

SERBIA 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of belief and religion, including the right to change one's religion; forbids the establishment of a state religion; guarantees equality for all religious groups; and prohibits incitement of religious hatred. The Macedonian and Montenegrin Orthodox Churches remained unregistered. Leaders of the country's two Islamic communities continued to say that, due to a continuing dispute, neither could represent the entire Muslim community when dealing with the government, creating difficulties in coordinating property restitution claims and selecting instructors for religion courses in public schools. In January, one of the Islamic communities sued the government at the European Court of Human Rights for registering the other Islamic community. The government continued to return heirless and unclaimed properties seized during the Holocaust and retribute religious properties confiscated in 1945 or later. The government continued efforts to develop a Holocaust memorial center at Staro Sajmiste, the site of a World War II-era concentration camp in Belgrade, which would also incorporate another former concentration camp in Belgrade, Topovske Supe. Representatives of several religious groups said the government's grant of 2.4 billion Serbian dinars (\$23.17 million) to the Serbian Orthodox Church (SOC) to complete the Cathedral of St. Sava in Belgrade constituted government favoritism.

In January, May, and June, unknown individuals wrote antisemitic messages and placed antisemitic posters on multiple buildings in Novi Sad and Belgrade. In May, Jewish leaders filed charges with the Republic Public Prosecutor and the Ministry of Interior against unknown perpetrators, which is permitted within the legal system, who put up antisemitic posters in downtown Belgrade. Antisemitic literature continued to be available from informal sellers via online platforms. A report by the International Republican Institute cited cases of antisemitism in online postings related to conspiracy theories involving the Jewish community and Israel. Smaller, nontraditional groups, mainly Protestant, again said they encountered continued public distrust and misunderstanding. They said that some websites, traditional media, and members of the public often branded small religious groups as "sects," a term with a strong negative connotation in the Serbian language. On February 18, the SOC elected Metropolitan Porfirije Peric as its Patriarch. Patriarch Porfirije publicly cited the importance of interreligious dialogue and the SOC's responsibility to "overcome polarization" among ethnic and religious groups. On October 10, the Jewish Community of Belgrade elected

Aron Fuks as its new president. None of the candidates disputed the results, avoiding a repeat of the 2019 contested election.

Embassy officials engaged with a variety of government ministries and offices to advocate religious freedom and tolerance, continued interfaith dialogue, and protection of religious sites throughout the country. The embassy urged the government to finalize plans for the Holocaust memorial center at Staro Sajmiste in Belgrade and emphasized the importance of continued restitution of Holocaust-era heirless and unclaimed Jewish property. Embassy officials met with representatives from a wide range of religious groups, including the SOC, Roman Catholic Church, Islamic community, Jewish community, Jehovah's Witnesses, and Christian Baptist Church, to discuss issues of religious freedom and tolerance, the religious groups' cooperation with the government, interaction between traditional and nontraditional religious groups, and property restitution.

Section I. Religious Demography

The U.S. government estimates the total population at seven million (midyear 2021). According to the 2011 census (the most recent data available), approximately 85 percent of the population is Orthodox Christian, 5 percent Roman Catholic, 3 percent Sunni Muslim, and 1 percent Protestant. The remaining 6 percent includes other Christians, Jews, Buddhists, members of the International Society of Krishna Consciousness, Jehovah's Witnesses, members of other religious groups, agnostics, atheists, and individuals without a declared religious affiliation. The vast majority of the population that identifies as Orthodox Christian are members of the SOC, a category not specifically listed in the census. Adherents of the Macedonian, Montenegrin, Romanian, and other Orthodox Churches are included in the numbers of "Orthodox Christians" or in the "other Christian" category, depending on how they self-identify.

