

MONTENEGRO 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion as well as the right to change one's religion. The law prohibits religious discrimination and hate speech. Religious groups, especially the Serbian Orthodox Church (SOC), said the law governing their legal status was inadequate. Most religious groups criticized a draft law on freedom of religion the government proposed in July, stating they did not participate in its drafting and that it jeopardized the autonomy of religious communities. Members of the public also reacted negatively to the proposed law on freedom of religion during public discussions. The government denied visas to SOC clergy.

SOC supporters tried to attack the Metropolitan of the Montenegrin Orthodox Church (MOC) and prevented him from participating in two public forums in Bijelo Polje and Kotor. The SOC and MOC continued to dispute ownership of religious shrines. The Muslim community continued to experience internal disputes between adherents of Serbian and Montenegrin imams.

The U.S. Ambassador and other embassy representatives met with government officials to discuss the impact of the draft law on freedom of religion, as well as the concerns religious groups expressed about the draft. The embassy also met with religious and civil society leaders to discuss relations among religious groups and hosted events to foster dialogue and religious tolerance.

Section I. Religious Demography

The U.S. government estimates the population at 647,000 (July 2015 estimate). According to the 2011 census, approximately 72 percent of the population identifies as Orthodox, either SOC or MOC. Local media estimate the SOC accounts for approximately 70 percent of the Orthodox population, while the MOC makes up the remaining 30 percent. The census also reports 19.1 percent of the population identifies as Muslim, 3.4 percent as Roman Catholic, and 1.2 percent as atheist. According to press estimates, the Jewish community numbers approximately 350.

There is a strong correlation between ethnicity and religion: ethnic Montenegrins and ethnic Serbs are generally associated with the MOC and the SOC, ethnic

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Albanians with Islam and Catholicism, and ethnic Croats with the 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 Framework

The constitution guarantees freedom of religion as well as the right to change one's religion. It specifies there is no state religion, and the constitution guarantees equality and freedom of all religious communities in religious activities and affairs. It states the declaration of one's beliefs is not obligatory, and all persons are guaranteed the freedom to express their religion in public and private, alone or collectively, through prayer, preaching, custom, or rites. The constitution states 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. It exempts conscientious objectors from military service.

The constitution prohibits the operation of organizations that instigate religious hatred and intolerance and stipulates courts may block the dissemination of information and ideas via public media to prevent propagation of religious hatred or discrimination. It recognizes the right of members of minority national communities, individually or collectively, to exercise, protect, develop, and express "religious particularities;" establish religious associations with the support of the state; and establish and maintain contacts with people and organizations outside of the country who share the same religious beliefs. The law forbids "the abuse of religious communities or their religious sites for political purposes."

The law prohibits discrimination, including on religious grounds. It is a crime to cause and spread religious hatred, which includes the mockery of religious symbols or the desecration of monuments, memorial tablets, or tombs. Violators may receive prison sentences ranging from six months to 10 years if their violations result from an abuse of position or authority or lead to violence or if the courts determine the consequences are detrimental to the coexistence of people, national minorities, or ethnic groups.

The law provides a basic framework for recognition of religious groups and their relationship with the state. Religious groups must register with local police within 15 days of their establishment to receive the status of a legal entity, although there

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is no penalty specified for failing to do so. The police must then file this registration with the Ministry of Interior, which maintains a register of all religious organizations in the country. To register, a religious group must provide its name and organizing documents, the names of its officials, and the addresses of the group's headquarters and of the locations where religious services will be performed. Registration entitles groups to own property, hold bank accounts in their own name, and receive a tax exemption for sales of goods or services of up to 18,000 euros (\$19,600) directly related to their religious activities.

There are 19 active religious groups in the country, including the SOC, the MOC, the Islamic Community of Montenegro (ICM), and the Roman Catholic Church. The other recognized religious communities are 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, Bahai Faith, Montenegrin Community, The Church of Jesus Christ of Latter-day Saints (Mormons), and the Buddhist, Protestant, Jehovah's Witnesses, and Jewish communities. All except the SOC are registered.

