

MONTENEGRO 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom. In practice, the government generally respected religious freedom. Tensions between the Serbian Orthodox Church (SPC) and the Montenegrin Orthodox Church (CPC) persisted, particularly over property issues and over the question of which church was the official national representative of the Orthodox faith. The government and the SPC, the largest religious group in the country, continued to quarrel over the SPC's legal status. The government threatened some of the SPC's foreign clergy with deportation, which authorities justified on the basis of the SPC's unregistered legal status. At year's end, however, no clergy had been deported. Major religious groups criticized the government's failure to pass new laws on the legal status of religious groups and on restitution of seized properties.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. There were occasional clashes and disputes between ethnic Albanian Muslims and Albanian Catholics. Some religious leaders contributed to societal tensions by making inflammatory public statements. Vandals targeted religious symbols and property on occasion.

The U.S. embassy promoted religious freedom by encouraging interfaith dialogue, visiting minority-led municipalities, engaging with nongovernmental organizations (NGOs) that advocated ethnic and religious tolerance, inviting religious leaders to embassy-organized events, and monitoring cases of reported religious freedom violations. The embassy hosted its annual iftar in the Podgorica suburb of Tuzi, which had experienced conflict between Albanian Muslim and Albanian Catholic inhabitants.

Section I. Religious Demography

The U.S. government estimates the population to be 653,000 (July 2013 estimate). According to the 2011 census, approximately 72 percent of the population identify themselves as Orthodox, either SPC or CPC (the SPC is considerably larger than the CPC), 16 percent as "Bosniak" (an official category that is mostly made up of Sunni Muslims), 3.4 percent as Roman Catholic, and 3 percent as Muslim. According to the same census, about 1.25 percent of the population identify themselves as atheists. The Jewish Community numbers approximately 350.

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There is a strong correlation between ethnicity and religion: Montenegrins and Serbs are generally associated with the CPC and the SPC, Albanians with Islam and Catholicism, and Croats with the Roman Catholic Church. Many Bosniaks and other Muslims live along the eastern and northern borders with Albania, Kosovo, and Serbia.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies generally protect religious freedom. The constitution guarantees the freedom of religion as well as the right to change one's religion. There is no state religion, and the constitution holds that religious groups are equal and separate from the state and are free to exercise their own beliefs. Declaring one's belief, religious or otherwise, is not obligatory. Freedom to express religious beliefs may be restricted only if required to protect the life and health of the public, peace and order, or other rights guaranteed by the constitution.

The law provides a basic framework for recognition of religious groups and their relationship with the state. Religious groups must register with the local police within 15 days of their establishment to receive the status of a legal entity. Registration of religious organizations entitles groups to own property, hold bank accounts in their name, and receive a degree of tax-exempt status.

There are 17 established religious communities in the country, the largest of which include the SPC, CPC, Islamic Community, and Roman Catholicism. Other recognized religious communities include Seventh-day Adventists, Buddhists, Protestants, Mormons, Jehovah's Witnesses, and Jews.

The Directorate for Religious Communities within the Ministry of Human and Minority Rights is responsible for regulating relations between the state and religious groups, protecting free exercise of religion, and advancing interfaith cooperation and understanding. The Directorate has three staff members to ensure coordination among the various state agencies and religious communities.

Agreements signed by the government in 2012 with the Islamic and Jewish communities and the Holy See formalize their legal status within the country and regulate their relationship with the state.

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The criminal code prescribes a fine or up to two years imprisonment for preventing or restricting an individual's freedom of belief or membership in a religious group, or for preventing or obstructing the performance of religious rites. The code provides for a fine or a maximum one year in prison for coercing another person to declare his or her religious beliefs. Any government official convicted under this legislation may receive a sentence of up to three years in prison.

The law prohibits discrimination, including discrimination on religious grounds. 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. This is punishable by a prison sentence ranging from six months to 10 years if it is the result of an abuse of position or authority, if it leads to violence, or if the consequences are deemed detrimental to the coexistence of people, national minorities, or ethnic groups.

By law, religious studies are not included in public primary or secondary school curricula.

The law provides that prisoners have the right to conduct religious practices and have contact with clergy. Prisoners may request a diet conforming to their religious customs.

Government Practices

Religious groups complained about government actions with regard to property restitution, the registration process (primarily for the SPC), and the denial of visas and residency permits for clergy members.

Major religious groups stated that the law regulating their legal status was outdated and inadequate. During the year, the government began work on writing a new Law on the Legal Status of Religious Communities, but some religious communities complained that they had not been included in the drafting process.

