

# MONTENEGRO

## **Executive Summary**

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The relationship between the Serbian and Montenegrin Orthodox churches remained tense, as disagreements continued between their followers and clergies. Religious intolerance in the country was generally linked with ethnic intolerance, since religious background is directly connected to ethnicity. Some local religious leaders contributed to intolerance through public statements. The restitution of religious properties remained a problem.

U.S. embassy officials met regularly with clergy and lay leaders of religious and ethnic minorities to promote respect for religious freedom and human rights. They also attended holiday celebrations with religious communities and conducted outreach activities.

## **Section I. Religious Demography**

According to the census conducted during the year by the National Statistics Office (NSO), approximately 72 percent of the population identified themselves as Orthodox (either Serbian or Montenegrin), 16 percent as Islamic, 3 percent as Muslim, and 3.4 percent as Roman Catholic. The NSO created separate categories for Muslims and followers of Islam without an official explanation. The remaining 5.4 percent is composed of members from other groups including Seventh-day Adventists, Buddhists, Protestants, Jehovah's Witnesses, Jews, and those who did not declare a religion.

The Serbian Orthodox Church (SPC) had by far the largest membership, headed by Metropolitan Amfilohije in Cetinje.

## **Section II. Status of Government Respect for Religious Freedom**

## Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. There is no state religion; however, legislation recognizes religious communities, which according to the constitution are separate from the state and are equal and free in the exercise of religious affairs. This law provides the basic legal framework for religious relations between the state and religious communities. Religious communities were concerned that the law is outdated and does not adequately regulate relations.

There are four principal religious communities: the SPC, the Montenegrin Orthodox Church (CPC), the Roman Catholic Church, and the Islamic community. Other registered religious communities include the Seventh-day Adventist Church, Jehovah's Witnesses, Evangelical Church, Biblical Christian Community, and others. The Government Commission for Political Systems and Internal and Foreign Policy, chaired by the deputy prime minister, is responsible for regulating relations between the state and religious communities.

The Criminal Code prescribes a fine or sentence of imprisonment, not exceeding two years, for preventing or restricting an individual's freedom of belief or confession, or for preventing or obstructing the performance of one's religious rites. A fine or maximum one-year imprisonment is the penalty for coercing another to declare his or her religious beliefs. Any official committing these crimes may receive a sentence of up to three years.

It is also a crime to cause and spread religious hatred, which includes the mockery of religious symbols or the desecration of monuments, memorial tablets, or tombs. The crime is punishable by a prison sentence ranging from six months to 10 years if the crime is the result of an abuse of position or authority, if it leads to violence, or if the consequences are detrimental to the coexistence of people, national minorities, or ethnic groups.

Government funds are available to support religious communities. These funds are allocated to religious communities after they submit an official request and receive approval from the government's Secretariat General. Those funds are used mainly for paying pensions, providing disability insurance for clergy, and restoring shrines and holy sites. Thus far, only principal religious communities have received funding, and most were uninformed about the criteria established for requesting the funds. During the year, the SPC, which is by far the largest religious community, received 62,000 euros (\$81,570) while the CPC received 142,000 euros

(\$186,800). The Muslim community received 41,000 euros (\$53,940), and the Catholic Church received 27,000 euros (\$35,520).

Religious communities receive limited tax exemptions. If they provide services to meet the needs of their members, they are exempt from paying Value Added Tax (VAT) and reporting their income. However, if they provide or produce market-oriented services or products exceeding 18,000 euros (\$23,680) per fiscal year, they are subject to the 17 percent VAT.

When a religious community is founded, it must register with the local police within 15 days. Religious communities are then given the status of a legal entity.

By law, religious studies are not included in primary or secondary school curricula. The SPC Orthodox theological school in Cetinje and the Islamic religious secondary school in Tuzi are fully autonomous and are not included in the national educational system.

