

MONTENEGRO 2022 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion as well as the right to change one's religion. It specifies there is no state religion and stipulates equality and freedom for all religious communities. The law prohibits religious discrimination and hate speech and provides that religious groups may acquire legal status without registering.

On August 3, Prime Minister Dritan Abazović and Serbian Orthodox Church (SOC) Patriarch Porfirije signed a framework agreement to regulate relations between the state and the SOC, despite objections from civil society, other religious organizations, and opposition political parties, which all contended that aspects of the agreement were unconstitutional. The SOC said the signing of the agreement corrected decades of injustice and ended longstanding discrimination against the church, since other major religious communities already had similar agreements with the government. Montenegrin Orthodox Church (MOC) leaders said the agreement limited the MOC's opportunities to use 750 Orthodox sites held by the SOC in the country. Throughout the year, President Milo Djukanović made statements calling the SOC "a criminal and paramilitary structure." The SOC said the Ministry of Interior continued to approve visas for clergy newly arrived in the country but did not address existing cases of clergy denied residence permits by the previous government.

Several religious communities reported incidents of concern. The Islamic Community of Montenegro (ICM) reported the use of anti-Islamic messages by fans during a soccer match involving a team from a Muslim-majority city. MOC offices were reportedly vandalized by unidentified persons throwing stones. Press reported a disputed incident of an SOC nun allegedly desecrating a national flag hung on the walls of a monastery, followed by a spate of additional flags being placed on the monastery walls. The Jewish Community of Montenegro (JCM); expressed feeling threatened by the placement of billboards mentioning the "Nakba," a reference to the displacement of Palestinians during the creation of the State of Israel.

The U.S. Ambassador and other embassy officials discussed with government officials the government's general treatment of religious groups, instances of religious discrimination, rising religious tensions following conclusion of the SOC's framework agreement with the government, property restitution issues, and relations between religious groups and the government. They also advocated religious tolerance with the President and other government officials, including cabinet officials, the Ministry of Human and Minority Rights (MHMR), and mayoral and municipal offices throughout the country. The Ambassador and other embassy officials met with representatives of all principal religious groups. In April, the Ambassador hosted an interfaith iftar in Bijelo Polje that was attended by leaders of the Muslim Montenegrin Orthodox, and Serbian Orthodox communities primarily from northern parts of the country. The Ambassador cited the town of Bijelo Polje as an example of multiethnic harmony occurring in some parts of the country, emphasizing to guests the importance of working together to advance shared values of tolerance, inclusion, and diversity. Embassy officials also maintained regular contact with the leaders of the country's two small Jewish communities.

Section I. Religious Demography

The U.S. government estimates the population at 605,000 (midyear 2022). According to the 2011 census, approximately 72 percent of the population is Orthodox, generally belonging to either the SOC or MOC; however, the census does not differentiate between Orthodox groups, and there is no consensus on estimates on the size of the SOC and MOC. According to 2020 data from the NGO the Center for Democracy and Human Rights, the SOC accounts for approximately 90 percent of the Orthodox population, while the MOC makes up the remaining 10 percent; however, government officials assess that the MOC makes up a higher proportion of the Orthodox population. The 2011 census reports 19.1 percent of the population is Muslim, 3.4 percent Catholic, and 1.2 percent atheist. In addition, 2.6 percent of respondents do not report a religious preference, and several other groups, including Seventh-day Adventists (registered locally as the Christian Adventist Church), Jehovah's Witnesses, other Christians, Buddhists, and agnostics, together account for less than 1 percent of the population. According to the World Jewish Congress, approximately 400 to 500 Jews live in the country.

Survey data reflect a strong correlation between ethnicity and religion: ethnic Montenegrins and ethnic Serbs are predominantly associated with Orthodoxy, ethnic Albanians with Islam or Catholicism, and ethnic Croats with the Catholic Church. Many Bosniaks (ethnic Bosnians who are Muslim) and other Muslims live in the northern towns of Rozaje, Pljevlja, Bijelo Polje, Petnjica, Plav, and Gusinje near the border with Serbia and along the eastern and southern borders with Kosovo and Albania.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of conscience and religion as well as the right to change religion. It also provides for 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 political and other organizations from 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 based on religion, the mockery of religious symbols, which according to Humanists International is considered a common dimension of blasphemy laws, or the desecration of monuments, memorial tablets, or tombs. Violators may receive prison sentences ranging from six months to 10 years. If a 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 peoples, national minorities, or ethnic groups, the prison sentence ranges from two to 10 years.