Roman Catholics are predominantly ethnic Hungarians and Croats residing in Vojvodina Province in the country's north. Muslims include Bosniaks (Slavic Muslims) in the southwest Sandzak region, ethnic Albanians in the south, and some Roma located throughout the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of belief and religion as well as the right to change one's religion. It states everyone shall have the freedom to worship and practice religion individually or with others, in private or in public, and no one shall be obliged to declare one's religion. The constitution states the freedom to express one's religion or beliefs may be restricted by law only as necessary to protect life or health, the morals of democratic society, other freedoms and rights guaranteed by the constitution, public safety and order, or to prevent incitement of religious, national, or racial hatred. The constitution forbids the establishment of a state religion, guarantees equality for religious groups, and calls for separation of religion and state. It states that churches and religious communities shall be free to organize their internal structure, perform religious rites in public, and establish and manage religious schools and social and charity institutions in accordance with the law. The constitution prohibits religious discrimination or incitement of religious hatred, calls upon the government to promote religious diversity and tolerance, and states religious refugees have a right to asylum, the procedures for which shall be established in law.

The law bans incitement of discrimination, hatred, or violence against an individual or group on religious grounds and carries penalties ranging from one to 10 years in prison, depending on the type of offense. The constitution allows any court with legal jurisdiction to prevent the dissemination of information advocating religious hatred, discrimination, hostility, or violence. The law bans hate speech, stating, "ideas, opinions, and information published in media must not incite discrimination, hatred, or violence against individuals or groups based on their (non) belonging to a certain faith regardless of whether their publishing constituted criminal offence."

The law grants special treatment to seven religious groups the government defines as "traditional." These are the SOC, Roman Catholic Church, Slovak Evangelical Church, Reformed Christian Church, Evangelical Christian Church, Jewish community, and Islamic community. The Islamic community is divided between the Islamic Community *of* Serbia, with its seat in Belgrade, and the Islamic Community *in* Serbia, with its seat in Novi Pazar. Both Islamic communities are registered with the government and may conduct most normal business, such as receiving financial assistance from the government, receiving healthcare and pension benefits for clergy, maintaining tax-exempt status, holding bank accounts, owning property, and employing staff. Neither group, however, has absolute authority over matters regarding the entire Islamic community. Under the law, "church" is a term reserved for Christian religious groups, while the term

“religious community” refers to non-Christian groups and to some Christian entities.

The seven traditional religious groups recognized by law are automatically registered in the Register of Churches and Religious Communities. In addition to these groups, the government grants traditional status, solely in Vojvodina Province, to the Diocese of Dacia Felix of the Romanian Orthodox Church, which has its seat in Romania and an administrative seat in the city of Vrsac in Vojvodina.

The law also grants the seven traditional religious groups, but not other registered religious groups, the right to receive value-added tax refunds on all purchases enumerated under law and to provide chaplain services to military personnel.

To obtain registration, a group must submit the following: the names, identity numbers, copies of notarized identity documents, and signatures of at least 100 citizen members; its statutes and a summary of its religious teachings, ceremonies, religious goals, and basic activities; and information on its sources of funding. The law prohibits registration if an applicant group’s name includes part of the name of an existing registered group. The Ministry of Justice maintains the Register of Churches and Religious Communities and responds to registration applications. If the Ministry of Justice rejects a registration application, the religious group may appeal the decision in court.

There are 28 “nontraditional” religious groups registered with the government, compared with 27 in 2020: the Seventh-day Adventist Church, Evangelical Methodist Church, The Church of Jesus Christ of Latter-day Saints, Evangelical Church in Serbia, Church of Christ’s Love, Spiritual Church of Christ, Union of Christian Baptist Churches in Serbia, Nazarene Christian Religious Community (associated with the Apostolic Christian Church [Nazarene]), Church of God in Serbia, Protestant Christian Community in Serbia, Church of Christ Brethren in Serbia, Free Belgrade Church, Jehovah’s Witnesses, Zion Sacrament Church, Union of Seventh-day Adventist Reform Movement, Protestant Evangelical Church Spiritual Center, Evangelical Church of Christ, Slovak Union of Baptist Churches, Union of Baptist Churches in Serbia, Charismatic Community of Faith in Serbia, the Buddhist Religious Community Nichiren Daishonin, the LOGOS Christian Community in Serbia, Golgotha Church in Serbia, Theravada Buddhist Community in Serbia, Biblical Center Good News, First Roma Christian Church Leskovac, Vaishnava Religious Community-International Society for Krishna Consciousness, Protestant Reformed Church of Czechs Veliko Srediste, and New

Apostolic Church in Serbia. Several of these organizations are umbrella groups that oversee many individual churches, sometimes of slightly differing affiliations.

