

MONTENEGRO 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom. In practice, the government generally respected religious freedom; however, the government imposed restrictions that affected members of minority religious groups. The trend in the government's respect for religious freedom did not change significantly during the year. The government and the Serbian Orthodox Church (SPC) continued to dispute the SPC's legal status. Major religious groups criticized the government's failure to pass new laws on the legal status of religious groups and to amend legislation to provide restitution for seized religious properties.

There were reports of societal discrimination based on religious affiliation, belief, or practice. The relationship between the SPC and the Montenegrin Orthodox Church (CPC) remained tense, as disagreements continued between their followers and clergy over property and status.

The U.S. embassy promoted religious freedom by encouraging interfaith dialogue, hosting an annual iftar, visiting minority-led municipalities, and engaging with nongovernmental organizations (NGOs) advocating for ethnic and religious tolerance.

Section I. Religious Demography

The population is 620,000 according to a 2011 National Statistics Office (NSO) estimate. Approximately 72 percent of the population identified itself as Orthodox (either SPC or CPC), 16 percent as "Islamic," 3 percent as Muslim, and 3.4 percent as Roman Catholic. The SPC is larger than the CPC. Without official explanation, the NSO created separate categories for Muslims and followers of Islam, but later combined the categories after the Islamic community objected. Other religious groups include Seventh-day Adventists, Buddhists, Protestants, Jehovah's Witnesses, and Jews.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom.

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There is no state religion, and the constitution holds that religious groups are separate from the state and free in their exercise of religious affairs. The law provides the 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 establishment to receive the status of a legal entity. The Commission for Political Systems and Internal and Foreign Policy, chaired by the deputy prime minister, was responsible for regulating relations between the state and religious groups until June, when the government established the Department for Religious Communities within the Ministry of Justice and Human Rights. As of December 4, the Ministry of Human and Minority Rights is responsible for regulating relations between the state and religious groups.

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

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.

Some government funding is available to religious groups to supplement voluntary contributions. Until June, the government allocated funds to religious groups after the Commission for Political Systems and the Secretariat General approved the requests. In June the Ministry of Justice and Human Rights assumed authority for funding religious groups. On December 4, the government shifted responsibility for funding of religious groups yet again, to the Ministry of Human and Minority Rights. Religious groups use government funding primarily to provide social and medical insurance for clergy and to restore shrines and holy sites.

Religious groups receive limited tax exemptions. If religious groups 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

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market-oriented services or products exceeding 18,000 euros (\$22,929) per fiscal year, those products and services are subject to the 17 percent VAT.

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

By law, prisoners have the right to conduct religious practices and have contact with clergy. Prisoners may request a diet conforming to their religious customs. In January the government signed agreements with the Islamic and Jewish groups that formalize their legal status within the country and regulate their relationship with the state. The government and Holy See signed a similar agreement in June. The government observes Orthodox Christmas and Easter as national holidays. Catholic, Islamic, and Jewish employees receive time off for their respective holidays, including Christmas, Easter, All Saints' Day, Greater Bajram, Ramadan, Passover, and Yom Kippur.

Government Practices

There were no reports of abuses of religious freedom; however, the government imposed restrictions that affected members of minority religious groups. A lack of harmonization between the 1977 law on religious groups and the 2007 constitution contributed to problems regarding the legal status and rights of religious groups. There was no progress in the restitution of religious properties expropriated by the former communist Yugoslav government. The government continued to implement the law in a manner that limited the ability of foreign SPC clergy to obtain permanent or long-term residency. The Ministry of Interior denied permits for temporary residency to most SPC clergy residing in Montenegro based on the fact that the SPC refuses to register with the Ministry of Interior as an official religious group; however, the SPC stated such decisions were politically motivated.

Major religious groups stated that the law regulating their legal status was outdated and inadequate, because it failed to address many issues relating to relations between the state and religious groups. Some NGOs demanded the termination of the government's agreements with the Islamic and Jewish groups and the Holy See in advance of the adoption of a new comprehensive law designed to harmonize existing laws with the constitution.

The Office of the Ombudsman reported that it lacked the human, technical, and financial resources to implement the law on discrimination fully.

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No major religious group with previously filed claims for restitution regained ownership or received just compensation for its properties expropriated by the former communist Yugoslav government after World War II. Insufficient funding and failure to adopt pertinent legislation complicated government efforts to address these claims.

Religious groups voiced dissatisfaction with the amount and type of assistance received from the state. Only the largest religious groups received funding, and most were uninformed about the criteria established for requesting funds. Since June, the SPC received 5,000 euros (\$6,410), the CPC 36,000 euros (\$46,153), the Muslim community 2,000 euros (\$2,564), the Jewish community 5,000 euros (\$6,369), and the Catholic Church 42,000 euros (\$53,846). There was no data available on the amount of funds that other religious groups received before June, except that the SPC had received an additional 13,779 euros (\$22,647).

The SPC stated that tax exemptions were applicable to a very limited scope of items, such as the procurement of church bells, crosses, and religious icons. The government generally did not tax organized pilgrimages to approximately 800 Christian shrines and 133 mosques.

The SPC continued to refuse to comply with a law mandating that every religious group register with the local police, stating that the church had existed before the law was adopted. The SPC also criticized the government for refusing to discuss an agreement on mutual relations, even though the government had similar agreements with the Catholic, Islamic, and Jewish groups.

On March 12, the CPC sharply criticized the government, demanding protection of its religious rights, access to all Orthodox churches in the country, the restoration of all shrines altered by the SPC, and the cancellation of a 1920 decree that gave the SPC rights to all CPC shrines.