The criminal code prescribes a fine between €200 and €16,000 (\$210-\$17,100) 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 €600 to €8,000 (\$640-\$8,500) 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.

According to the 2021 amended religious freedom law, any religious community that previously existed in the country under a prior law enacted in 1977 may register and obtain legal status as an existing religious community. Religious communities and religious groups that registered under the 1977 religious freedom law are entered into a registration book (Book of Enrolled Religious Communities). Religious communities that did not exist under the 1977 law or register under the 2021 religious freedom law and are approved for registration are entered into a separate book for new religious communities. Groups listed in either book have legal status, which gives them the right to own or rent property; hold bank accounts in their own name; hire employees; receive a tax exemption for donations and sales of goods or services directly related to their religious activities; and receive judicial protection of their community, members, and assets. Unregistered religious groups also have the right to freely practice their faith, including to proselytize and receive donations and are eligible to receive financial or other assistance from the state through the MHMR. According to the law, any property disputes are settled in accordance with the existing legal code.

The amended religious freedom law recognizes the *waqf*, which are endowments made within the Islamic community, as a source of revenue for religious communities and a potential basis for property claims in court proceedings.

To register, a religious group must have at least three adult members who are citizens or have legal status in the country, and provide its name and organizing documents, the names of its officials, address of the group's headquarters, and location(s) where religious services will be performed. The group must have a headquarters in the country and a name that differs from groups already registered.

There are 22 religious communities registered in the Unified Register of Religious Communities. These include the Serbian Orthodox Church (the Metropolitanate of Montenegro and Littoral of the SOC; the Eparchy of Budimlje and Niksic of the

SOC; the Eparchy of Zahumlje and Hercegovina of the SOC; the Eparchy of Mileseva of the SOC, registered as four groups); the MOC; the ICM; the Roman Catholic Church (Archdioceses of Bar and Kotor, registered as two groups); the JCM; the Christian Adventist Church; Jehovah's Witnesses; the Diocese of Podgorica-Duklja of the Orthodox Church of Montenegro; the Church of Christ's Gospel; The Church of Jesus Christ of Latter-day Saints in Montenegro; the Evangelical Church of the Word of God; the Christian Lighthouse Center; the Mosaic Christian Community; the Biblical Christian Community; the Community of the Gospel of Jesus Christ; the Baha'i Community in Montenegro, the Evangelical Church Crossroads; and the Religious Community of Jews, which registered during the year.

The government has agreements with the ICM, JCM, SOC, and Holy See that further define the legal status of these respective groups and regulate their relationship with the state. The agreement with the Holy See recognizes Catholic canon law as the church's legal framework and outlines the church's property rights. The agreements with the ICM, JCM, and SOC have similar provisions. The agreements establish commissions between each of the three religious communities and the government. The government has no such agreements with the MOC or the other recognized religious groups.

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 it requires approval from municipal police for such activities at any other public locations.

The law does not provide for religious groups to file for restitution of, or compensation for, property confiscated during the communist era. Individuals and private entities may file such claims.

The 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 oversees communication between the government and religious communities. The ministry is also in charge of drafting new legislation defining the status and rights of religious organizations.

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

The law provides prisoners the right to engage in religious practice 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 ICM operates one private madrassah at the secondary school level, and the SOC operates one secondary school, both of which offer religious instruction and follow the state curriculum in nonreligious matters. The SOC’s framework agreement with the government contains a unique provision regarding religious education not found in other religious organizations’ agreements, which states that “Orthodox religious teaching in public schools can be regulated, in accordance with and by the legal order of the State.”

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, including public schools. Allegations of such violations in the private sector are outside the jurisdiction of the ombudsman and must be litigated in court. The ombudsman 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 (\$530-\$2,700). Government agencies generally implement the ombudsman’s recommendations, although often with delays. If necessary, courts may enforce such recommendations.

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

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

Government Practices

On August 3, Prime Minister Abazović and SOC Patriarch Porfirije signed a framework agreement to regulate mutual relations between the state and the SOC. The signing, which Abazović announced on social media, occurred despite objections from civil society, other religious organizations, and opposition political parties, which all contended aspects of the agreement were unconstitutional and which accused Abazović of rushing to sign the agreement without adequate public discussion. In its analysis of the framework agreement, the NGO Human Rights Action identified several provisions in which the agreement deviated from the government's existing legal framework, including those regarding the provision of certain public legal powers accorded to the SOC and the provision of religious education in public schools through a mechanism other than the law on religious freedom.

