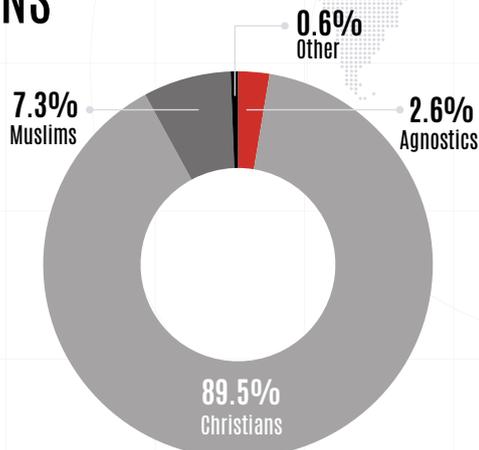




# SERBIA

## RELIGIONS



## LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Article 11 of the Serbian Constitution provides that “no religion shall be established as a state or mandatory religion”.<sup>1</sup> Article 21 guarantees equality before the law, equal protection, and prohibits discrimination on the grounds of religion. Article 43 guarantees freedom of thought, conscience, beliefs, and religion, including the right to convert. Everyone may manifest religious beliefs in public or private, as well as in worship, practice, and teaching alone or in community with others, and may not be restricted except to protect “lives and health of people, morals of democratic society, freedoms and rights guaranteed by the Constitution, public safety and order, or to prevent inciting of religious, national, and racial hatred.”

Article 44 applies to Churches and religious communities, which are equal before the law and free to: govern themselves, establish and run religious schools, and organise their own activities. The latter may only be restricted for the protection of others or if they incite intolerance. Incitement to religious inequality or hatred is prohibited and punishable (Article 49). Conscientious objection to military service is protected (Article 45).

The Law on Churches and Religious Communities (LCRC) provides for the registration of Churches but does not require it.<sup>2</sup> Registration makes Churches eligible for favourable tax treatment (Article 30) and allows them to teach religion in schools (Article 36), own and construct buildings (Articles 26 and 32), and receive state funding (Article 28). The law recognises seven “traditional” Churches and religious communities that have centuries of historical continuity in Serbia: 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.<sup>3</sup>

Article 18 of the LCRC outlines the procedures for registration: applicants must include a description of their basic religious teachings, rites, goals, and activities of the organisation; present their sources of income, organisational structure and documents; and provide the names and signatures of at least 0.001 percent of the Serbian population who are adults and citizens or permanent residents of the country. The law prohibits registration if the group’s name includes part of the name of an existing registered group (Article 19).

According to the Directorate for Cooperation with Church-

es and Religious Communities, as of 2020, there were 25 “non-traditional” religious groups registered with the government.<sup>4</sup>

According to the 2019 Report on Religious Freedom by the US Office of International Religious Freedom, because the government only recognises the Serbian Orthodox Church, the Macedonian and Montenegrin Orthodox Churches remain unregistered. The Romanian Orthodox Church operates in the Banat region with the permission of the Serbian Orthodox Church.<sup>5</sup>

Religious education in schools by “traditional churches and religious communities” is regulated by law.<sup>6</sup> Students must receive either religious instruction or civic education.<sup>7</sup> For primary school students, parents can choose either option; in secondary school, the students decide for themselves.<sup>8</sup> 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.<sup>9</sup>

According to Strahinja Sekulić, director of Serbia’s Restitution Agency, the process of return or compensation for properties, forests, agricultural and land confiscated in the past is nearly complete.<sup>10</sup> The deadline for Jewish communities to apply for the return of property confiscated from Holocaust victims with no heirs was 27th February 2019. The United States Office of the Special Envoy for Holocaust Issues acknowledged that Serbia is the “first, and thus far the only, country to enact legislation on heirless and unclaimed property following the 2009 Terezin Declaration.”<sup>11</sup>

In May 2019, Serbian President Aleksandar Vučić offered greetings to the Muslim community for the month of Ramadan during an Iftar dinner at the Egyptian Embassy. On that occasion, Mr Vučić highlighted Serbia’s desire for friendly relations with the Muslim world. The Egyptian ambassador said the meeting sent an important message of intercultural understanding and openness to interfaith dialogue.<sup>12</sup>

In November 2020, Serbian and Croatian media reported that Pope Francis was envisaging a visit to Belgrade, described as “his long-held desire, due to [his] ecumenical policy, especially the establishment of cooperation and ties with Orthodoxy.”<sup>13</sup>

## INCIDENTS AND DEVELOPMENTS

The Serbian government reported 61 hate crimes in 2018 and 86 in 2019 to the Organisation for Security and Co-operation in Europe (OSCE), but did not disaggregate the data by bias motivation.<sup>14</sup>

The OSCE Mission to Serbia reported two anti-Semitic incidents in 2018: a Jewish tombstone was knocked over in a cemetery and an information board about a Jewish political leader was vandalised with an anti-Semitic message.<sup>15</sup> The OSCE Mission reported one anti-Semitic incident in 2019: several buildings were vandalised with anti-Semitic graffiti.<sup>16</sup>

For 2019, the OSCE Mission to Serbia reported two incidents with a bias against Muslims, including an attack against a Muslim Bosniak man by police officers and threats against an Albanian bakery owner in April in which he and his staff were subjected to racist and anti-Muslim insults by a far-right group. The group “sang songs invoking the ethnic cleansing of Muslims and deposited a pig’s head at the bakery.” The other four reported incidents in 2019 included violent attacks on participants in an Albanian culture festival and anti-Muslim vandalism on property.<sup>17</sup>

The US Office of International Religious Freedom reported that the Islamic Community of Serbia was the victim of “threatening correspondence” in 2019, including “a threatening letter with a bullet” received in November.<sup>18</sup>

The Jehovah’s Witnesses reported two incidents in 2019: in September, three men conducting religious activities on the street “were threatened with murder by an off-duty police officer” who also chased them in his car. In December, two women were “punched in the face while engaging in religious activities in the street.”<sup>19</sup> The US Office of International Religious Freedom reported other incidents targeting Jehovah’s Witnesses in 2018, including two physical assaults and two death threats.<sup>20</sup>

The Centre for Media Professionalisation and Media Literacy’s research found an increase in “communicative aggression” and “hate speech” in the media in 2019.<sup>21</sup>

Due to the coronavirus pandemic, the Serbian government declared a state of emergency from 15th March to 5th May 2020, which included a ban on gatherings. The Patriarch of the Serbian Orthodox Church called on clergy to hold religious services in empty churches for broadcast on television,<sup>22</sup> but requested a temporary suspension of the ban during Easter 2020. The government instead imposed an 84-hour curfew to prevent gatherings of people

celebrating the holy day.<sup>23</sup> A representative of the Islamic Community in Serbia called for compliance with government orders and for at-risk believers to avoid going to mosques.<sup>24</sup> On 1st November 2020, the Serbian Orthodox Patriarch, Irinej, contracted the coronavirus after attending the funeral of Metropolitan Amfilohije, the Church's most senior cleric in Montenegro, who had died of COVID-19 on 30th October 2020.<sup>25</sup> Patriarch Irinej himself passed away on 20th November 2020.<sup>26</sup>

## PROSPECTS FOR FREEDOM OF RELIGION

Hate speech has increased in Serbian public discourse, particularly in the media. There were no significant new restrictions on religious freedom, but non-traditional religious communities continued to have difficulties registering. The prospects for freedom of religion remain stable.

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