MONTENEGRO 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion as well as the right to change one's religion. It specifies there is no state religion and guarantees equality and freedom for all religious communities. The law prohibits religious discrimination and hate speech. Religious groups, especially the Serbian Orthodox Church (SOC), continued to state that the law governing their legal status was inadequate. Citing security concerns over possible clashes between members of the SOC and the Montenegrin Orthodox Church (MOC), police on several occasions prevented MOC members from engaging in religious activities at Orthodox sites when those places were occupied by the SOC. The MOC said police had violated its rights and called on the government to grant it access to the sites. The government maintained its policy of not restituting religious properties confiscated by the communist government. The Islamic Community of Montenegro (ICM) protested the government's reinstallation of a cross atop an Ottoman-era clock tower. In December the European Court of Human Rights (ECHR) ruled in favor of a Romani Muslim who had filed suit against the government for failing to investigate ethnically and/or religiously motivated attacks against him and his family in 2009.

The SOC and the MOC continued to dispute ownership of religious sites. A survey conducted by the Council of Europe and the Office of the Ombudsman found respondents reported higher perceptions of religious discrimination in all five subject areas surveyed compared with the previous poll conducted two years earlier. In December the Jewish Community started building a new synagogue in Podgorica.

The U.S. Ambassador and other embassy officers continued to meet with government officials to discuss relations between the government and religious groups. The Ambassador met with the metropolitan of Montenegro and the Littoral of the SOC, the Christian Adventist Church in Podgorica, leaders of the MOC and Catholic Church and the Islamic and Jewish communities to discuss each group's status and relations with the government. The Ambassador hosted iftars at which participants discussed interfaith tolerance and moderation. The embassy hosted the visit of a prominent, U.S.-based Muslim scholar and theologian who spoke to groups around the country on diversity, interfaith dialogue, and conflict resolution.

Section I. Religious Demography

The U.S. government estimates the population at 643,000 (July 2017 estimate). According to the 2011 census, approximately 72 percent of the population is Orthodox, either SOC or MOC. Local media estimate the SOC accounts for 70 percent of the Orthodox population, while the MOC makes up the remaining 30 percent. The census reports 19.1 percent of the population is Muslim, 3.4 percent Roman Catholic, and 1.2 percent atheist. Additionally, 2.6 percent of respondents did not provide a response, and several other groups, including Seventh-day Adventists (registered locally as the Christian Adventist Church), Buddhists, Jehovah's Witnesses, other Christians, and agnostics together account for less than 1 percent of the population. 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, respectively, ethnic Albanians with Islam or Catholicism, and ethnic Croats with the Catholic Church. Many Bosniaks (ethnic Bosnians who are Muslim) 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 guarantees the freedom of all individuals to express their religion in public and private, alone or collectively, through prayer, preaching, custom, or rites, and states individuals shall not be obliged to declare their religious beliefs. The constitution states the 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 specifies there is no state religion and guarantees equality and freedom for all religious communities in religious activities and affairs. The constitution permits courts to prevent propagation of religious hatred or discrimination and prohibits organizations instigating religious hatred and intolerance.

By law, it is a crime to cause and spread religious hatred, which includes publication of information inciting hatred or violence against persons on the basis of religion, 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 the violation is committed through the misuse of an official position or authority or leads to violence, or if the courts determine the consequences are detrimental to the coexistence of people, national minorities, or ethnic groups, the prison sentence ranges from two to 10 years.

The criminal code prescribes a fine between 200 euros ($240) and 16,000 euros ($19,200) 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 code also provides for a fine of between 600 euros ($720) and 8,000 euros ($9,600) 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.

The law provides for the recognition of religious groups through registration with local and federal authorities, although religious groups that existed before 1977 are not obligated to register in order to obtain recognition. New religious groups must register with local police within 15 days of their establishment to receive the status of a legal entity, although there is no penalty specified for failing to do so. The police must then file this registration with the Ministry of Interior, which maintains a list of all religious organizations in the country. To register, a religious group must provide its name and organizing documents, the names of its officials, the address of the group's headquarters, and the location(s) 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 donations and sales of goods or services directly related to their religious activities; however, lack of registration or recognition does not affect a group's ability to conduct religious activities. An unregistered religious community may register as another type of organization in order to open a bank account, but may not receive the tax exemptions granted to registered religious groups.