The law does not require religious groups to register, but it treats unregistered religious organizations as informal groups that do not receive any of the legal benefits afforded registered religious groups. Only registered religious groups may build new places of worship, own property, apply for property restitution, or receive state funding for their activities. Registration is also required to open bank accounts and hire staff. Registered clerics of registered groups are entitled to government support for social and health insurance and a retirement plan. According to government sources, 2,397 clergy from 18 registered groups used these benefits. The law also exempts registered groups from property and administrative taxes and from filing annual financial reports.

According to the constitution, the Constitutional Court may ban a religious community for activities infringing on the right to life or health, the rights of the child, the right to personal and family integrity, public safety, and public order, or if it incites religious, national, or racial intolerance. The constitution also states the Constitutional Court may ban an association that incites religious hatred.

The Ministry of Justice's Directorate for Cooperation with Churches and Religious Communities manages all matters pertaining to the cooperation of the state with churches and religious communities. These include assistance to national minorities in protecting the religious traditions integral to their cultural and ethnic identity, cooperation between the state and SOC dioceses abroad, support for religious education, and support for and protection of the legal standing of churches and religious communities. The Ministry for Human and Minority Rights and Social Dialogue is tasked with combating misperceptions and hate, including against religious communities, through organizing roundtables, discussions, and other forms of dialogue, public messaging and activities, and assessing related legislation.

The Law on Restitution of Property to Churches and Religious Communities regulates restitution claims for religious property and endowments confiscated in 1945 or later, but only for registered religious groups. The Holocaust-era Heirless and Unclaimed Property Law permits individual claims for properties lost by Holocaust victims, but religious groups may not claim property confiscated prior to 1945. In accordance with the Terezin Declaration on Holocaust-era assets, the Holocaust-era Heirless and Unclaimed Property Law provides for the restitution of heirless and unclaimed Jewish property seized during the Holocaust, allowing the

Jewish community to file restitution claims based on these seizures, while still permitting future claimants to come forward. The law defines “heirless property” as any property not the subject of a legitimate claim for restitution. This law governs personal property taken from members of the Jewish community during the Holocaust, primarily consisting of nonreligious residential and business property and agricultural land. The Jewish community must prove the former owner of the property was a member of the community and that the property was confiscated during the Holocaust. The law also stipulates financial support from the state budget for the Jewish community of 950,000 euros (\$1.08 million) per year for a 25-year period, which began with an initial payment in 2017. The law requires the appointment of a supervisory board with representatives from the country’s Jewish community, the World Jewish Restitution Organization, and a government-appointed chairperson to oversee implementation of the restitution law’s provisions. The law established a February 28, 2019 deadline for filing claims.

The constitution states parents and legal guardians shall have the right to ensure the religious education of their children in conformity with their own convictions. The law provides for religious education in public schools. Students in primary and secondary schools must attend either religious or civic education class. Parents choose which option is appropriate for their child. The curriculum taught in the religion classes varies regionally, reflecting the number of adherents of a given religion in a specific community. The Ministry of Education (MOE) requires a minimum of 15 students for a school to offer any elective course, including religion classes. In areas where individual schools do not meet the minimum number, the MOE attempts to combine students into regional classes for religious instruction. According to the MOE, 441,487 students in elementary and high schools attended religious education classes during the 2020-2021 school year.

The Commission for Religious Education approves religious education programs, textbooks, and other teaching materials and appoints religious education instructors from lists of qualified candidates supplied by each religious group. The commission is comprised of representatives from each traditional religious group, the Ministry of Justice’s Directorate for Cooperation with Churches and Religious Communities, the Ministry of Education, and the Ministry of Science and Technological Development.

