

MONTENEGRO 2016 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 the law governing their legal status was inadequate. The government continued to revise a new draft law on freedom of religion following comments from religious groups. Following the appointment of an opposition party member as minister of interior in May, religious groups stated the government reduced its interference in the activities of religious groups and changed its policy of refusing to issue visas to SOC priests. The new interior minister supported the SOC's argument it should not be required to register as a new religious group but actually was grandfathered in as a recognized group under an earlier law.

The SOC and the Montenegrin Orthodox Church (MOC) continued to dispute ownership of religious sites. Each group continued to conduct separate observances of religious holidays. The Jewish Community president reported it planned to build a new synagogue.

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 leaders of the SOC, the MOC, the Catholic Church, and the Jewish Community to discuss each group's status and cooperation with the government. The embassy sponsored events to foster interreligious dialogue and religious tolerance.

Section I. Religious Demography

The U.S. government estimates the population at 645,000 (July 2016 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 approximately 70 percent of the Orthodox population, while the MOC makes up the remaining 30 percent. The census also reports 19.1 percent of the population is Muslim, 3.4 percent is Roman Catholic, and 1.2 percent is atheist. According to press estimates, the Jewish community numbers approximately 350.

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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 states all persons are guaranteed the freedom to express their religion in public and private, alone or collectively, through prayer, preaching, custom, or rites, but the declaration of one's beliefs is not obligatory. 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 criminal code prescribes a fine between 200 euros (\$211) and 16,000 euros (\$16,860) 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 between 600 euros (\$632) to 8,000 euros (\$8,430) 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, and the addresses of the group's headquarters, and of the locations where religious services will be performed. Registration entitles groups to own property, hold bank accounts in their own name, and receive a tax exemption for donations and sales of

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goods or services directly related to their religious activities, but registration or lack of registration does not affect a recognized 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 22 recognized religious groups in the country, including the SOC, the MOC, the Islamic Community of Montenegro (ICM), and the Roman Catholic Church. Other recognized religious communities include the Church of Christ's Gospel, Catholic Mission Tuzi, Christian Adventist Church, Evangelistic Church, Army Order of Hospitable Believers of Saint Lazar of Jerusalem for Montenegro, Franciscan Mission for Malesija, Biblical Christian Community, Bahai Faith, Montenegrin Community, The Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, Montenegrin Catholic Church, Montenegrin Protestants Church, Montenegrin Demochristian Church, and Montenegrin Adventist Church, as well as the Buddhist, Protestant, and Jewish Communities. All these groups are registered, except for the SOC, which remains unregistered.

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

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

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

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 people and organizations outside of the country who share the same religious beliefs.

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

The law prohibits discrimination, including on religious grounds. Offenses are punishable by a prison term from six months to five years.

The constitution exempts conscientious objectors from military service. Alternative service is not required.

The constitution prohibits the operation of organizations that instigate religious hatred and intolerance, and stipulates courts may block the dissemination of information and ideas via public media to prevent propagation of religious hatred or discrimination.

By law, it is a crime to cause and spread religious hatred, which includes the mockery of religious symbols or the desecration of monuments, memorial tablets, or tombs. Violators may receive prison sentences ranging from six months to 10 years. If the violation was committed through the misuse of an official position or authority or led 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 constitution states foreign nationals fearing persecution in their home countries on the grounds of religion have the right to request asylum.

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

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Government Practices

The Basic Prosecutor's Office in Kotor continued its investigation of misdemeanor charges filed 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. The metropolitan had intended to participate in a public discussion of the new draft law on freedom of religion. There was no resolution of the case as of year's end.

Religious groups 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 continued to revise its draft of a new law on freedom of religion following input and comments in 2015 from various religious groups and the Council of Europe's Venice Commission, but it had not completed its revisions as of the end of the year.

The interior minister from May until November, Goran Danilovic, a member of the opposition party Democratic Alliance (DEMOS), wrote a letter to the SOC supporting the SOC's assertion it was not required to register because it had legal status before 1977 and was not a new religious group. The SOC continued to maintain its recognition through prior law, meaning its status was grandfathered in under current law, and the benefits of registration applied to it without it going through the process of registering again under current law.

According to the SOC, the government did not restrict SOC's activities after the appointment of Minister of Interior Danilovic in May. The group reported Danilovic, in contrast to previous interior ministers, did not deny visas for SOC's foreign priests.

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

The MHMR continued to provide funding to some religious groups for religious shrines, education and cultural projects, and also continued to assist with social and medical insurance for some clergy. Both registered and unregistered religious communities remained eligible to apply for this funding. In 2016, the MOC received 55,520 euros (\$58,500), the ICM 53,310 euros (\$56,170), the SOC 51,491 euros (\$54,260), the Jewish community 17,500 euros (\$18,440), and the Catholic

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Church 22,117 euros (\$23,310). Religious communities also continued to receive in-kind assistance from other government ministries and from local governments, such as property on which to build houses of worship.

The dispute continued between the government and the SOC over the MOC's request to use some of the churches and monasteries under the SOC's control.

As of year's end, no religious group had regained ownership of properties for which it had filed claims, nor did the government offer compensation for any properties. The government continued its policy of not providing restitution of religious properties expropriated by the communist Yugoslav government.

Section III. Status of Societal Respect for Religious Freedom

Disputes over the ownership of 750 Orthodox sites continued between the SOC and the MOC. Each group claimed it was the "true" Orthodox Church in the country and celebrated Christmas Eve, Christmas Day, and Easter at separate locations. The 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.

The president of the Jewish Community reported the Community was prospering, maintained good relations with the government, and planned to build a new synagogue.

Section IV. U.S. Government Policy

The Ambassador and embassy officers continued to travel throughout the country to meet with government officials, including mayors, city administrators, and other local and national officials responsible for religious issues, to discuss relations between the government and religious groups.

On September 27, the Ambassador met with the MOC Metropolitan in Cetinje to discuss interreligious relations in the country. On September 13, the Ambassador met with SOC representatives in Podgorica to discuss the Church's challenges in its relations with the government. During her July 28 visit to Bar, the Ambassador met with newly appointed Catholic Archbishop Rrok Gjonlleshaj to discuss the status of the Catholic Church in the country. On April 30, the Ambassador met

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with the president of the Jewish Community to discuss the status of the Community. The Ambassador also met with representatives of Islamic communities in various towns to discuss the issues they faced, including the potential rise of religious extremism.

On June 28, the Ambassador hosted an iftar at the Islamic Center in Bar 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.