In response to the agreement, President Djukanović's Democratic Party of Socialists (DPS), together with other opposition political parties, initiated a motion of no confidence against Abazović's government, stating that the government had signed an unconstitutional agreement, one which caused "immeasurable damage to state interests." The DPS also added that it planned to suspend the framework agreement with the SOC following the election of a new government.

Defending the text of the agreement, Abazović said, "No agreement can be above the law and the constitution of the country," adding that the conclusion of the agreement would enable his government to "move on to other priorities." He stated that those who questioned specific provisions of the agreement should bring relevant lawsuits in the courts. Civil society activists countered that the framework agreement needed to be amended to align it with the amended 2021 Law on Religious Freedom and the legal status of other religious communities as well as the "civic or secular character of the state."

During the year, the government registered the Religious Community of Jews (RCJ). The JCM, previously the only registered community, objected to the registration of the RCJ, stating it violated the Agreement on Mutual Relations between the government and the Jewish community, which the JCM said required its permission for the registration of any new Jewish group. On May 17, a court ruled the registration of the RCJ was in accordance with the Freedom of Religion Law and did not violate the Agreement on Mutual Relations. Media outlets reported that Abazović welcomed the registration of the RCJ, adding the government would cooperate with “all well-meaning people, without discriminating on the basis of ethnicity, political, or religious beliefs.”

Religious groups, including the Catholic Church and the ICM, said they continued to advocate clearly written laws to regulate religious property ownership and to raise the issue of restitution or compensation for properties, particularly places of worship or cemeteries, that they stated governments wrongfully seized from religious groups or their members.

Catholic Church officials continued to state that, as one of the largest property owners in the country, it remained engaged in numerous property disputes with the government and the SOC. The communist Yugoslav government confiscated many of the Catholic Church’s properties in Bar and Ulcinj, and the government had not restituted the properties or compensated the church. Instead, according to church officials, during the 1990s, the government registered some properties previously held by the Catholic Church as belonging to the SOC. Church officials also stated the SOC had designs on Catholic Church properties in Bar and Ulcinj. They added that after the SOC took over ownership and management in the 1990s of a cemetery in Ulcinj that had previously been divided into areas for Catholic parishioners, SOC believers, and nonbelievers, the SOC disputed the right of Catholics and nonbelievers to bury their dead there. The Catholic officials said the SOC had decided to permit Catholics and nonbelievers to continue burying their dead in the cemetery but that the response was not a permanent solution to the issue. In addition, the Catholic Diocese of Kotor said occasionally municipal governments incorrectly identified Catholic churches and religious sites as Orthodox properties. For example, churches and monuments were omitted from road signs in the Boka Bay area or were mislabeled as Orthodox sites. The diocese said it perceived such actions as a misappropriation of Catholic religious sites and history.

The MOC continued to be engaged in numerous property disputes with the government and the SOC. MOC officials stated they had only two churches in the entire country, one in Kotor and one in Cetinje, in which they could conduct services, while the SOC used more than 750 Orthodox shrines. The MOC stated the SOC and the government infringed on its religious rights by not allowing MOC members to use Orthodox churches built by their ancestors because “they were illegally transferred to the Serbian church, indirectly to the state of Serbia,” following the absorption of Montenegro into the Kingdom of the Serbs, Croats, and Slovenes after World War I. According to MOC representatives, the government “protects this illegal property with police forces in favor of the Serbian church.” They said that during the year, the government again took no action to resolve the disputes between the SOC and MOC over ownership of these religious sites.

On September 25, the MOC initiated a petition to demand the return of property and culturally significant items, which it stated Serbia and the SOC “violently annexed” in 1920. In the petition, the MOC stated that “Montenegrin people are discriminated against and humiliated by the actions of the current authorities.” MOC representatives stated that by signing the framework agreement with the SOC, the government gave the SOC the right of ownership of a total of 50 square kilometers of church land, including approximately 720 churches and 84 monasteries built by the MOC and the Montenegrin state. They stated the MOC performed services in these churches and monasteries and now it would not be able to do so. The MOC also stated police prevented it from performing services in village churches on several occasions during the year, citing concerns of potential conflict with followers of the SOC who also utilized the churches.

According to the ICM, it still had not received a response from local and state institutions to its request for a plot of land in Bar to build a new mosque. ICM representatives believed that the local government was discriminating against the ICM because the local government had already provided land for the construction of Catholic and Orthodox churches. In addition, the ICM reiterated its previous concerns regarding the limited capacity of its cemetery in Podgorica.

