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SERBIA: Legal status to be denied to religious-based associations?

By Drasko Djenovic, Forum 18

Serbian religious-based associations, which are not churches and do not conduct worship, have expressed their growing frustration to Forum 18 News Service about unlawful attempts by the Public Administration Ministry to strip them of their legal status. This is a very serious problem for such religious associations, as this bars them from gaining access to their own bank accounts, or taking decisions as a corporate legal body. Associations affected by this state-created legal problem include the Serbian Evangelical Alliance. In an apparent attempt to avoid bad publicity, when Forum 18 made enquiries the Ministry suddenly ordered local officials "urgently" to issue certificates confirming current registration to two Protestant associations and a Catholic group, the Pax Romana Association of Christian Intellectuals. This abrupt reversal of policy should allow these associations access to their own bank accounts. However, the Ministry is still ordering that these groups' registration as associations should be revoked, and that they must instead apply for registration at the Religion Ministry.

Leaders of religious-based associations – including the Serbian Evangelical Alliance and the Association of Seventh-day Christians – have expressed their growing frustration to Forum 18 News Service over what they believe to be unlawful attempts by Serbia's Ministry of Public Administration and Local Self Government to strip them of their status as legal entities. Amid the legal confusion over their status, such associations have been prevented from gaining access to their own bank accounts or taking legal decisions.

The Public Administration Ministry argues that such associations must register as religious communities, even if they do not conduct any worship. But the Ministry refuses to explain to Forum 18 why it has changed its policy and refused to issue certificates confirming registration to already registered associations. Some observers have pointed out to Forum 18 that all of the associations so far known to face problems are led by members of ethnic minorities. The controversial discriminatory new Religion Law imposes registration to gain legal status on many religious communities, no matter what their previous legal status was (see F18News 9 August 2006 http://www.forum18.org/Archive.php?article_id=825).

Forum 18 also knows of at least one religious community which had to register as an "association of citizens" in the years between 1993 and May 2006, when Serbia had no Religion Law and when registration as a religious community was therefore impossible to get. This community has not so far faced legal problems.

As Forum 18 was interviewing officials for this article, on 27 November the Public Administration Ministry – apparently afraid of impending publicity – ordered local officials "urgently" to issue certificates confirming current registration to two Protestant associations, the East European Mission and the Association of Seventh-day Christians, and a Catholic group, the Pax Romana Association of Christian Intellectuals. This should allow these associations access once again to their bank accounts. However, the Ministry has not overturned its orders that these groups' registration as associations is to be revoked, and that they should instead apply for registration at the Religion Ministry. Officials at the Public Administration Ministry were unable to tell Forum 18 on 28 November whether these orders will also now be withdrawn.

A Religion Ministry official, who is not authorised to speak to the press and so preferred not to be named, denied all knowledge of the problems religious-based associations face and insisted this was outside the competence of the Ministry. "We are responsible only for churches and religious communities – not for associations of citizens," the official told Forum in Belgrade on 23 November.

"Someone has decided that registration of all associations of citizens that have anything to do with religion should be transferred to the Religion Ministry," a Public Administration Ministry official, who preferred not to be named, told Forum 18 in Belgrade on 8 November. The official pointed out that this violates the Law on Association of Citizens, Public and Political Organisations, and the By-law regulating the Register of Association of the Citizens, Public and Political Organisations. "Anyone who reads the new Religion Law can see that this law does not regulate at all associations of citizens which have some religious aspects but are not religious communities."

The official suggested that such associations should register under another name, and not include specific religious aims in their statute. The official admitted that those who do so have no problems, while those who are "open and honest" do face problems.

Registration of all associations of citizens registered on the federal level was taken over by the Public Administration Ministry earlier this year, after the ending of the State Union of Serbia and Montenegro. Previously, associations registered at a federal level did so at one of the federal ministries. Those registered solely within Serbia did so – and can still do so – with the local police.

The Minister of Public Administration, Zoran Loncar, is in the same political party as the Religion Minister, Milan Radulovic, and the Prime Minister Vojislav Kostunica. Radulovic and Kostunica are known to be close to the Serbian Orthodox Church. Indeed, in October Radulovic received the Orthodox Church's highest award. Some observers have indicated to Forum 18 that this might be why associations of citizens connected with non-Orthodox religious groups have problems.

The Evangelical Alliance (EA) of Serbia (the Union of Evangelical Believers, formerly known as the Association of Evangelical Ministers and Believers of Serbia) was first registered in 1989 on the national level in the Administrative Department of the Belgrade police. However, when on 21 July this year the EA wanted to re-register with a new leadership and changes to the name and address, the Belgrade police refused to do so. Its "Conclusion" of 7 September explained that this was because the Association's change of name, as well as its religious character, combined with Serbia's adoption of a new Religion Law. The Conclusion proposed instead that the EA reregister at the Religion Ministry under the Religion Law.

