

MONTENEGRO 2019 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. Religious groups, particularly the Serbian Orthodox Church (SOC), continued to state the laws governing their legal status were inadequate. On December 27, parliament passed the Law on the Freedom of Religion and Beliefs and Legal Status of Religious Communities. President Milo Djukanovic signed the law on December 28. The SOC strongly criticized the law, which stipulates religious property lacking clear ownership and that falls under the pre-1918 "cultural heritage" of the state may become state property. Although the government repeatedly stated it had no intention of confiscating SOC property but rather intends to resolve century-old questions regarding the country's religious and state identity before its 1918 loss of independence to Serbia, hundreds of thousands of SOC believers throughout the country protested, largely peacefully, the law almost daily since its passing. There were isolated incidents of violence against the police in some of the demonstrations, accompanied by online incitements to violence. Police sometimes prevented Montenegrin Orthodox Church (MOC) and SOC members from simultaneously engaging in religious activities at Orthodox sites, citing concerns over potential clashes. Prime Minister Dusko Markovic commented on a long-lasting controversy surrounding an SOC church on Mt. Rumija, saying to SOC Metropolitan Amfilohije Radovic, "Do you really think that the state does not have the power to stop and knock down your illegal interventions? We can, and we can do it in one day, in one night. The baptistry and the church on Mt. Rumija, and all other churches which you build without the agreement of the state." Markovic added the government did not wish to do this, wanting to instead come to an agreement via dialogue. The SOC said the Ministry of Interior (MOI) continued to deny visas to its clergy. The government maintained its policy of not restituting religious properties confiscated by the Yugoslav communist government.

The SOC stated the predominantly Muslim residents of Gusinje municipality blocked it from holding religious ceremonies on the foundations of the Church of St. Basil of Ostrog in Martinici and vandals destroyed and threw into the river a cross the SOC had left at the ruins of the church. The SOC and the MOC continued to dispute ownership of Orthodox sites in the country, most of which are

held by the SOC, for which the MOC said ownership rights were wrongfully transferred.

The U.S. Ambassador and other embassy officials met with government and religious representatives to discuss relations between the government and religious groups, particularly with regard to the new religion law. In May the Ambassador hosted an iftar with representatives of different religious communities to discuss interfaith tolerance and moderation. During a visit in November, the U.S. Ambassador at Large for International Religious Freedom met with religious leaders from the Orthodox, Catholic, Islamic, and Jewish communities. The Ambassador hosted a discussion for the Ambassador at Large on the new religion law with participants from a wide diversity of religious communities and the government, the first such discussion of its kind. Embassy representatives discussed issues of religious freedom and tolerance with the principal faith groups.

Section I. Religious Demography

The U.S. government estimates the population at 612,000 (midyear 2019 estimate). According to the 2011 census, approximately 72 percent of the population is Orthodox, generally belonging to either the SOC or MOC, though the census does not differentiate between Orthodox groups. 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 indicate a religion, 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 400.

There is 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 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 conscience and religion as well as the right to change 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 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, 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 peoples, national minorities, or ethnic groups, the prison sentence ranges from two to 10 years.

The criminal code prescribes a fine of between 200 and 16,000 euros (\$220-\$18,000) 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 from 600 euros to 8,000 euros (\$670-\$9,000) 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 and registration with local and federal authorities; based on the now former law in force through the end of the year, religious groups that existed before 1977 were not obligated to register in order to obtain recognition. New religious groups had to register with local police within 15 days of their establishment to receive the status of a legal entity, although there was no penalty specified for failing to do so. The police then had to file this registration with the MOI, which maintains a list of all religious organizations in the country. According to the new law, signed on December 28 but not in effect at the end of the year, religious groups are no longer obliged to register. Only registered groups, however, obtain the right to legal personhood

with the rights afforded to such. To register, a religious group must have three adult believers of Montenegrin citizenship, or with legal status in the country, 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. The group must have a headquarters in the country and a name that differs from groups already registered. 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. Lack of registration or recognition did not affect a group's ability to conduct religious activities for the year, but it was unclear how it will affect groups under the new law. Unregistered religious communities could register as another type of organization in order to open a bank account but could not receive the tax exemptions granted to registered religious groups. Many smaller religious communities registered as nongovernmental organizations (NGOs) during the year.

There are 21 recognized religious groups in the country: the SOC, MOC, Islamic Community of Montenegro (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, Baha'i Faith, Montenegrin Community, The Church of Jesus Christ of Latter-day Saints, 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, since it existed before 1977 and is not obligated to under law. Other groups that existed before 1977 chose to register.