In October, the government transferred two plots of land in Podgorica to the ICM for construction of a central mosque. The two plots of land total approximately 3 hectares (7.4 acres).

According to nongovernmental organization (NGO) Human Rights Action (HRA), the provision in the government's new agreement with the SOC that allows for the regulation of Orthodox religious teaching in public schools was not included in similar government agreements with other religious groups. HRA and other Civil society organizations contended that religious education in public schools contravenes the Law on Education.

The NGO Parents reported that during the year, the Ministry of Education allocated €1.7 million (\$1.82 million) to support private religious schools. The government approved €900,000 (\$961,000) for the religious secondary school Sveti Sava, which was founded in Podgorica by the SOC Metropolitanate of Montenegro and the Littoral, and it provided €500,000 (\$534,000) to the madrassah Mehmed Fatih II in Tuzi. Media reported that approximately 380 students attended the Mehmed Fatih II madrassah, which started receiving government funding in 2018. According to media reports and SOC officials, the Sveti Sava school planned to start operating in the 2023 school year.

During the year, ICM representatives described what they said was a concerning trend of marginalization of minority religious communities. ICM said members of their religious community experienced discrimination in the workplace in public institutions that limited their ability to advance professionally.

In August, the civic movement 21 May, widely described as a pro-opposition and pro-MOC political movement, sent a letter to the Minister of Justice alleging government discrimination against the MOC. The letter stated the government's indifference to, and inaction on, societal discrimination against the MOC both deterred MOC believers from self-identifying as such and actively contributed to "social harassment and discrimination" against the MOC.

The SOC Metropolitanate of Montenegro and Littoral stated that President Djukanović and his political partners discriminated against the SOC and publicly insulted the church by calling it and its members "traitors to Montenegro," an "occupying church," and a "para-faith" or a "paramilitary organization." The SOC

stated Djukanović's rhetoric was widely accepted by the public, which led to a public atmosphere of intolerance toward the church.

Several religious groups, including the Catholic, Muslim, and SOC communities, continued to express a desire for broader and clearer tax exemption rules. SOC officials often stated that religious communities did not truly benefit from a tax-free status because they generally paid value-added tax on all their purchases, and private individuals could not deduct donations they made to religious organizations.

The MOJ stated it continued to provide funding to some religious groups for maintenance of religious shrines and educational or cultural projects, but in June, the ministry stopped funding social and medical insurance for clergy following a finding by the State Audit Commission that ruled it was illegal to do so. Recognized religious communities also continued to receive in-kind assistance from other government ministries and from local governments.

Throughout the year, President Djukanović made statements critical of the SOC. In a September 6 interview with local television station Gradska TV, Djukanović called the church a criminalized and paramilitary structure, stating, "The church serves the darkest ideologies of the present." In an October 28 interview with the BBC, Djukanović stated that the "church of Serbia is described as an instrument of Russian imperial interests in the Balkans." In a March 18 interview with Radio Crna Gora, Djukanović stated the SOC endangered the sovereignty of neighboring states.

In October, the Ministry of Justice condemned the vandalism of MOC offices in Podgorica, characterizing it as "violating multireligious, multiethnic harmony and bringing unrest among citizens." Political parties and civic groups, in different statements, also condemned the attacks. The DPS called the attacks a "continuation of the incitement of national and religious hatred in Montenegro," while the Liberal party called it a consequence of government rhetoric.

In January, the government appointed an SOC priest, Nikola Marojević, to the University of Montenegro's Board of Management, a decision the head of the board, opposition political parties, and several student and civil society organizations criticized. They characterized the appointment as part of an

ongoing campaign aimed at the “clericalization of society” and as an attack on the university’s autonomy. The Ministry of Education replied that its appointment of Marojević was based on his credentials as a scholar, not because he was a priest, and the ministry called the criticism a form of discrimination against Marojević based on his religious and national affiliation with “Serbian ethnicity.”

On June 20, the Minister of Human and Minority Rights, Fatmir Djeka, congratulated the ICM on the National Day of Muslims, stating that Muslims were an important part of the country’s society and citing the historical appointment of the first Montenegrin mufti in 1912.