The government has agreements with the Islamic and Jewish communities and the Holy See that further define their legal status and regulate their relationship with the state. For example, in the agreement with the Holy See, the government recognizes Catholic canon law as the Church's legal framework and also outlines the Church's property rights. The agreements also establish commissions between the three religious communities and the government. There is no similar agreement with the SOC or the MOC.

The Directorate for Relations with Religious Communities within the Ministry of Human and Minority Rights (MHMR) regulates relations between state agencies and religious groups, and is charged with protecting the free exercise of religion and advancing interfaith cooperation and understanding.

The law allows religious groups to conduct religious services and rites in churches, shrines, and other designated premises, but requires approval from municipal authorities for such activities at any other public locations.

The criminal code prescribes a fine or up to two years' imprisonment for restricting an individual's freedom to exercise a religious belief or membership in a religious group, or for preventing or obstructing the performance of religious rites. The

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code also provides for a fine or a maximum of one year in prison for coercing another person to declare his or her religious beliefs. Any government official found guilty of these crimes may receive a sentence of up to three years in prison.

By law religion is not taught in public primary or secondary schools.

The law provides prisoners with 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 stated the law regulating their legal status was outdated and inadequate because it was drafted for conditions existing during the time of the former Yugoslavia.

The draft law on freedom of religion, which the government proposed at the end of July, would require registration for all religious groups to receive tax or other public benefits and engage in certain activities, such as schooling. The public and religious communities reported negative reactions to the draft law. Most religious communities stated publicly it would jeopardize their autonomy. Some said the government was trying to nationalize religious property because the draft law stated any churches or religious facilities built or financed by the state or by a community of citizens before December 1, 1918 should be considered state property. Since groups previously registered would have to reregister, they stated they feared losing some rights.

During the two-month public discussions on the draft law, only the MOC and the Jewish community supported it. Other religious communities, such as the SOC, expressed concern that they were not involved in the drafting process and said parts of the draft law jeopardized their religious freedom and freedom of speech, particularly those prohibiting political activities by religious groups and requiring religious groups to notify the government before appointing religious leaders. SOC representatives also stated the government purposely provided inadequate facilities for public hearings on the draft law in order to restrict attendance.

The government restricted some of the SOC's activities, citing registration as a condition for certain but not all rights and benefits. It granted tax benefits to the SOC as though it were registered, but denied visas for the Church's foreign priests.

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The SOC argued that it should not be required to register because it never had to register when the law was originally passed by the old Yugoslav government, and, since the SOC predates both the law and the state, it should be grandfathered.

The three commissions consisting of representatives from the government and the Islamic, Catholic, and Jewish communities each met approximately two times during the year to discuss continued cooperation with the government related to their religious activities.

On August 19, for the sixth year in a row, police cited security concerns and banned members of both the MOC and the SOC from celebrating the transfiguration of Christ at the Church of Christ the Transfiguration at Ivanova Korita near the historical capital of Cetinje.

On March 25, the Basic Court of Podgorica fined the Editor-in-Chief of the Montenegrin edition of the Serbian print tabloid *Informer*, Novak Uskokovic, 5,000 euros (\$5,441) for publishing what the court considered to be insulting articles in 2014 against the country's ethnic Albanians, who are generally Muslim or Catholic. The court found Uskokovic guilty of spreading racial and religious hatred and damaging the reputation of ethnic minorities.

The government and the SOC continued to dispute property issues related to the MOC's request to use some of the churches and monasteries under the SOC's control. During the year no religious group regained ownership of properties for which it had filed claims, nor did the government offer compensation for any properties. The government continued its policy of not seeking to adopt legislation providing for restitution of religious properties expropriated by the communist Yugoslav government.

