Orsolc is considered one of the leading figures in the promotion of inter-religious and intercultural tolerance through ecumenism and dialogue.

¹ Articles 1, 2, 3 of the Law on Churches and Religious Communities. Official Gazette of the Republic of Serbia"no 36/06

²Article 10 of the Law on Churches and Religious Communities

³ Council of Europe Framework Convention for the Protection of National Minorities 26 Aug 2014

⁴ The Register of Churches and Religious Communities of the Government Office for Cooperation with Churches and Religious Communities

⁵ Council of Europe Framework Convention for the Protection of National Minorities Par 120, 26 Aug 2014

⁶ Official Gazette of the Republic of Serbia, No. 46/2001 of 27 July 2001

⁷ ECRI report on Serbia 31 May 2011

⁸ Federation of Jewish Communities of Serbia

⁹ Waqf, in Islamic Law, the act of founding a charitable trust, and, hence the trust itself.

¹⁰ Hazim Fazlic, 'Islam in the Successor States of the Former Yugoslavia –Religious Changes in the Post-Communist Balkans from 1989 to 2009'

¹¹ Drasko Denovic, 'Srbija: Restitucija –Dokle smo stigli?', 6 June 2011

¹² Miroslava, Malesevic. "Christian Orthodox Religion Affiliation as a Core of National Being in Post-Communist Serbia"

¹³Law on Churches and Religious Communities of the Republic of Serbia (2006), Article 11.

¹⁴ members of a conservative and intolerant form of Islam that is practiced in Saudi Arabia

¹⁵Human Rights Watch January 2015