On May 12, Prime Minister Abazović, accompanied by Minister of Justice Marko Kováč and Human and Minority Rights Minister Djeka, met with SOC Patriarch Porfirije and SOC Metropolitan Joanikije to commemorate the feast day of St. Basil of Ostrog. According to media reports, the Prime Minister stated the SOC would have a fair interlocutor who will “resolve open issues...for the mutual benefit of the State of Montenegro and the SOC.”

On November 7, Prime Minister Abazović, who became caretaker Prime Minister after he lost a parliamentary vote of no confidence on August 20, travelled to Auschwitz with Ari Edelkopf, Chief Rabbi of the Religious Community of Jews, to commemorate the anniversary of Kristallnacht. In October, Speaker of the Parliament Danijela Djurović joined President of the JCM Nina Ofner Bokan in opening Mahar, the annual conference of Jewish communities in southeast and central Europe. On January 27, former Speaker of the Assembly Aleksa Bečić joined Bokan to open an art exhibition commemorating International Holocaust Remembrance Day.

Section III. Status of Societal Respect for Religious Freedom

On October 28, unidentified individuals vandalized MOC offices in Podgorica by throwing stones through the office windows. Police, in collaboration with the prosecution, began an investigation to identify the perpetrator(s).

On August 6, an individual hung the Montenegrin flag on the fence of the SOC’s Cetinje Monastery, prompting a nun to remove the flag and, according to the individual, throw it on the ground. In response, the Cetinje police department

pressed criminal charges against the nun for committing the criminal offense of damaging the national image. The nun said she folded the flag and handed it back to the individual, who, the nun said, had threatened priests. In response to the incident, other individuals placed approximately 40 additional flags on the monastery's walls. According to the SOC, placing flags on SOC buildings violated SOC customs and practices. The State Prosecutor in the Basic State Prosecutor's Office in Cetinje ordered that a criminal report should be submitted against the nun due to the suspicion that she committed a criminal offense – damage to the reputation of Montenegro. However, it remains unclear if she was prosecuted, and we are not aware of press reports covering whether this advanced. Separately, in case it is relevant, we observed during a recent visit that there continue to be many flags on the fence around the monastery.

According to the NGO PEN Center, affiliated with United Kingdom-headquartered PEN International, during an October soccer match in Petrovac, fans insulted members of a sports team from the Muslim-majority city of Plav with Serbian nationalist and anti-Islamic messages. The Podgorica higher prosecutor's office directed police to investigate and identify those responsible.

According to JCM leaders, Jews felt threatened by messages on billboards placed around Podgorica commemorating the “nakba” (Arabic for “catastrophe”), which refers to the creation of the State of Israel and the displacement of Palestinians in 1948. The billboards included the phrase, “400 towns ethnically cleansed,” in reference to Palestinian villages.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officials continued to meet both in person and virtually with government officials responsible for religious issues at the MHMR and MOJ and at local mayoral and municipal offices throughout the country as well as with officials in other ministries, including the Prime Minister's cabinet. Issues included relations between the government and religious groups, the government's implementation of the amended religious freedom law and the general treatment of religious groups under it, the increase in societal and religious tensions, and advocacy for religious tolerance, particularly following

conclusion of the SOC's framework agreement with the government, and property restitution for religious groups.

The embassy used social media to promote religious freedom and tolerance, including highlighting and celebrating religious holidays such as Orthodox and Catholic Easter and Christmas, Hanukkah, Ramadan and Eid al-Fitr, and commemorative dates such as International Holocaust Remembrance Day, and it encouraged all to embrace and strengthen the country's multireligious diversity.

Embassy officials maintained regular contact with representatives of all major religious communities in the country, such as the SOC, MOC, Jewish communities, ICM, and Catholic Church, to discuss their problems, concerns, perceptions of treatment under the government, and access to government interlocutors in the face of continued personnel turnover.

On April 26, the Ambassador hosted an interfaith iftar in Bijelo Polje, which was attended by leaders of the Islamic, Montenegrin Orthodox, and Serbian Orthodox communities primarily from northern parts of the country. Most of the imams from the north as well as mayors of Bijelo Polje, Rozaje, Petnjica, Plav, and Gusinje also attended the iftar. The Ambassador cited Bijelo Polje as an example of multiethnic harmony occurring in some parts of the country, emphasizing to guests the importance of working together and the shared values of tolerance, inclusion, and diversity, especially during difficult times.

In January, the embassy issued a statement referring to the appointment of SOC priest Marojević to the University of Montenegro's Board of Management, stating, "Independent institutions that serve the public interest, like the national university, should not be subjected to the undue influence of any one religious community."