



REPUBLIC OF SERBIA

**OSCE Human Dimension Implementation Meeting
Working Session 12 & 13 – Freedom of religion or belief**

Contribution by the Delegation of the Republic of Serbia

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FREEDOM OF RELIGION OR BELIEF

The Constitution of the Republic of Serbia guarantees in its Article 43 that everyone shall have the right to freedom of thought, conscience, belief and religion, which includes freedom to have or to adopt a religion or belief of one's choice or to change one's religion or belief. This article also provides that no one is obliged to profess his/her religious or other beliefs. In addition to guaranteeing freedom of thought, conscience and religion, the Constitution stipulates that everyone is free, either alone or in community with others and in public or private, to manifest his/her religion or beliefs in worship, practice, observance or teaching. The provisions contained in Article 43 of the Constitution have been completely consistent with Article 18 of the Universal Declaration of Human Rights; Article 9, paragraph 2, of the European Convention for the Protection of Human Rights and Fundamental Freedoms; the Final Act of the Helsinki Conference on Security and Cooperation in Europe; Article 1 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief; the Concluding Document of the Vienna OSCE Meeting of 15 January 1989 and the Paris Charter for a New Europe of 21 November 1990. The comparison made indicates almost full compliance of the provisions of the Serbian Constitution with international human rights instruments, thus reflecting that Serbia has met its international commitments.

The 2006 Law on Churches and Religious Communities, in its Article 1, guarantees every individual the right to freedom of conscience and religion, including freedom of religious affiliation, freedom to change his/her religion or belief. It also guarantees the right to freedom of belief, religion and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in worship, practice, observance or teaching, fostering and developing religious tradition, as well as developing and promoting religious education and culture. By linking the manifestation of one's religion with the development of the religious tradition and the promotion of religious education and culture, this Article places the entire issue in a broader cultural context.

The Law bans religious discrimination by prohibiting coercion of any individual which may violate his/her religious freedom or force him/her to profess his/her religion or belief or declare the absence thereof. By honouring the highest human rights standards, the aforementioned provisions protect the right to freedom of religion, including the freedom of all those who, due to their philosophical view and perception of the world, decide to distance themselves from religion.

According to the Constitution, freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society to protect the life and health of people, the morals of the democratic society, the freedoms and rights guaranteed by the Constitution, the interests of public safety and public order, or to prevent instigation and inciting of religious, ethnic or racial hatred. These provisions are by and large in line with Article 9, paragraph 2, of the European Convention for the Protection of Human Rights and Fundamental Freedoms. By specifying these limitations, the Constitution of the Republic of Serbia envisages also the possibility of their implementation in order to prevent instigation or inciting of religious, ethnic or racial hatred which, although lacking in the Convention, has been provided in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. The above examples show that on the basis of the provisions of its Constitution, the Republic of

Serbia has honoured all the international documents allowing limitation of the freedom to manifest one's religion.

The Law on Churches and Religious Communities provides that freedom of religion or belief shall be subject only to such limitations as are prescribed by the Constitution, laws and ratified international documents, and are necessary in a democratic society in the interest of public safety, to protect public order, morals and the fundamental rights and freedoms of others. Freedom of religion cannot be used in violation of the right to life, health or the rights of the child, the right to personal and family integrity or property rights, or in a way that would instigate and incite religious, ethnic or racial intolerance. These legal provisions relating to the limitation of freedom of religion are based on Article 9, paragraph 2, of the European Convention, while respecting the ratified international documents. Further reasons for placing restrictions on the right to freedom of religion include the lawmakers' intention to protect against the impact and activity of destructive religious sects and movements whose preaching and overall activities have been seriously discussed in some international organizations and European states.

In Serbia, all traditional and new Christian churches, Islamic and Jewish religious communities, as well as numerous religious movements, groups and associations are free to pursue their activity. According to the latest census taken in 2002, 95 per cent of the population consider themselves to be members of one of the many religious organizations.

The Law on Governmental Departments and the Law on Churches and Religious Communities stipulate cooperation between the state and churches and other religious communities in the promotion of religious freedoms, inter-religious dialogue, tolerance and protection of religious pluralism in the society; in the development of religious education, religious culture as well as information and publishing activity; in the protection of religious cultural heritage; promotion of the social status and material conditions of priests and religious officers; in the preservation and affirmation of the religious aspects of the cultural identity of ethnic communities and in the construction of facilities for religious purposes. The Republic of Serbia allocates 0.10 per cent out of its budget to subsidize the aforementioned activities of churches and religious communities, while further support is provided by local authorities.

The state initiates, encourages and supports financially and in terms of organization, the cooperation and dialogue pursued among different churches and religious communities in Serbia. In addition to occasionally convening inter-religious conferences of national and broader international significance, permanent cooperation between the churches and religious communities includes organization, teaching and attendance of religious classes in primary and secondary schools. In 2004, the Serbian Government set up a Commission for Religious Education comprising representatives of all churches and religious communities. Each church and religious community proposes the curriculum and textbooks for its own religious education, and each such proposal is subject to approval by all other churches and religious communities. This procedure rules out the possibility that the content of any curriculum or textbook contain negative assessments or connotations relating to another religion or belief.

Over the past year, the number of religion-based incidents (graffiti, verbal assaults, violation of property and personal safety) in Serbia has been down. Police efficiency in tracking down their perpetrators and causing them to be legally sanctioned has improved. The competent government authorities, the cultural and political public and the civil sector are taking an active part in the protection of religious freedoms, religious tolerance and pluralism.

The results achieved in all areas of the protection and promotion of religious rights and relations with churches and religious communities in Serbia are in contradiction with the difficult position of the Serbian Orthodox Church and its relics in Kosovo and Metohija. The destruction of Serbian churches and monasteries helps to wipe out, at the same time, the most significant artefacts of the Byzantine civilization and culture in the Balkans, thus changing systematically the Christian nature of the southern Serbian province. In thousands of villages where the Serbian population has been forced out, the cemeteries and church and monastery sites have been destroyed and their Christian placenames changed. The Serbian Orthodox church in the center of Djakovica was destroyed; the site was flattened and turned into a park. These actions are followed with restraint and, usually, the entire activity includes no more than an expression of readiness to earmark funds for the restoration of the destroyed relics. We consider this to be insufficient and that all the international organizations, including the OSCE, should take a more explicit stand towards the efforts aimed at obliterating the foundations of a civilization in this part of Serbia.