

Human Dimension Implementation Meeting

23 September- 4 October 2013, Warsaw

Statement of the Republic of Serbia

Thursday, 26 September 2013, Working sessions 6: Freedom of religion or belief

Mr Moderator,

Under the Constitution of the Republic of Serbia, everyone is guaranteed the right to freedom of conscience and religion. According to the 2006 Law on Churches and Religious Communities, freedom of religion includes the freedom to have or not to have, to retain or change religion or religious belief, namely the freedom of belief, freedom of religious worship. Members of all religious communities are guaranteed the freedom, either individually or in community with others, in public or private, to manifest their religion or religious belief by participating in religious services and conducting religious rites, religious instruction and teaching, nurturing and developing religious traditions, and the freedom to develop and promote religious education and culture.

The provisions of the Law relating to the prohibition of religious discrimination explicitly prohibit any kind of coercion that could jeopardise the freedom of religion, or any coercion in terms of forcing an individual to declare his religion and religious belief or absence of religion or religious belief. No one shall be harassed, discriminated against or privileged because of their religious beliefs, their belonging or not belonging to a religious community, their participation or non-participation in religious services and religious rites, and their exercise or non-exercise of guaranteed religious freedoms and rights.

The freedom of religion or religious belief may be subject only to such limitations as are prescribed by the Constitution, law and ratified international documents and are necessary in a democratic society to protect public safety, public order, morals, as well as the freedoms and rights of others.

Mr. Moderator,

The Law on Churches and Religious Communities differentiates between three categories of religious freedom entities: traditional churches and religious communities, confessional communities and other religious organizations.

Traditional churches and religious communities in Serbia are those that have centuries-long historical continuity and whose legal personality was in the past regulated by special laws. These include the Serbian Orthodox Church, the Roman Catholic Church (the Roman Catholic Church has been recognised the continuity of legal personality acquired under the concordat between the Kingdom of Serbia and the Holy See of 26 July 1914); the Slovak Evangelical Church a.v., the Christian Reformed Church and the Evangelical Christian Church a.v. (it has been recognised the continuity of legal personality acquired under the 1930 Law on Evangelical Christian Churches and the Reformed Christian Church of the Kingdom of Yugoslavia). Almost 90 % of the population, according to the 2011 census, declared as Christians. The Islamic Religious Community and the Jewish Religious Community have the status of religious communities as of 1930 and as of 1929, respectively, based on the stated concordats.

Confessional communities include all the churches and religious organisations whose legal status was governed by the regulations from the socialist period, that were registered pursuant to the laws adopted in 1953 and in 1977, and they primarily include newly established religious organizations.

Traditional churches and religious communities have a recognised legal personality under the Law on Churches and Religious Communities, while other religious communities are required to register by filing an application to the competent institution which keeps the Register of Churches and Religious Communities. Although such a legislative provision caused dilemmas as to whether it was discriminatory, the Constitutional Court assessed the constitutionality of the Law by its decision passed in 2012, assuming the stance that such a differentiation was not discrimination but rather a differentiation in how the legal personality is acquired. Namely, all churches and religious communities that acquire legal personality enjoy identical rights under the law. It is implicit that in different contexts, the number of believers and the representation of believers may be a relevant factor for exercising particular rights in practice, such as the right to religious education.

Thank you Mr Chairman