The government provided funding to some religious groups for projects and assisted with social and medical insurance for some clergy. All religious communities, including unregistered ones, were eligible to apply for this funding. The MHMR's criteria for deciding which proposals should receive financing included whether the projects concerned religious shrines, education, or culture. The MOC received 42,589 euros (\$46,343), the ICM 28,916 euros (\$31,465), the SOC 9,416 euros (\$10,246), the Jewish community 16,250 euros (\$17,682), and the Catholic Church 14,486 euros (\$15,766). Religious communities also received in-kind assistance from other government ministries and from local governments.

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On November 4, the Administrative Court again overturned the Ministry of Interior's decision to deny a residency permit to SOC priest Velibor Dzomic and remove him from the country. The court sent the case back to the ministry for reconsideration, and ordered the ministry to give temporary status to Dzomic while the application was being reconsidered. In February Dzomic was forced to leave and spent six months outside of the country while the case was pending. The National Security Agency stated in August that Dzomic's presence no longer "jeopardized national security, peace, and order." Dzomic said Interior Minister Rasko Konjevic was persecuting the SOC and its clergy. Dzomic had not received a residency permit by year's end.

Section III. Status of Societal Respect for Religious Freedom

SOC supporters shouted at MOC Metropolitan Mihailo in September in Bijelo Polje and in Kotor and tried to prevent him from entering public discussions on the draft law on freedom of religion. Police prevented individuals at the discussions from attacking him physically. They made no arrests. The basic prosecutor's office in Kotor filed misdemeanor charges against Mihailo after he slapped away an SOC supporter who spit on him while he was trying to enter the public discussion. The case was ongoing at year's end.

Disputes between the SOC and the MOC continued over the ownership of 750 Orthodox shrines. Both groups stated they were the "true" Orthodox Church in the country. The MOC and the SOC celebrated Christmas Eve, Christmas Day, and Easter at separate locations, often with police protection around the churches. On January 6, SOC and MOC priests and followers organized parallel, traditional Yule log lightings for Orthodox Christmas Eve: the SOC in Podgorica and the MOC in Cetinje. According to the media, the lightings were peaceful and without incident.

Tensions between the head of the ICM, Reis Rifat Fejzic, and the head of the Islamic Community in Serbia, Mufti Muamer Zukorlic, continued over who represented the Muslim community in the Sandzak region (a historical geopolitical region now divided by the border between northeast Montenegro and southwest Serbia). The Islamic Community in Serbia did not have legal status in Montenegro but had some adherents in the country, especially in the north. According to Fejzic, Zukorlic's influence on Muslims in the country had diminished but he stated Zukorlic was spreading radicalism among Muslims in northern parts of the country.

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In December 2014, a high school teacher in Bar left his class as a sign of protest when a female student came to class wearing a hijab. In March an unknown person in Bijelo Polje drew Christian crosses on the road to a mosque on the outskirts of the town.

Section IV. U.S. Government Policy

The U.S. Ambassador and other embassy staff traveled throughout the country and met with government officials, including mayors, city administrators, and other local and national officials responsible for various religious issues. They also met with religious community representatives to discuss interreligious relations in the local communities. After the proposal of the draft law on religious freedom, many of the meetings focused on its possible impacts. In July the Ambassador discussed religious freedom issues with Minister of Human and Minority Rights Suad Numanovic. In September embassy staff brought up some of the concerns about the draft law heard from various religious communities with Dragutin Papovic, an MHMR officer who chaired the working group that drafted the proposed law on religious freedom. In all her meetings, the Ambassador supported efforts to foster religious tolerance and respect for religious freedom and urged officials to expand those efforts.

On June 19, the Ambassador hosted an iftar at the Islamic Center in Bar for representatives of the religious, political, cultural, and business communities and civil society, where she gave a speech recognizing and encouraging interreligious tolerance in the country. Participants engaged in discussions on interfaith tolerance and religious moderation.