The Law on the Execution of Penal Sanctions provides that the fundamental rights of convicts serving their sentences in prisons must be upheld. This includes the ability of convicts to lead a religious life and have contact with their respective clergy. Convicts and persons serving misdemeanor sentences are allowed to request food that conforms to their religious customs.

On June 24 the government and the Vatican signed a Fundamental Agreement that regulates and defines the relationship between the Catholic Church and the government.

The government observes Orthodox Christmas and Easter as national holidays. Orthodox believers may celebrate their family's patron saint's day at their discretion: Catholics--Christmas, Easter, and All Saints' Day; Muslims--Greater Bayram and Ramadan; and Jews--Passover and Yom Kippur. In practice no state institutions function during Orthodox holidays, while Muslim, Catholic, and Jewish employees receive time off during their respective holidays.

### **Government Practices**

The restitution of religious properties remained a problem. The law envisions that property confiscated from religious communities by the former Yugoslav government after World War II would be regulated by separate legislation; however, at the end of the year, no such legislation had been adopted. Religious

communities may file claims for restitution, but no action on the religious communities' claims may be taken under the existing law.

Various religious groups have filed extensive claims for restitution, and major religious communities expressed concern about a general lack of progress. The CPC and the SPC had outstanding property restitution claims. The Catholic Church and Muslim community also asserted claims to property in several locations. The Jewish community from Belgrade asked for the return of a rest and rehabilitation center for women in Prcanj, in the municipality of Kotor.

During the year, there were allegations by the media, politicians, and nongovernmental organizations that government agencies ignored issues relating to the SPC's legal status and alleged tax evasion associated with the SPC's ownership of profitable companies. The SPC did not comply with the existing law, which mandates that once a religious community is founded, it must register with the local police within 15 days. The SPC stated it had existed before the law was adopted and that there was no need to register.

On November 7 the government issued a strong protest to Serbia after Serbia joined the SPC's legal action against the government for the return of church property. Serbia refuted that it had actually joined the legal action and clarified that it was only acting in an *amicus curiae* role at the request of the European Court of Human Rights.

On October 9 the Ministry of Interior rejected the request of the rector of the Podgorica SPC parish, Velibor Dzomic, for temporary residency. On December 13 Dzomic filed an action with the Court of Appeals against the Ministry of Interior to appeal the ministry's refusal to allow his temporary stay. According to the ministry, Dzomic was not granted a temporary residence permit because the National Security Agency concluded he jeopardized national security, peace, and order. Dzomic, who has lived in the country for 17 years, had not left the country at the end of the year.

Following the July publication of census results regarding religious affiliation, the Muslim community criticized the government for dividing adherents of Islam into two categories (Muslims and Islamists). They alleged authorities either wanted to reduce the number of declared Muslims in the country or that they were ignorant. The government did not respond to the allegations. According to Reis (Chief Mufti) Rifat Fejzic, the Prime Minister promised to look into the matter in the future.

In several incidents during the year, members of the SPC were expelled from the country on the premise that they did not have legal residency. On June 29 police expelled Serbian Orthodox Church priest and Bosnian citizen Sinisa Smiljanic for disturbing public peace and order and illegally residing in the country. Smiljanic was a member of the local group that forcibly tried to enter the exclusive island resort of Sveti Stefan, leading to his arrest.

In a similar incident in June, border police in Niksic entered churches in the municipality and discovered that eight Serbian Orthodox priests, five from Bosnia and Herzegovina and three from Serbia, had been performing their duties and resided in the country for many years without registering their residence. The rector of the SPC parish of Podgorica and coordinator of the SPC Legal Council, Velibor Dzomic, accused the Ministry of Interior of mistreating, harassing, and specifically targeting SPC clergy. The SPC stated no requests for temporary residency were approved during the last two years for the 60 priests who applied. The ministry denied discriminating against the clergy, stating that they were implementing the Law on Foreigners. The ministry stated that the SPC's priests, whom the authorities allegedly still see as an arm of the Serbia's hegemony, failed to provide proper documentation, underscoring that of the 514 clergymen serving in the country, 320 were members of the SPC. Of those 320, 86 lack a temporary residence permit.