The constitution recognizes the right of conscientious objection based on religious beliefs. It states no person shall be obliged to perform military or any other service involving the use of weapons if this is inconsistent with his or her religion or

beliefs, but a conscientious objector may be called upon to fulfill military duty not involving carrying weapons. By law, all men must register for military service when they turn 18, but there is no mandatory military service.

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

Government Practices

In January, the Islamic Community of Serbia, with its seat in Belgrade and registered in 2006, filed charges against the government before the European Court of Human Rights for registering the separate Islamic Community in Serbia, with its seat in Novi Pazar, in 2007. The Islamic Community of Serbia stated the Islamic Community in Serbia's name was too closely linked to its own and therefore, per its interpretation of Serbian law, should not have been registered. The court case continued at year's end.

The Macedonian and Montenegrin Orthodox Churches remained unregistered and, according to the government, the Churches have not attempted to register in the country for almost 10 years. The government stated it maintained its policy of deferring to the SOC for recognition of any other Orthodox Church body in keeping with generally accepted Orthodox canons (other than the Romanian Orthodox Church in Vojvodina) in the country and that secular authorities should refrain from resolving issues among individual Orthodox Churches.

Jehovah's Witnesses reported they had ceased door-to-door preaching since the beginning of the COVID-19 pandemic and, as a result, had limited engagement with the public and therefore no cases of abuse or harassment as in previous years. They reported the conclusion of two court cases related to harassment during the year. The first case stemmed from a 2019 incident in which the police issued a misdemeanor to a member of the Church for occupying a public area while preaching and using a mobile literature cart. In April, the court ordered the Jehovah's Witness to pay a fee of 29,000 dinars (\$280). In the second case, stemming from a similar but earlier incident in 2019, the court determined the statute of limitations had expired, and closed the case without issuing a final ruling. Jehovah's Witnesses reported they maintained good communication with the Ministry of Justice with respect to registration of their congregations and registered five new ones during the year. Jehovah's Witnesses expressed frustration at having to pay value-added tax, which according to national law is only refunded to the seven traditional religious groups. Together with other smaller religious

communities, they said they planned to engage the government to change this law but believed the likelihood of immediate change was small.

In accordance with the Holocaust-era Heirless and Unclaimed Property Law, the government continued to return to the Jewish community heirless and unclaimed properties seized during World War II. The Restitution Agency reported 1,683 filed claims by the February 28, 2019 deadline. The agency reported that under those claims, it returned more than 876.9 hectares (2,167 acres) of agricultural land and 1,034 square meters (11,130 square feet) of unbuilt land, as well as 32 properties, including 17 business premises, six apartments, and nine other buildings during the year. Since the implementation of the law, the government said it had restituted 134 properties and 2,727.7 hectares (6,740 acres) of agricultural land and 1,476 square meters (15,888 square feet) of undeveloped land to Jewish communities in the country. The agency estimated the overall value of the property and land returned under the law was more than 36 million euros (\$40.82 million). By law, Jewish communities were then responsible for transferring property to individual heirs.

The government continued restitution of religious properties confiscated in 1945 or later under the Law on the Restitution of Property to Churches and Religious Communities. During the year, it returned 238.5 hectares (589 acres) of total land (compared with 337 hectares/833 acres in 2020), of which 225.7 hectares (558 acres) were agricultural land; 2.2 hectares (5 acres) were forests and forest land; and 10.6 hectares (26 acres) were unbuilt land, 117 square meters (1,259 square feet) were residential property, and 823 square meters (8,859 square feet) were office space. The government returned either the properties themselves or substituted other property of equivalent value to groups that included the SOC, the Roman Catholic Church, and the Reformed Christian Church. The government estimated it had returned approximately 74.3 percent of the land and 24.61 percent of the buildings claimed by churches and religious communities. The Restitution Agency stated it did not return any religious property to the Jewish community during the year under this law but continued to process the Jewish community's ongoing property restitution claims. Representatives from some churches and religious communities objected to the restitution's slow process and to restitution through substitution, challenging the location and value of the property substituted.

