



29th session of the Universal Periodic Review – Montenegro

Introduction

1. Montenegro must protect and promote the right to freedom of religion or belief within its borders.

Religious Freedom

2. The provisions of Constitution of Montenegro on freedom of religion or belief are in line with Article 18 of the International Covenant on Civil and Political Rights. Eastern Orthodoxy is the dominant religious affiliation in Montenegro, with around 70% of the population divided between the Serbian Orthodox Church and the Montenegrin Orthodox Church.
3. In July 2015, the law regarding the recognition of religious groups required such groups to register with the police within 15 days of establishment in order to be recognized as a legal entity, which would then entitle the religious group to own property, hold bank accounts, and receive certain tax exemptions. Despite being in communion with other mainstream Orthodox churches, the Serbian Orthodox Church has remained unregistered, as it argues that it predates both the law and the state, and should therefore be a part of the Montenegrin legal order without seeking registration. Although the government grants tax benefits to it like it does to registered religions, but has been reported to have denied visas and residency permits to Serbian Orthodox clergy from outside of the country.
4. In July 2015, however, the Montenegrin government proposed a draft law on religious freedom, said to be aimed at regulating religious freedom in accordance with European Union standards. It is concerning that this draft law would make all churches and monasteries built before 1918 into state property, would impose tax requirements on religious communities, and would require the government to be “confidentially informed” prior to the appointment of church officials. This development has provoked controversy and strong opposition from, and heated disputes between the most active religious groups in the country. It is incumbent on the State to ensure that sectarian conflicts and violence between adherents of different denominations and religions are resolved in a peaceful and cooperative manner and that, more generally, to not discriminate on grounds on religion and not seek to illegitimately and unfairly involve itself in ecclesiastical affairs and the inner workings of church governance

Recommendations

5. ADF International suggests the following recommendations be made to Montenegro:
 - a. Ensure that any system of registration of religious communities is fair and does not discriminate against any individual or group on the basis of their beliefs and religious affiliation;
 - b. Refrain from interfering in the internal workings of church governance and requiring religious bodies to inform and seek approval from the State on the appointment of ecclesiastical officials; and
 - c. Refrain from siding with or unfairly benefiting any religious faction at the expense of another, and instead promote peace and harmony between them.