There are 21 recognized religious groups in the country: the SOC, MOC, ICM, Roman Catholic Church, 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), Jehovah's Witnesses, Montenegrin Catholic Church, Montenegrin Protestant Church, Montenegrin Demochristian Church, and Montenegrin Adventist Church, as well as the

Buddhist and Jewish communities. All these groups are registered, except for the SOC, which has not applied to register.

The government has agreements with the Islamic and Jewish Communities and the Holy See further defining the legal status of the respective groups and regulating their relationship with the state. In the agreement with the Holy See, the government recognizes Catholic canon law as the Church's legal framework and outlines the Church's property rights. The agreements with the Islamic and Jewish Communities have similar provisions. The agreements establish commissions between each of the three religious communities and the government. There are no similar agreements with the SOC, MOC, or the other recognized religious groups.

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 MHMR provides some funds to religious communities and is in charge of communication between the government and the religious communities. The ministry is also in charge of drafting new legislation defining the status and rights of religious organizations.

The law allows all religious groups, including unrecognized ones, to conduct religious services and rites in churches, shrines, and other premises designated by local governments, but requires approval from municipal police for such activities at any other public locations.

The law forbids "the abuse of religious communities or their religious sites for political purposes."

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

The constitution recognizes the right of members of minority national communities, individually or collectively, to exercise, protect, develop, and express "religious particularities" (i.e., religious customs unique to their minority community); to establish religious associations with the support of the state; and to establish and maintain contacts with persons and organizations outside the country who share the same religious beliefs.

By law, religion may not be taught in public primary or secondary schools. The Islamic community operates one private madrassa at the secondary school level, and the SOC operates one secondary school, both of which follow the state curriculum in nonreligious matters.

The law prohibits discrimination, including on religious grounds. Offenses are punishable by a prison term of six months to five years. The Office of the Protector of Human Rights (ombudsman) is responsible for combating discrimination and human rights violations, including those against religious freedom, by government agencies. It may investigate complaints of religious discrimination and, if it finds a violation, may request remedial measures. Failure to comply with the ombudsman's request for corrective action within a defined period is punishable by fines of 500 to 2,500 euros ($600 to $3,000). Generally, government agencies implement the ombudsman's recommendations, although often with delays. If necessary, the courts may enforce the recommendations.

The constitution exempts conscientious objectors, including those objecting for religious reasons, from military service. Alternative service is not required.

The constitution states foreign nationals fearing persecution in their home countries on the grounds of religion have the right to request asylum.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

On October 1, police prohibited members of the MOC from performing a liturgical memorial service for the dead *(parastos*) for the royal Petrovic family in the Church of Mother of God in Cipur, Cetinje, citing security reasons, because SOC members were present in the church. MOC members performed a liturgy outside of the church, while SOC members performed a liturgy inside the church. On October 8, police also barred MOC members from performing religious activities inside the Church of St. Dimitrije in Podgorica, again citing security concerns. MOC priests subsequently performed a liturgy outside the church, while SOC priests were inside the church. Dozens of police officers provided security at each event, and there were no altercations. The MOC complained of a violation of members' basic human rights and requested that the relevant state authorities allow MOC priests to practice in SOC-controlled Orthodox churches and monasteries.

Religious groups, including the Catholic Church and especially the SOC, continued to complain 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 government said it was continuing to revise, as it had since 2015, a draft of a new law on religious communities. By year's end, the government had not completed the draft.

On December 5, the ECHR found for the plaintiff, Rizo Alkovic, a Montenegrin national who was a Romani Muslim, in a suit he had filed against the government for failing to adequately investigate the apparently ethnically and/or religiously motivated attacks against Alkovic and his family by neighbors in 2009 in Podgorica. According to the suit, incidents included the firing of nine or 10 gunshots in the direction of the terrace of Alkovic's apartment. In another instance, Alkovic stated that, while he was celebrating a religious holiday with his family, individuals drew a large cross on his door with the message, "Move out or you'll bitterly regret it." Alkovic filed suit with ECHR after local authorities and the courts dismissed his complaints. He and his family moved out of their apartment in 2010 and were residing in Belgium at the time of the ECHR decision. The court concluded that Alkovic and his family experienced ethnically and religiously motivated attacks, such as death threats, religious slurs, and damage to their property. The ECHR concluded there had been violations of the European Convention on Human Rights and awarded Alkovic 6,000 euros ($7,200) in damages and 5,000 euros ($6,000) for expenses.