The Ministry of Human and Minority Rights provided some funding to religious groups to supplement their members' contributions. All registered religious communities were eligible to apply for this funding. The Commission of the Ministry for Protection of Human and Minority Rights decided, at its discretion, which proposals should receive financing based on an established set of criteria and available funds. Religious groups used government funding primarily to provide social and medical insurance for clergy and to restore shrines and holy

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sites. Religious communities also received in-kind assistance from other government ministries and from local governments.

Some religious groups voiced dissatisfaction with the amount and type of assistance received from the government because, they stated, only the largest religious groups received funding. Other groups complained that they had not been informed about the criteria established to request funds. Throughout the year, the CPC received 55,575 euros (\$75,550), the Muslim community 54,800 euros (\$75,482), the SPC 43,567 euros (\$ 60,010), the Jewish community 5,260 euros (\$ 21,019), and the Catholic Church 23,498 euros (\$ 32,366).

The Ministry of Interior denied permits for temporary residency to several dozen resident SPC clergy, saying that the SPC had not properly registered with the Ministry of Interior as an official religious group. The SPC stated, however, that it had submitted a request for registration. The SPC complained that the government's delay in acting on its registration request was politically motivated. According to press reports, the SPC's Metropolitan Amfilohije had sent a letter to the minister of interior, as opposed to filing the proper forms at the Ministry of Interior.

On August 14, the Ministry of Interior for the fourth time denied a residency permit to the rector of the SPC's Podgorica parish, Velibor Dzomic, despite his presence in the country for 19 years, and following a third Administrative Court decision overturning the ministry's prior denials of a temporary residence permit to Dzomic. According to the ministry, Dzomic did not receive a permit because the National Security Agency concluded his presence "jeopardized national security, peace, and order." Dzomic remained in the country at year's end.

The SPC stated that the government's denial of visas and threats of deportation of some of its foreign clergy constituted religious and political discrimination by the Ministry of Interior. The ministry denied any discrimination, stating that its actions were lawful because the SPC had not properly registered with it and had not filed the normal petition to obtain legal status. On June 11, the Ministry of Interior ordered the expulsion of SPC priest Aleksandar Papic from Herceg Novi on "national security grounds." Papic filed an appeal and remained in the country at year's end.

The government started negotiating a status agreement with the SPC, similar to ones it signed with the Islamic and Jewish community and the Holy See. The agreement, once completed, would define the legal status and rights of SPC as a

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religious organization, its clergy members, property rights, and its relation to the state. The SPC, however, criticized the government, stating that it prolonged the negotiating process.

On August 6, the CPC criticized the government, accusing it of favoring the SPC over the CPC and other religious groups. The CPC stated that it could not hold religious services at Montenegrin shrines because these had been occupied by the SPC. CPC Metropolitan Mihailo stated that senior Serbian and Montenegrin government officials' attendance at the celebration of the 800th anniversary of the Djurdjevi Stupovi monastery near Berane on August 3, and their participation at other SPC events, were indicative of an official bias in favor of the SPC.

On January 12, the SPC filed a civil suit against Speaker of Parliament Ranko Krivokapic, representative of the Social Democrat Party Mirko Stanic, and head of the Montenegrin Orthodox Church (CPC) Mihailo for hate speech and insults directed against the SPC and its clergy. The SPC complained that Krivokapic spearheaded discrimination and property seizures against the SPC. The SPC criticized the State Prosecutor's Office for "selective justice" and failing to act promptly when charges were filed against incumbent state officials and the CPC. On March 11, SPC Metropolitan Amfilohije wrote to the EU, objecting to what he said were Krivokapic's "defamatory comments" about the SPC to European Parliament representatives.

Some Albanian leaders complained that religious issues of importance to them suffered from a lack of attention due to the focus given to the SPC-CPC dispute.

On April 25, authorities registered the new "Montenegrin Catholic Church." The head of the Roman Catholic Church diocese in Kotor, Don Pavao Medac, said the registration was a "mockery" of the Roman Catholic Church's name and called on Ivan Zankovic, the founder of the Montenegrin Catholic Church, to "repent."

On May 25, police arrested 22 Albanian Muslims after they tried to stop the construction of an Orthodox church in the village of Martinaj near Gusinje in the north of the country. While the SPC stated that it owned the land where the construction was taking place, local Albanian Muslims disputed the SPC's ownership and demanded that the construction cease. Local ethnic Albanian parties expressed displeasure with the arrests. The government stated that the police were enforcing a court ruling that permitted the SPC to build on the property.

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In September the misdemeanor court in Cetinje acquitted an ethnic Montenegrin restaurant owner who had been charged with discrimination based on national and religious affiliation after he had ejected Serbian Orthodox customers, including a nun, from his restaurant in 2012. The SPC criticized the court's ruling.

The president of the Bosniak Cultural Community in Rozaje, Hazbija Kalac, condemned police action in stopping the motorcade of the head of the Serbian Islamic Community Mufti Muamer Zukorlic on August 6. According to Kalac, the police's intention was to intimidate Bosniaks.