According to Muslim leaders, the fact that neither the Islamic Community of Serbia nor the Islamic Community in Serbia had authority over matters regarding the entire Muslim community complicated efforts to pursue restitution claims with

the government. The Restitution Agency continued to process claims by the Islamic communities but did not reconstitute any properties to them during the year.

In April and August, the government granted 1.7 billion dinars (\$16.41 million) and 720 million dinars (\$6.95 million), respectively, to the SOC for completion of the Cathedral of St. Sava in Belgrade. Representatives of other churches and religious communities said the funding was preferential treatment for the SOC.

Representatives of the Office for Cooperation with Churches and Religious Communities stated that public schools offered religious education for any registered religious community whenever the minimum number of 15 students requested it, but there had been no such requests other than from the seven traditional groups.

Muslim leaders said selecting religious instructors for public school courses on religion remained difficult because neither of the two Islamic groups had authority over matters regarding the entire community. Both communities had religious teachers on the MOE-approved list for the 2020-21 school year. According to the Islamic Community in Serbia, appointment of its religious teachers in schools throughout the southern Sandzak region continued to depend on local authorities rather than the MOE.

Vladimir Roganovic, the acting director (since December 2020) of the Directorate for Cooperation with Churches and Religious Communities, said that the directorate's activities during the year focused on the promotion of belief and positive discrimination toward smaller religious communities. He stated that 20.5 percent of the budget for high school-level theological education and 16 percent of the budget for university-level theological education was dedicated to smaller religious groups.

The national television service, Radio Television of Serbia, continued to broadcast a daily, 10-minute *Religious Calendar* program about major holidays celebrated by monotheistic religions.

The government continued efforts to develop a Holocaust memorial center at Staro Sajmiste, a site of World War II-era concentration camp in Belgrade. The Holocaust memorial center will incorporate the site of another former concentration camp in Belgrade, Topovske Supe. The government was developing design plans and establishing an international executive body to review decisions

related to the memorial center. On November 3, the government appointed Krinka Vidakovic-Petrov as the Acting Director of the Staro Sajmiste Memorial.

Section III. Status of Societal Respect for Religious Freedom

Media reported three separate antisemitic incidents in Novi Sad and in Belgrade. In January, unknown individuals defaced a tourism campaign billboard displaying a photo of Novi Sad's synagogue by crossing out a Star of David and spray-painting Nazi SS insignia and a neo-Nazi Celtic cross. In May, unknown individuals placed posters with swastikas and the message "We are Everywhere" in downtown Belgrade. After this incident, Jewish leaders, on behalf of the Jewish community, which is a recognized legal entity within the Serbian legal system, filed criminal charges with the Republic Public Prosecutor, requesting that the prosecutor find the perpetrators and hold them responsible for incitement of religious and racial hatred. In June, unknown persons spray-painted an elementary school playground in Belgrade with antisemitic messages. At year's end, authorities had not identified suspects in any of these incidents.

The International Republican Institute report *Antisemitic Discourse in the Western Balkans: Collection of Case Studies* stated that monitored news sources rarely manifested instances of antisemitism, but individual's comments and social media postings did. These most often consisted of conspiracy theories involving Jews, Zionists, and the state of Israel and/or language blaming Jews for wars, poverty, COVID-19, and using financial influence to control states.

On October 26, opponents of COVID-19 vaccines and the government's COVID-19 protection measures protested in front of the apartment of epidemiologist Predrag Kon, a member of the government COVID-19 Crisis Team and of the Jewish community, calling him, among other things, Josef Mengele. On November 4, unknown perpetrators spray-painted "Kon=Mengele" on the building where Kon lives. Government officials condemned the incidents.

Jewish leaders said the COVID-19 pandemic fed online antisemitic stereotypes and statements. Jewish community leaders stated antisemitic works, including the *Protocols of the Elders of Zion*, continued to be available for purchase via online sales platforms. Self-defined patriotic groups continued to maintain several websites, and individuals hosted chat rooms that promoted antisemitic ideas and literature. There were no reported prosecutions.

