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MACEDONIA: Religious freedom survey, February 2008

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In Macedonia, state discrimination in favour of one religious confession – the Macedonian Orthodox Church - is a dominant factor, Forum 18 News Service notes in its religious freedom survey analysis. Alongside this is active discrimination against other religious confessions, especially if officials see them as a threat or as "non-traditional". The main target for state officials is the Serbian Orthodox Church, but smaller confessions such as Baptists, Bektashi Muslims, Hare Krishna devotees and Jehovah's Witnesses are also discriminated against. The major problem faced by most confessions is their inability – due to inconsistent and discriminatory enforcement of the law and planning procedures – to build, expand or obtain buildings for worship. Unclear and discriminatory legal provisions continue in a new Religion Law, due to come into force in May 2008. The Macedonian authorities show few, if any, signs that they are willing to protect the religious freedom of all Macedonian citizens.

Like most formerly Yugoslav states, in Macedonia state discrimination in favour of one religious confession – the Macedonian Orthodox Church - is a dominant factor, Forum 18 News Service notes in its religious freedom survey analysis. Alongside this is active discrimination against other religious confessions, especially if officials see them as a threat or as "non-traditional" within the state. The main target for state officials is the Serbian Orthodox Church, but smaller confessions such as Baptists, Hare Krishna devotees and Jehovah's Witnesses are also discriminated against. (Note that the internationally recognised state title of Macedonia is the "former Yugoslav Republic of Macedonia.")

The existing 1997 Religion Law is being replaced by a new Religion Law, to come into force on 1 May 2008 (see F18News 31 March 2008 http://www.forum18.org/Archive.php?article_id=1107). The new Law divides religious confessions into "churches", "religious communities" and "religious groups". However, the new Law does not define what these terms mean. It does, however, state that confessions retain the status they had under the 1997 Law. This divided confessions – without any definitions - between five recognised "religious communities" and all other confessions, which were described as "religious groups". The "religious communities" in the old Law were the Macedonian Orthodox Church, the Islamic Community, the Catholic Church, the Jewish Community and the Methodist Church.

No-one who Forum 18 has spoken to, amongst either Macedonian religious confessions of all faiths or the State Committee for Relations with Religious Communities and Religious Groups, was able to explain the differences between "churches", "religious communities" and "religious groups" - or even to definitively state whether are any legal differences. A variety of conflicting interpretations of these terms have been suggested by religious confessions to Forum 18. Lack of legal clarity is a long-standing problem in Macedonia. A previous draft of the Religion Law was criticised in May 2006 by the Organisation for Security and Co-operation in Europe's (OSCE) Advisory Council on Freedom of Religion or Belief for – amongst other concerns - a lack of clarity in its language and definitions (see <http://www.legislationline.org/download/action/download/id/760/file/9513d05ab234b60d6429bbe3a6c8.pdf>). The Council of Europe's Venice Commission also criticised the Law's provisions (see <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282007%29005-e>).

The Advisory Council also criticised a proposal to allow only one religious community to be registered for a given confession or denomination, which was originally introduced in the 1997 Law. This requirement still exists in the latest Law, Article 10 of which states: "The name and official insignia of every new church, religious community and religious group should be different from the names and official insignia of already registered churches, religious communities and religious groups." This provision thus applies even to confessions which do not have state registration. It is almost certainly motivated by a desire to maintain the Macedonian Orthodox Church as the dominant religious community, as against the non-state registered Serbian Orthodox Church (see F18News 2 February 2007 http://www.forum18.org/Archive.php?article_id=907). Article 10 also bans the use of the names "Macedonia", "Macedonian", and their derivatives and translations, in the titles of confessions without written permission from the Justice Ministry.

Archbishop Jovan Vraniskovski, Serbian Orthodox Archbishop of Ohrid and Metropolitan of Skopje, told Forum 18 on 26 February that his confession has approximately 2,500 to 3,000 people attending the liturgy in 10 separate locations in Macedonia. (His church is not allowed by the state to build or maintain any churches.) Archbishop Jovan told Forum 18 that if his Archdiocese gained state

registration, these numbers would significantly increase. No reliable statistics exist for numbers attending the liturgy in the Macedonian Orthodox Church, which states on its website that it has 500 active parishes.