The government has agreements with the ICM, Jewish Community, and Holy See further defining the legal status of these respective groups and regulating 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 and Jewish communities 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 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 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 it 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 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 Islamic Community 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 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 (\$560-\$2,800). 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

In December parliament passed the Law on the Freedom of Religion and Belief and the Legal Status of Religious Communities, which replaced the 1977 religion law, drafted during the Yugoslav period, which religious groups and government officials agreed was outdated and inadequate. The SOC said the new legislation was discriminatory, stating it would unfairly allow the state to assert ownership of religious buildings or land built or obtained with public revenues or “the joint investment of citizens,” or owned by the state until December 1, 1918, and “for which there was no evidence of ownership by the religious communities.” The SOC further said the law was vague because it did not specify what “evidence of ownership” would entail. The (SOC) Orthodox Metropolitanate of Montenegro and the Littoral and the Diocese of Budimlje and Niksic stated the measure would mean “confiscation and nationalization of religious facilities,” and worried that although the SOC had ownership documentation for each of its properties, these documents would not be sufficient. The government responded the new law provides ownership issues shall be determined in accordance with existing administrative and civil laws, and it stated there would be no ad hoc decisions outside of proscribed legal processes, nor was there an intention to turn away any worshippers from religious facilities. The government and religious groups confirmed the individual agreements with the ICM, Jewish Community, and Holy See would remain in place regardless of the newly adopted religious law.

Widespread demonstrations marked the law’s debate, eventual passage, and aftermath. Prior to the final vote, Speaker of Parliament Ivan Brajovic rejected discussion of the more than 100 amendments the Democratic Front (DF) had just introduced on behalf of the SOC. DF members of parliament (MPs), whom observers said were trying to prevent the final vote, threw a firecracker on the middle of the debate floor and charged the dais, grabbing and throwing microphones, papers, and electronic devices. Plainclothes police detained all 17 DF MPs, later releasing all but three: Milan Knezevic, Andrija Mandic, and Milun Zogovic. During debate on December 26, police cordoned off traffic in downtown

Podgorica around parliament, keeping away hundreds of SOC and opposition supporters, while some DF members of parliament advocated for self-immolation in parliament to prevent the passing of the law. Street protests also took place in several other cities across the country, with reports that protests were generally peaceful except for isolated incidents of rock throwing and shooting of fireworks against the police. There were also reports of online incitements to violence. The SOC accused the government and President Djukanovic of inciting ethnic divisions. Prime Minister Markovic said there was “no hidden agenda” to take possession of SOC property and warned authorities would prevent any violation of peace and order. After the passing of the religion law on December 27, the SOC organized regular peaceful protests in which thousands turned out. Some marches in Niksic and Podgorica registered more than 50,000 participants. Citizens blocked roads in Podgorica, Niksic, Pljevlja, Berane, Herceg Novi, Tivat, Bar, and Andrijevisa, while others participated in marches from their towns to the convocations. The SOC announced it would call biweekly protests on Thursdays and Sundays every week until parliament repealed the law. They also announced they would challenge the law in the constitutional court. The government and analysts said there was an apparently coordinated campaign of disinformation, propaganda, and provocation, some of which coming from third countries, seeking to fan ethnonationalistic divisions and provoke conflict through the protests.

Other religious groups, including the Catholic Church and Islamic Community, also stated the issue of religious properties should be regulated by other laws and not be included in the draft law. They added they were either told by the government or were simply aware that the ownership question was not an issue that concerned them, but rather an issue between the government and the SOC, although they raised concerns that the law could easily affect them once in place, as it would apply to all. Some religious groups raised concerns that the law would represent a step towards creating a de facto state religion, stating the government heavily favored the MOC. The MOC was the only religious group to welcome the property provisions of the law, stating the law would “return their rightful property to them.”

Government officials, including Zana Filipovic, general director of the MHMR’s Directorate of Relations with Religious Communities, described the law as positive, stating it was intended to modernize the existing law and there would be no mass reregistration of religious property to the government. They did not specify which properties could be considered “cultural heritage,” the specific process through which this would happen, or the body that would be responsible for implementing the property provisions of the law. Government officials

indicated specific mechanisms would be developed in the next year. Government officials also said the Venice Commission, an advisory body of the Council of Europe, supported the law and all changes to the draft were in line with the commission's recommendations.