On April 21 police and environmental inspectors clashed with a group of citizens from the Adriatic island resort of Sveti Stefan who opposed the removal of renovated parts of a 15<sup>th</sup> century SPC chapel on the island. The SPC and citizens of Sveti Stefan started rebuilding the foundation of the tiny chapel, demolished more than 50 years ago, without a construction permit. The Inspectorate for Cultural Monuments Protection banned the construction in April. The limited reconstruction that was completed was knocked down by the end of May. The SPC argued that the issue concerning the lack of a permit was merely a pretense and the government's actions exemplified a strong bias against them.

The Prosecutor's Office pressed charges against SPC priest Slobodan Zekovic for obstructing a Jehovah's Witnesses service in the local museum in Danilovgrad on April 17. Members of Jehovah's Witnesses voiced dissatisfaction that the prosecution failed to include other persons who allegedly provoked the incident.

On January 20 the High Public Prosecutor's Office in Podgorica initiated misdemeanor charges against SPC Metropolitan Amfilohije, claiming that he

disseminated hate speech during his sermons on January 5 and 14. While discussing the government's plans to demolish an SPC church on Mt. Rumija, Metropolitan Amfilohije said that anyone "who demolished the church, may God demolish him and his heirs." On January 26 the Speaker of Parliament called for the removal of the church, stressing that the state must no longer suffer the "intolerance, extremism, and unlawful behavior promoted by the SPC." Court proceedings started on June 27 but had not concluded by the end of the year.

### **Section III. Status of Societal Respect for Religious Freedom**

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Because religion and ethnicity were often inextricably linked, it was difficult to categorize many incidents specifically as either ethnic or religious intolerance.

Relations between the major religious groups (Orthodox, Islamic, and Catholic) were generally amicable and tolerant. The exceptions were longstanding tensions between the SPC and the CPC, which remained a constant problem with political overtones.

Both groups continued disputes over possession of some 750 shrines and for official recognition as the country's main religion. Both churches claim to be the "true" Orthodox Church in the country. In May the president of the ruling Democratic Party of Socialists stated that his party advocates establishing an independent Orthodox church, which would be created by merging all Orthodox followers. CPC described that idea as impossible and the SPC Metropolitan declared that it interfered in the church's internal affairs.

Depending on their editorial bias, media outlets produced negative and even slanderous content about both the SPC and the CPC.

In December a group of unknown perpetrators threw stones at children who were playing in the Evangelistic Church in Podgorica

On August 28 the SPC filed a legal suit against the head of the CPC, Metropolitan Mihailo and two CPC representatives, Dragan Pavlovic and Jovan Tomovic, for breaking into the church of Saint Mihailo in Rogame, near Podgorica. CPC clergy denied these accusations, stating they wanted to perform a religious service. The individuals also claimed the property of the church actually belonged to the CPC.

In April the High court in Podgorica sentenced Zana Mitic from Tivat to eight months in prison and Zoran Raicevic to four months in prison for provoking national, racial, and religious hatred. They were charged with breaking a glass window at a house used by the Muslim community in the settlement of Mrcevac, in Tivat, in October 2010. After they broke in, they left bags of pig feces in the section of the house used for prayers.

On January 13 the SPC church of Saint Vaislije in the village Naljezi was vandalized. On January 8 the press reported a church bell was stolen from the SPC church of Sveti Sava, near Niksic, and that the Serbian Orthodox priest Branko Bacovic called for the return of the bell.

#### **Section IV. U.S. Government Policy**

U.S. embassy officials met regularly with clergy and lay leaders of religious and ethnic minorities to promote respect for religious freedom and human rights.

On November 4 embassy representatives attended a Bayram lunch, marking the end of Ramadan, hosted by the local Muslim community in Podgorica.

On August 23 the embassy hosted an iftar (evening meal during Ramadan). Guests included the reis (chief mufti) of the Muslim community and other religious, cultural, business, and civic leaders.