The MHMR continued to provide funding to some religious groups, which they could use to maintain religious shrines, for education or cultural projects, or to pay for social and medical insurance for clergy. Both registered and unregistered religious communities remained eligible to apply for this funding. For the first nine months of the year, the MOC received 49,015 euros ($58,800), the ICM 52,888 euros ($63,500), the SOC 30,183 euros ($36,200), the Jewish community 10,000 euros ($12,000), and the Catholic Church 4,000 euros ($4,800). Recognized religious communities also continued to receive in-kind assistance, such as property on which to build houses of worship, from other government ministries and from local governments.

The government continued its policy of not providing restitution of religious properties expropriated by the former communist Yugoslav government. Government officials said the draft law on religious communities would address restitution issues.

In October the ICM issued a statement criticizing the replacement of a cross at the top of the clock tower in Podgorica, a 17th century Ottoman landmark. Authorities had removed the cross for repairs and then reinstalled it. The ICM statement said, "Placing a cross on a monument of Islamic architecture of a civic character… is a serious attack on the contemporary concept of a civic and multireligious society."

Section III. Status of Societal Respect for Religious Freedom

Disputes over the ownership of 750 Orthodox sites continued between the SOC and MOC. Each group continued to state it was the "true" Orthodox Church in the country and celebrated Christmas Eve, Christmas Day, and Easter at separate locations. Police continued to provide protection around churches for events conducted by both groups. On January 6, SOC and MOC priests and followers again 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 no incidents occurred.

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

The Basic Prosecutor's Office in Kotor pressed misdemeanor charges against MOC Metropolitan Mihailo for an incident in 2015 in which he allegedly slapped an SOC supporter who had spit on him while blocking his entrance into city buildings where he was supposed to participate in a public discussion on the draft law on freedom of religion. The case was pending at the Budva Misdemeanor Court as of year's end.

A survey published in March and carried out by the Council of Europe and the Office of the Ombudsperson, as part of the council's "Support to the National Institutions in Preventing Discrimination in Montenegro" project, found increases in perceptions of religious discrimination since the previous study (2015) across all five areas surveyed (employment, education, health care, public services, and culture). Perceptions of discrimination based on religion were highest in relation to employment, where 45.7 percent of respondents reported experiencing religious discrimination, up from 38 percent in 2015. According to the survey, perception of discrimination were highest by a significant margin among SOC members, followed by Catholics, those with no religious affiliation, and Muslims.

The Jewish Community started building a new synagogue in Podgorica in December. In the fall, the Jewish community also welcomed its first resident rabbi.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officers continued to meet with government officials responsible for religious issues at the Ministry of Human and Minority Rights and at local mayoral and municipal offices throughout the country to discuss relations between the government and religious groups.

On March 21, the Ambassador met with Catholic Bishop Ilija Janjic in Kotor to discuss interreligious relations and the status of the Catholic Church in the country. The Ambassador also met with the President of the Jewish community, Jasa Alfandari, to discuss its status. On November 7, the Ambassador visited the Christian Adventist Church in Podgorica to discuss the church's relations with other religious communities and the government. On November 9, the Ambassador met with SOC Metropolitan of Montenegro and the Littoral Amfilohije and discussed his views on religious issues in the country. On the same day, the Ambassador met with the newly appointed rabbi of the Jewish community. The Ambassador also met with representatives of Muslim communities in Podgorica, Bijelo Polje, Rozaje, Pljevlja and other towns to discuss the issues they faced, including the potential rise of religious extremism.

In April the embassy hosted the visit of a prominent, U.S.-based Muslim scholar and lecturer on Christian, Jewish, and Muslim relations. He spoke on diversity and interfaith dialogue to groups in Rozaje, Pljevlja, Bar, Ulcinj, and Podgorica. In Tuzi, he spoke to madrassa students about youth and conflict resolution in Islam and the challenges for youth in a more radicalized world.

On June 1, the Ambassador hosted an iftar at a madrassa in Tuzi for representatives of the religious, political, cultural, and business communities and civil society, in which participants engaged in discussions on interfaith tolerance and religious moderation.