On August 26, the NGO Human Rights Without Frontiers published a written statement the SOC made at the UN Human Rights Council in which it cited its objections to the draft law, and particularly its property provisions. The SOC said the government had not responded to an SOC report citing its concerns over the law and said its principal objections were what it described as confiscation of religious property; loss of the previous legal status of religious communities; discrimination among religious communities; narrowing of the scope of freedom of religious groups; and a unilateral drafting procedure without dialogue. The statement also said the Church was the subject of discrimination, hate speech, and individual attacks and the government failed to protect priests or punish perpetrators, and it characterized SOC clergy as enemies of the state.

In June the Venice Commission issued an opinion on the draft legislation, stating registration as the owner might be insufficient for a religious group to establish ownership and the state might be able to assert ownership over a significant number of properties, particularly Orthodox. It praised the government for drafting a law that allowed freedom of belief and nonbelief, among other issues, but stated it was “evidently not the task of the Venice Commission to assess the historical facts and background, nor to determine whether and which of the disputed immovable properties were erroneously/abusively registered.”

The SOC convoked a church council on the June 15 Trojicindan holiday (Feast of the Holy Trinity) in Podgorica, protesting the then-draft law on religion and its potential property rights ramifications. SOC Bishop Joanikije Micovic of Budimlje and Niksic read a statement at the event, calling the draft law “antireligious” and “preparation for the looting of Church property.” Approximately 8,000 SOC followers attended what up until that point was one of the largest protests of the year. A few days before the protest, according to press reports, Joanikije said, “We will defend our property with our very lives. When it comes to that, there are no rules.”

According to a June 14 report in Balkan Insight, a website of the Balkan Investigative Reporting Network, Zana Filipovic, general director of the MHMHR's Directorate of Relations with Religious Communities, said regarding the draft law, “We absolutely disagree that this is a form of confiscation and

nationalization of religious objects.” She said the law would simply introduce “legal order into the property data of religious groups” and identify what constituted state property. The same report said President Djukanovic accused the SOC of waging a campaign for a Greater Serbia and promised to seek independence for the MOC. The article quoted Djukanovic as telling a convention of his Democratic Party of Socialists, “We will not allow contemporary Montenegro to live under the dictatorship of a religious organization that represents a relic of the past.”

On August 19, for the 10th year in a row, police banned members of both the MOC and SOC from celebrating the Transfiguration of Christ holiday at the Church of Christ’s Transfiguration in Ivanova Korita, citing concerns over potential clashes. The SOC controlled the site, located near the seat of the MOC in the historical capital of Cetinje. MOC leaders continued to state the ban constituted a violation of members’ basic human rights and requested state authorities allow MOC priests to practice in SOC-controlled Orthodox churches and monasteries.

In an October interview for Radio and Television of Montenegro, Prime Minister Markovic, commenting on a longstanding controversy surrounding an SOC church on Mt. Rumija, said he asked SOC Metropolitan Amfilohije Radovic, “Do you really think that the state does not have the power to stop and knock down your illegal interventions? We can, and we can do it in one day, in one night. The baptistery and the church on Mt. Rumija, and all other churches you build without the agreement of the state.” Markovic added the government did not wish to do this, preferring instead to come to an agreement through dialogue. The prime minister stated, however, the metropolitan did not “accept that Montenegro was independent” or “respect any law,” and government would make the rule of law known to all in the country, “including the SOC.” Analysts stated the church’s placement on a hilltop in an area equally important to the Orthodox, Catholics, and Muslims made it a constant focus of attention, and the SOC’s move to reinforce the structure during the year reignited the controversy, causing accusations from residents of the majority-Muslim area that SOC’s actions were deliberately provocative. Amfilohije suggested, in a July speech after liturgy at the church, that he hoped the government would finish paving the roads near it instead of removing it.

The government continued its policy of not providing restitution of religious properties expropriated by the former Yugoslav communist government. Although government officials said previously the revised law on religious communities would address restitution issues, the law did not do so. Government officials said

they would introduce a new law to address restitution but had not done so at year's end.

Government officials publicly supported the construction of a new synagogue in Podgorica on a number of occasions and publicly sent good wishes for Jewish holidays.

On October 31, President Djukanovic opened the annual Mahar conference in Budva, stating "The appointment of a chief rabbi in Montenegro is a bright spot that we are all happy about. Rabbi [Ari] Edelkopf is a not only the chief rabbi of the Jewish community, but for the entire country of Montenegro, and we will surely continue our fruitful cooperation with the Jewish community working with him." The resident of the Jewish Community, Djordje Raicevic Levi, commenting on the positive relationships which he said the community enjoyed in the country, said, "In addition to our very supportive government, local, regional, and international organizations play a vital ongoing role in Montenegro's Jewish community."