The EA appealed against the refusal on 28 September, arguing that the Religion Law does not cover associations of citizens which have a religious character, only religious communities that undertake worship. It stressed that the EA is not a Church and does not perform religious rites, so the denial of re-registration is not based on the law. It also complained that the department failed to reach its decision within the prescribed time-limit - 30 days from 21 July.

Mirjana Cubrilovic, the head of the office which maintains the Registry of Associations of Citizens, which refused the EA's re-registration, refused to tell Forum 18 why it had rejected the EA application, referring Forum 18 instead to the Police Ministry.

However, the Evangelical Alliance is not alone. Some of the orders from the Public Administration Ministry to deregister religious-based associations were triggered when they requested a certificate confirming registration. Since October, the Finance Ministry has required all non-profit organisations to provide their bank with these certificates every three months, to prevent money laundering. Such certificates cost associations 2,340 Dinars (247 Norwegian Kroner, 30 Euros or 40 US Dollars) for those registered centrally and 2,190 Dinars for those registered locally.

The Association of Seventh-day Christians, registered at the federal level since 2002, applied for such a certificate on 25 October. On 14 November the Secretary of State at the Public Administration Ministry, Vesna Ilic Prelic, wrote back rejecting registration as an association as the ministry believed it was not an ordinary citizens' association, but rather a religious association. "Because Serbia has a new law on Churches and religious Communities the person authorised to represent the Association of Seventh-day Christians needs to submit a request for the deletion of your association from the Register of Associations, Social Organisations and Political Organisations, in order to be subsequently able to submit an application for entry into the Register of Churches as Religious Communities, kept by the Ministry for Religious Affairs which is competent for this area."

The Association of Seventh-day Christians is a non-denominational association covering a variety of different Protestant churches, who keep Saturday and not Sunday as their weekly holy day, including Seventh-day Adventists, two Reform Adventist Churches, Seventh-day Baptists and Jesus-only groups. In all, Serbia has more than ten such churches and religious communities, some registered and some not. Their teaching that Saturday is the Seventh day or Sabbath is sometimes the only thing that connects them. The Association does not hold any religious services and is more an organisation to facilitate cooperation.

Another organisation which had been unable to get a certificate is the East European Mission, based in Cantavir in the northern province of Vojvodina. The mission is led by Tibor Nadj, a Baptist elder well-known among ethnic Hungarians in Serbia. The mission is not part of the Serbian Baptist Union. Its letter from the Ministry, dated 10 November, was almost identical to the one received by the Association of Seventh-day Christians.

In the northern town of Subotica, the Pax Romana Association of Christian Intellectuals initially could not get this certificate. The association, led by local German Literature professor Istvan Bogner, has about 350 active members. "We are far from being a religious community as such," Pax Romana told Forum 18 on 24 November. "First we applied for the certificate to Subotica police, but they told us our registration is valid and that they cannot give us another document since we are already registered."

With the Public Administration Ministry's abrupt 27 November change of position, following Forum 18's enquiries, the East European Mission and Pax Romana have now received certificates.

Miroslav Crvenka, president of the Association of Seventh-day Christians, rejects any pressure to change its form of registration. "We will not ask the Public Administration Ministry to remove our registration or apply for registration in the Religion Ministry, as we are not a church, religious community or denomination but an association of citizens," he told Forum 18 on 8 November.

Although his Association has now received its certificate, which will last for the next three months, Crvenka threatens that if its bank

closes its account "we will basically just pay everything in cash and work as churches used to have to work under the Communist regime". He admitted that this would save the Association money, as it would then not be able to pay Value Added Tax of 18 percent.

Stipan Starcevic, a legal adviser to the East European Mission, told Forum 18 from Subotica on 23 November that it has written to the Religion Ministry asking whether, if it removes any references to religion from its statute, it can continue to be registered as an association.

Separately, many smaller religious communities fear they will face problems trying to retain their legal status under Serbia's controversial Religion Law, which came into force in May 2006 (see F18News 4 December 2006 http://www.forum18.org/Archive.php?article_id=882). (END)

For more background, see Forum 18's Serbia religious freedom survey at http://www.forum18.org/Archive.php?article_id=387 and survey of attacks on religious minorities between September 2005 and September 2006 at http://www.forum18.org/Archive.php?article_id=845.

A personal commentary, by an Austrian lawyer, arguing that Serbia should not follow Austria's system of dividing religious communities into different categories with differing legal rights is at http://www.forum18.org/Archive.php?article_id=403

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Serbia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl>, under the title 'Serbia and Montenegro'.

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