Various smaller Macedonian confessions use similar names in their titles, such as the three Adventist confessions. Tome Trajkov, President of the Seventh-day Adventist Church in Macedonia, told Forum 18 on 25 February that he thinks that the provision barring confessions with similar names will cause problems for these Adventist confessions and others in the same situation, as well as for the Serbian Orthodox Church.

Unlike the 1997 Law, there are no penalties in the 2008 Law for unregistered worship on private property, and bans on unregistered religious communities building places of worship, or inviting foreign religious workers or missionaries. These restrictions were only rarely and inconsistently enforced.

However, a new offence of "false presentation as a religious servant and abuse of religious clothing and insignia" is introduced by Article 18 paragraph 5 of the Law: "Any false presentation as a religious servant and abuse of religious clothing and insignia of a registered church, religious community and religious group is forbidden." Yet again, this is almost certainly aimed at the Serbian Orthodox Church, but may also affect other confessions. For some years Macedonian border guards have barred non-Macedonian Orthodox priests from travelling through the country in clerical clothing (see eg. F18News 23 September 2004 http://www.forum18.org/Archive.php?article_id=418). The most recent case known to Forum 18 was Fr David Ninov, a Macedonian citizen and Serbian Orthodox priest, who was detained at the border for one hour on 10 January 2008.

The most high profile religious freedom violation in recent years was the jailing for eight months until March 2006 of Archbishop Jovan of the Serbian Orthodox Archdiocese of Ohrid. A highly critical opinion on the case was prepared by Professor Malcolm Evans at the request of the OSCE Office of Democratic Institutions and Human Rights (see <http://www.legislationline.org/download/action/download/id/762/file/d5f56c87fb455c31d66cc0b9aa7f.pdf>). The main grounds for Archbishop Jovan's imprisonment were his membership of the Serbian Orthodox Church, his conducting of a church service, and a Serbian Orthodox publication attacking the rival Macedonian Orthodox Church. This led to Archbishop Jovan's criminal conviction for "causing national, racial and religious hatred and intolerance." In reality, this term appears to mean challenging the place of the Macedonian Orthodox Church as the dominant religious community in the country (see F18News 6 March 2006 http://www.forum18.org/Archive.php?article_id=738).

Imprisoned again in August 2006 after being found guilty of financial embezzlement, Archbishop Jovan protested his innocence, and it appears to be increasingly unclear that such charges are justified. The most recent charge levelled against Jovan surrounds the purchase of a car for the Macedonian Orthodox Church whilst he was still in that confession. Jovan is alleged by the Macedonian state to have improperly used money to purchase the car for himself, although the car itself is the property of and still used by the Macedonian Orthodox Church. This case, which started in January 2008, still continues. Due process has not been observed and Jovan initially learned about the existence of the case and the charges from newspaper reports of its proceedings, he told Forum 18.

This case is part of the continuing bitter dispute between the Macedonian authorities and the Macedonian Orthodox Church on one side, and the Serbian Orthodox Church on the other side. The Macedonian Orthodox Church was formed in the 1960s with strong backing from the then Yugoslav communist regime to reduce the influence of the Serbian Orthodox Church. Its existence as a mainstream Orthodox church (autocephaly) is not recognised by any other mainstream Orthodox Church. The Orthodox Archdiocese of Ohrid, which is led by Jovan and is part of the Serbian Orthodox Church, is recognised by other Orthodox churches and the Ecumenical Patriarch as the only canonical Orthodox church in Macedonia. However, the Macedonian Orthodox Church, which Jovan was part of until he joined the Serbian Orthodox Church, claims that it is the only Orthodox Church that can operate in the country. This claim is strongly enforced by the state.

Macedonian authorities have repeatedly harassed the Serbian Church's Ohrid Archdiocese, using methods such as arbitrary denial of legal status, raids on church services, interrogation of church members, the demolition of newly-built places of worship and a monastery, and pressuring ordinary Serbian Orthodox Christians to join the Macedonian Orthodox Church (see eg. F18News 9 February 2005 http://www.forum18.org/Archive.php?article_id=506).

The Serbian Orthodox Church and Serbian authorities similarly dispute the right of the Macedonian Orthodox Church to operate in Serbia, but without using such extreme harassment (see F18News 18 January 2008 http://www.forum18.org/Archive.php?article_id=1072).