In March the Ombudsman for Human Rights Protection published a special report on prison and detention conditions that noted an absence of adequate detention cells to accommodate special religious rituals, regardless of religious denomination. Some Muslim detainees complained they had not been provided food in accordance with their faith. In October authorities provided additional prison space for the observance of religious rituals.

Government Inaction

The government again failed to address the harmonization of the 1977 Yugoslavia law on religious groups with the country's 2007 constitution. This lack of harmonization contributed to problems regarding the legal status, financing, establishment of places of worship, and property rights of religious groups.

The government also failed to adopt legislation providing for the restitution of religious properties expropriated by the former communist Yugoslav government. During the year no major religious group regained ownership of properties for which it had filed claims nor did the government offer compensation for the properties.

Authorities continued to leave in place an SPC church that the army of the former Union of Serbia and Montenegro had placed on the summit of Mt. Rumija in 2005 prior to Montenegro's independence; a Montenegrin court later declared the act illegal. The SPC continued to express its readiness to legalize the church's presence.

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

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inextricably linked, it was difficult to categorize some incidents specifically as ethnic or religious intolerance.

Day-to-day relations among the major religious groups (Orthodox, Islamic, and Catholic), however, were generally amicable.

On March 22, a conflict between Albanian Catholic and Albanian Muslim residents of the Podgorica suburb of Dinosa broke out regarding the funeral of a Catholic who wished to be buried in an area claimed by the community's Muslim residents. To prevent the funeral procession, Muslim protestors destroyed the road that led to the church and cemetery. Police deployed to the area to allow the funeral procession to reach the Catholic chapel.

Media reported on sporadic clashes between Albanian Catholic and Albanian Muslim high school students in Tuzi, a suburb of the capital. On August 7, local residents discovered derogatory graffiti aimed at Albanian Catholics on a bridge of the Cijevna River near Podgorica.

Longstanding tensions, often with political overtones, persisted between the clergy, congregations, and supporters of the SPC and the CPC. Disputes between the SPC and the CPC continued over the possession of 750 Orthodox shrines. Both churches claimed to be the "true" Orthodox Church in the country. The CPC and some media outlets publicly questioned the sources of SPC funding. The CPC maintained that the SPC illegally received money from the SPC in Belgrade and from illicit transactions relating to tourism at the SPC's shrines in Montenegro.

The CPC and the SPC celebrated Christmas Eve, Christmas Day, and Easter at separate locations often with police protection around the churches. On August 19, for the fourth year in a row, police cited security concerns and banned members of both the CPC and the SPC from worshipping at the Church of Christ the Transfiguration at Ivanova Korita near the historical capital of Cetinje.

The SPC sued CPC Metropolitan Mihailo and CPC supporters Dragan Pavlovic and Jovan Tomovic in the Podgorica Basic Court, stating that they were involved in vandalizing the Church of Saint Archangel Mihailo in Rogami. At year's end, the case was ongoing.

Depending on their editorial and political stance, media outlets sometimes produced highly negative content about the SPC and the CPC.

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Religious groups, mostly the SPC and the Islamic community, continued to experience vandalism of church buildings and mosques, cemeteries, and other religious sites. On February 18, the press reported that thieves broke into the Church of Holy Petka near Sutomore. On October 2, police arrested an individual for this act.

On March 15, vandals damaged the SPC Church of Holy Christ in Kosic near Danilovgrad. Police arrested two individuals.

Authorities apprehended two minors for stealing a church bell from the Church of Saint Archangel Michael in Podgorica, which is used by the SPC, on October 18.

Unknown perpetrators desecrated a Catholic church on May 7 in Rogami.

On November 4, the first synagogue was opened in Podgorica. On November 8, the Conference for Jewish Communities of the Balkans convened in the town of Budva. An office of the Jewish National Fund for the Balkans opened in Podgorica during the same month.

Section IV. U.S. Government Policy

The U.S. Ambassador and other embassy officials met regularly with government officials and with religious and civil society leaders to discuss religious freedom and relations among religious groups.

Embassy representatives hosted and attended events to foster religious tolerance and societal respect for religious freedom, particularly regarding the Islamic community. The embassy hosted its annual iftar in the Podgorica suburb of Tuzi, which had been the site of disturbances between Albanian Muslim and Albanian Catholic inhabitants. Embassy representatives also, engaged with NGOs that advocated religious tolerance, invited religious leaders to embassy-organized events, and monitored cases involving reported violations of religious freedom. Embassy representatives also continued their discourse with officials from the Ministry of Human and Minority Rights on developments regarding a new law that would define and clarify all aspects of religious communities' and institutions' legal status.