In October and early November, unknown perpetrators vandalized the tomb of the late Mufti Hamdija Jusufspahic, located in downtown Belgrade. Belgrade Deputy Mayor Goran Vesic publicly apologized to Jusufspahic's family and called on authorities to find the perpetrators and hold them accountable. At year's end, the perpetrators had not been identified.

On the evening of December 24, while Christmas Eve Mass was taking place inside St. Peter's Catholic Church in Belgrade, unknown individuals vandalized the church by tipping over a stand holding prayer candles and spray-painting on the exterior of the church "Fascists" and "Ratko Mladic is a Hero" (a reference to the Bosnian Serb military commander convicted of genocide and crimes against humanity by the International Criminal Tribunal for the Former Yugoslavia). At year's end, the perpetrators had not been identified.

Some traditional and online media, as well as other websites, continued to use the term "sect" for smaller Christian denominations and nontraditional groups, which carried a strong negative connotation of "secrecy and mystifying rituals" in the Serbian language, according to anthropologist of religion Aleksandra Djuric Milovanovic, a research fellow at the Institute of Balkan Studies of the Serbian Academy of Sciences and Arts. Many smaller or nontraditional religious groups reported some public bias and discrimination against their members. Several Protestant groups continued to state that they believed the general public still mistrusted and misunderstood Protestantism and that individuals sometimes referred to some Protestant denominations as "sects."

Several smaller religious groups, including the Christ Evangelical Church, the Anglican Church, and the Theravada Buddhist Community, said interfaith education and dialogue were needed among the broader religious community, and not only among the seven traditional groups. They also reported that formal interfaith dialogue was minimal and sporadic. The same groups also reported good cooperation with local SOC officials.

On February 18, the SOC elected Metropolitan Porfirije Peric as its 46th Patriarch. On February 24, Patriarch Porfirije publicly highlighted the importance of ecumenical dialogue in the country and the region and spoke of how "the Church has a task to bring together and build bridges, soften blades, and overcome polarization."

On October 10, the Jewish Community of Belgrade elected Aron Fuks as its new president. None of the opposing candidates who participated in the election

disputed the results. The acceptance of the results avoided a repeat of the 2019 contested election for leadership of the Jewish Community of Belgrade, which Jewish leaders said led to significant tension within the community.

Section IV. U.S. Government Policy and Engagement

The Ambassador and embassy staff engaged regularly on issues regarding religious freedom with government officials, including from the Office of the President, the Ministry of Justice's Directorate for Cooperation with Churches and Religious Communities, the Ministry for Human and Minority Rights and Social Dialogue, and the Ministry of Foreign Affairs. The Ambassador and embassy staff emphasized the importance of increased interfaith dialogue, both between and among traditional and nontraditional religious groups, religious tolerance for all communities regardless of size or belief, and protection of religious sites throughout the country. The embassy continued to urge the Agency for Restitution to continue implementing the Holocaust-era Heirless and Unclaimed Property Law. The Ambassador and embassy staff continued to encourage government officials within the President's Office, Ministry of Culture, Belgrade local government, and others to develop the Holocaust Memorial Center at Staro Sajmiste.

Embassy officials engaged local religious leaders, both in Belgrade and throughout Serbia, to promote religious tolerance and advocate interfaith dialogue. Embassy officials met with and discussed the status of religious freedom and interfaith dialogue, as well as relations between the government and religious groups, with national and local government officials and with members of the SOC, Roman Catholic Church, Islamic Community in Serbia, Islamic Community of Serbia, Jewish community, Christian Baptist Church, Jehovah's Witnesses, Anglican Church, the Theravada Buddhist Community in Serbia, Faculty of Orthodox Theology, Lighthouse Evangelical Church, and Christ Evangelical Church.

Embassy officials continued to use social media and other public outreach tools to advocate religious freedom and tolerance. In March, the embassy posted a video of the Ambassador's meeting with newly elected SOC Patriarch Porfirije, during which they discussed the importance of interfaith dialogue.