The SPC continued to state that attempted deportation of and denial of visas to its clergy constituted religious and political discrimination by the Ministry of Interior. On February 14, during a visit by the prime minister, approximately 100 residents of Pljevlja protested against the alleged harassment of SPC clergy. On February 22, the Ministry of Interior delayed its planned expulsion of SPC priests from Pljevlja on grounds of illegally residing in the country, pending a resolution of their legal complaint. On April 12, the Court of Appeals revoked the decision of the Ministry of Interior to expel an SPC priest for disturbing public peace and order and for illegally residing in the country. On December 28, the ministry again

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denied the requests for temporary residence of five SPC priests from Pljevlja. The ministry denied claims of discrimination and asserted that it was implementing the law, as the SPC was not registered in the country.

On May 31, the Administrative Court revoked the Ministry of Interior's decision to deny a temporary residence permit to the rector of the Podgorica SPC parish, Velibor Dzomic, who has lived in the country for 18 years. On September 12, the ministry again rejected Dzomic's request. According to the ministry, Dzomic did not receive a permit because the National Security Agency had concluded that he jeopardized national security, peace, and order. Dzomic remained in the country at year's end.

On August 8, unknown perpetrators vandalized an SPC church that an army helicopter had illegally placed on the summit of Mt. Rumija in 2005. On December 9, the State Prosecutor interrogated the rector of the Serbian Orthodox church in Bar, Jovan Plamenac, about a letter he had written to Speaker of Parliament Ranko Krivokapic stating that if Krivokapic "mentions the church at Rumija just one more time, he will get what he has long deserved." Krivokapic had stated publicly on several occasions that authorities should remove the church.

On October 9, the European Court of Human Rights (ECHR) ruled in favor of the government in a case the SPC had filed for the return of church property. The SPC was seeking the return of property seized during the communist era. The court ruled that the SPC had filed the case under a provision of the law that was deemed unconstitutional prior to its filing. The SPC accused the government and private media of misrepresenting the result by reporting that the state had won the case, rather than that the ECHR had ruled for the state on procedural grounds.

On November 19, the Podgorica Misdemeanor Court reprimanded SPC Metropolitan Amfilohije for disseminating hate speech in sermons in January 2011. Amfilohije stated in the sermons that anyone who "demolished the church, may God demolish him and his heirs."

The Administration for Protection of Cultural Heritage stated that the SPC violated the law when it altered, remodeled, and restored original facades and interiors on a number of shrines. The administration announced that all such projects required a valid permit.

On October 31, the Reis of the Islamic Community stated that the Islamic Community had difficulty acquiring land and permits to build a cemetery and

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house of worship in Tivat. As a result, Muslims from Tivat had to use cemeteries in Podgorica or in the north of the country.

On January 17, the government announced it was giving land in Podgorica free of charge to the small Jewish community to build the country's first synagogue and cultural center in hundreds of years.

Section III. Status of Societal Respect for Religious Freedom

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

Relations among the major religious groups (Orthodox, Islamic, and Catholic) were generally amicable. However, 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 possession of some 750 Orthodox shrines. Both churches claimed to be the "true" Orthodox Church in the country.

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

The CPC and the SPC celebrated Christmas Eve, Christmas Day, and Easter at separate locations and under police protection around the churches. On August 19, police banned members of both the CPC and the SPC from worshipping at the Church of Christ Transfiguration at Ivanova Korita, near the historic capital of Cetinje, citing security reasons.

On August 30, SPC Metropolitan Amfilohije wrote to President Vujanovic asking him "to ensure that SPC clergy can perform their religious services undisturbed and to ensure protection of the SPC's property from intrusions of CPC followers." Religious leaders and individuals criticized authorities for their slow or inadequate response to several attacks on shrines, church buildings, and cemeteries. On May 28, the press reported that thieves stole two church bells from the SPC church of Saint Archangel Michael, located near Niksic. On July 23, vandals damaged the Catholic Church of Our Lady of Angels in Kotor. In another incident, SPC priest Milan Stanisic stated that his church, located in a Muslim-majority area in Rozaje, was pelted with stones several times. The mayor of Rozaje strongly condemned

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the incident and called on the authorities to find and punish the perpetrators. A police investigation did not locate the perpetrators.

The Misdemeanor Court in Cetinje charged Milo Kadija with discrimination based on national and religious affiliation after he expelled Veselinka Rajkovic, her five minor children, and a Serbian Orthodox nun from his restaurant on July 28. The case was still pending in the Cetinje Misdemeanor Court at year's end. On November 6, the Misdemeanor Court in Rozaje fined Milorad Ratkovic 150 euros (\$192) for threatening SPC priest Milan Stanisic, his wife, and three minor children.

On January 30, the Basic Court in Danilovgrad acquitted SPC priest Slobodan Zekovic of the charge of obstructing a Jehovah's Witness service at a local museum in April 2011. The Jehovah's Witnesses appealed, but the High Court in Podgorica upheld the decision of the Danilovgrad court.

On November 13, the Brussels-based European Jewish Union, an NGO, opened a regional office in Podgorica. Officials from the NGO stated that it aimed to unite Jewish groups and organizations throughout Western, Eastern, and Central Europe.

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 religious and ethnic relations.

Embassy representatives hosted and attended events to foster religious and ethnic tolerance. On July 24, members of various religious groups and government officials attended the embassy's annual iftar in Bijelo Polje. The embassy also hosted an exchange program which brought together students from two religiously diverse municipalities.