The SOC said the MOI continued to deny visas to its clergy based on discriminatory procedures that required work documentation from a registered employer, although the SOC was not legally required to register and was fully recognized. The SOC stated it had 172 open legal cases of individuals who could not obtain public documents, identification cards, driver's licenses, or work permits, or could not access public health services and/or schooling. The SOC also said the Ministry of Education refused to introduce religious education into schools as an optional subject and wanted the law changed to allow for such an option.

Several religious groups expressed a desire for broader or clearer tax exemption rules. SOC officials often stated that religious communities did not truly benefit from a tax-free status, as they generally paid value-added tax (VAT) on all their purchases, and private individuals could not deduct donations they made to religious organizations from their taxes. The Jewish community also raised the issue of VAT payments on their purchases, and the Islamic community said it had to pay a sizeable VAT on imported funeral vehicles it had received as a donation.

The MHMR continued to provide funding to some religious groups, which they could use to maintain religious shrines, for education or cultural projects, or for social and medical insurance for clergy. Both registered and unregistered religious communities remained eligible to apply for this funding. For the first 10 months of the year, the MOC received 38,390 euros (\$43,100), the ICM 29,454 euros

(\$33,100), the SOC 41,521 euros (\$46,700), the Jewish community 17,000 euros (\$19,100), and the Catholic Church 21,929 euros (\$24,600). Recognized religious communities also continued to receive in-kind assistance from other government ministries and from local governments.

Section III. Status of Societal Respect for Religious Freedom

The SOC said it could not perform religious ceremonies on the foundations of the Church of St. Basil of Ostrog in the village of Martinici, in Gusinje, a municipality that is 94 percent Muslim, due to protests by local residents. According to the SOC, a municipal-level official threatened to burn down the church if it were restored. According to SOC reports, a cross placed on the ruins of the church on Easter Sunday was destroyed and thrown into the river during the night of Easter Monday. Police did not identify the perpetrators.

The ownership of 750 Orthodox sites, most of which were held by the SOC, remained contested between the SOC and MOC. Both groups said they wanted the government and law on religion to address the issue in their favor, but observers stated their points remained irreconcilable. The two groups celebrated Christmas Eve, Christmas Day, and Easter at separate locations, and police continued to provide protection around each group's celebrations.

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 MHMR and at local mayoral and municipal offices throughout the country, with officials in other ministries including the prime minister's cabinet, and with the president to discuss relations between the government and religious groups and the draft law on religion.

On September 10, the Ambassador met with SOC Bishop Joanikije and other church officials to discuss their concerns regarding the draft law on religion as well as their relations with the government and other religious communities. On September 12, the Ambassador met with Metropolitan Mihailo of the MOC and discussed government relations, property concerns, the draft law on religion, and interreligious relations.

On October 23, the Ambassador met with President of the Jewish Community Dorde Raicevic Levi and Rabbi Eldekop to discuss the community's plans for a Jewish community center in Podgorica. On October 25, the Ambassador met with

Catholic Archbishop Rrok Gjonlleshaj and discussed the role of the Catholic Church in the country.

The Ambassador met with Metropolitan Amfilohije on November 5 to discuss the challenges the SOC faced, its position on the draft law on religion, and the SOC's strained relationship with the government. The Ambassador also met with representatives of Muslim communities in Podgorica, Rozaje, Pljevlja, and other municipalities to discuss the issues they faced, including perceived malign Russian influence.

Other embassy officials had regular contact with representatives of all major religious communities in the country, such as the SOC, MOC, Jewish community, ICM, and Catholic Church, to discuss their concerns, particularly in light of the religious law.

On May 10, the Ambassador hosted an iftar at the Islamic Cultural Center in Bar for representatives of various religious, political, cultural, and business communities and civil society, in which participants discussed interfaith tolerance and religious moderation. The iftar included the participation not only of formal representatives of the major faiths but also of youth and women of various faiths, creating an opportunity for broad interfaith dialogue.

On November 15-16, the U.S. Ambassador at Large for International Religious Freedom visited the country and met with leaders of the SOC, MOC, Catholic Church, Islamic Community, and Jewish Community, discussing concerns over the draft law on religious freedom, particularly on property. He also called for participation in regional reconciliation efforts and detailed his vision for religious leaders to lead the process, securing the willingness of all faith leaders. After his meetings, the Ambassador at Large called for open dialogue on the new draft law, noting that many groups were dissatisfied with it. On November 15, the Ambassador hosted a discussion on the draft law on religion for the Ambassador at Large, legal counsels of religious groups, and government officials. The event brought representatives of a broad range of faiths and of government to discuss the issue together for the first time, and participants hailed it as a success.