It is likely that violations of the religious freedom of Orthodox Christians who are part of the Serbian Church will continue to take place while the Macedonian authorities involve themselves in the dispute. It does not appear likely that the Macedonian authorities are considering withdrawing from the dispute in the foreseeable future.

Similarly discriminated against is the Muslim Bektashi religious community. This is a Sufi Islamic community, which has been established in the country since the 16th Century. In 2002 the government-supported Islamic Community of Macedonia (ICM) forcibly took over two Bektashi mosques, which the community has been unsuccessfully trying to regain since the seizures. The ICM claims that the seizures are justified as it represents all Muslims in Macedonia (see F18News 2 February 2007).

http://www.forum18.org/Archive.php?article_id=907).

In addition to the demolition of Serbian Orthodox places of worship which the authorities deemed to be "illegal", and the seizure of the Bektashi mosques, denial of permission to disfavoured communities to build, extend or establish legal ownership over places of worship has persisted for years. Fr David Ninov told Forum 18 on 10 February that "the biggest problem for the Ohrid Archdiocese is the impossibility of having our own places of worship." As well as the Serbian Orthodox, Baptists, Seventh-day Adventists, Muslims and Jehovah's Witnesses also all face problems, some of them long-standing, in gaining official permission for building projects (see F18News 25 August 2006 http://www.forum18.org/Archive.php?article_id=836).

It is far more difficult and expensive in Macedonia to convert existing buildings, such as houses, than to build new places of worship. This makes far greater the impact on religious communities of the problems with gaining permission for new building. Baptists, Adventists, Hare Krishna devotees, and Muslims have all encountered such official obstruction, though the Macedonian Orthodox Church has not had problems obtaining permission to build churches. Similar building problems are also found in other countries in the region, such as Bosnia (see eg. F18News 13 July 2006 http://www.forum18.org/Archive.php?article_id=811).

Because of these problems, and despite the extra expense involved, both the Hare Krishna and Jehovah's Witness communities have now decided to purchase existing houses or offices, and then use them for worship.

Even registered religious minorities that do have the right to apply for permission experience problems in gaining it. Some – such as Baptists – have told Forum 18 that they doubt that permission to build or extend may ever be granted. One example is the case of the Good News Baptist Church in the capital, Skopje. This is one of the two Baptist church buildings in the entire country. For 20 years, the local authority and national state institutions have been "processing" the church's request for permission to extend their building, with officials claiming that other state institutions are responsible for the delay. Urban development plans, car parking problems, and fire safety regulations have also been used as official excuses for delay. However, it is notable that other organisations have been able to quickly obtain building permission for construction work in the same city district around Good News Church. Marko Grozdanov of Good News told Forum 18 on 20 February that the urban development plan has at last allocated some space for Good News to expand. However, they "still need to fight with the other administrative offices in order to get permission to extend the only Baptist church building in Skopje."

A local variation on this theme has been encountered by the Jehovah's Witness community in Kriva Palanka, in the north-east of the country. The local authority has refused to hand over an ownership document for a house the community rents but plans to buy. This case is currently in an overworked Administrative Court and "no-one knows when it will be decided." Forum 18 was told by the Jehovah's Witnesses on 20 February.

The Methodist Church is seeking to overcome property problems by trying to regain properties confiscated from it during communist times, but this possibility – which is proceeding very slowly - is not open to churches which did not exist in Macedonia in that period. If the restitution of Orthodox churches ever happens, there are potentially large problems as the Macedonian Orthodox Church did not exist when property was confiscated from the Serbian Orthodox Church.

Neither the Catholic Church nor the Jewish community have experienced property problems, but this may be because both are very small communities in Macedonia, and are not perceived as a threat by the authorities (see F18News 25 August 2006 http://www.forum18.org/Archive.php?article_id=836).

Unclear and discriminatory legal provisions, along with inconsistent and discriminatory enforcement of the law and planning procedures in favour of the strongly state-backed Macedonian Orthodox Church are the main features of the religious freedom situation in Macedonia. The Macedonian authorities – who are the main violators of freedom of thought, conscience and belief in the country – show few, if any, signs that they are willing to protect the religious freedom of all Macedonian citizens. (END)

More reports on freedom of thought, conscience and belief in Macedonia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=50>.

A printer-friendly map of Macedonia - whose official name is the "Former Yugoslav Republic of Macedonia" - is available from <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=macedo>.

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