

Institute on Religion and Public Policy Report: Religious Freedom in Macedonia

Executive Summary

(1) Macedonia's Constitution generally upholds the freedom of religion. However, the country's controversial new religion law, which came into effect on May 1, 2008, is exceptionally ambiguous and may hamper the efforts of the Serbian Orthodox Church and other smaller religious communities from being legally accredited. The ongoing dispute between the Serbian and Macedonian Orthodox Churches continues and remains a challenge for legal and political authorities. There have also been reports of religiously based societal abuses and discrimination. Despite these challenges, the Macedonian government is continuing to develop a country governed by the rule of law that promotes human rights and religious liberty.

Institute on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Introduction to the Legal Status

(3) The Macedonian Constitution was amended in 1992 increasing protections for religious freedom to ensure a peaceful co-existence between the country's majority ethnic Macedonians, who constitute 65% of the population and adhere to Orthodox Christianity, and ethnic Albanians, who constitute 32% of the population and follow Islam. The other religious and ethnic minorities that are also guaranteed government protection for their ethnic, cultural, linguistic, and religious identity include Turks, Vlachs, Romanians, and other smaller minority groups. Article 9 of the Chapter on Basic Freedoms and Rights of the Individual and Citizen now states that, "Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status."

(4) Underscoring the right of religious belief, Article 19 of the Constitution guarantees "the freedom of religious confession; the right to express one's faith freely and publicly, individually or with others" and that the "Macedonian Orthodox Church and other religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law". Macedonian citizens are also guaranteed the "freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions."

(5). Constitutional guarantees notwithstanding, the Republic of Macedonia adopted a Law on Religious Communities and Religious Groups in 1997 that established a mandatory registration requirement for religious organizations and only permitted one organization per religious confession to register. This law specified that religious organizations must register before they may perform religious ceremonies, obtain building permits for houses of worship, or request visas for foreigners coming to the country to undertake religious work. Within a year after the law's enactment, the Constitutional Court struck down several provisions, resulting in inconsistent enforcement and confusion over which provisions remained enforceable.

(6). In an effort to address some of these problems, Parliament proposed a new Law on the Legal Status of Churches, Religious Communities, and Religious Groups, which was approved on September 5, 2007 and went into effect on May 1, 2008. The new law removes some restrictions on religion including the prohibition against more than one religious group per confession from registering and the requirement for a permit before performing religious rituals outside officially sanctioned houses of worship. Although many tout this law as a breakthrough in enhancing the freedom of religion in Macedonia, the ambiguity of many sections and potential for abuse leaves many Macedonian religious communities skeptical and fearful. The most significant issue with the new law is its ambiguity. For example, the law divides religious confessions into "churches," "religious communities," and "religious groups," without providing a definition. It does, however, state that some religious groups, such as the Macedonian Orthodox Church, the Islamic Community, the Catholic Church, the Jewish Community and the Methodist Church will continue to retain the legal status they held under the 1997 Law. According to Forum 18, "there is no indication in the Law on whether Macedonia intends to allow unregistered religious entities who do not wish to register, or those whose registration application has been refused, to, for example, publish literature, hold bank accounts, and own property." The Serbian Orthodox Church is particularly concerned about the uncertainties of the new law because they faced significant discrimination and harassment under the old law. Clearly, the new law's ambiguities are an area for concern that will be explored over time.

Instances of Official Discrimination

(7) Since 2004, the State Commission for Relations with the Religious Communities and Groups (SCRRCG), which oversees the registration of religious organizations, has repeatedly denied the registration application of the "Orthodox Archbishopric of Ohrid" (OAO), led by the defrocked Macedonian Orthodox Church (MOC) Bishop Jovan Vraniskovsk. This schismatic group is recognized by the Serbian Orthodox Church but not by its Macedonian counterpart, which is the largest religious group in the Macedonia and as such enjoys certain privileges including government backing. The OAO appealed the SCRRCG's denial to the Supreme Court in 2005 where they lost their legal battle. OAO members claim undue government interference with and harassment of their religious beliefs and activities through raids on church services, interrogation of church members, demolition of new houses of worship, and pressure to join the Macedonian Orthodox Church. In March 2008, an OAO nun and some bishops reported being held at a border crossing station for their membership in OAO.

(8) In 2006, Macedonia's Supreme Court, applying the 1997 religion law, upheld the decision by the SCRRCG rejecting the Reformist Movement of Adventists' registration application. The Commission cited, and the Court agreed with, numerous grounds for denial, including the law's prohibition against the registration of more than one group from each religious confession. The Commission used similar arguments to deny the 2006 application of the Free Protestant Movement. Both groups plan to reapply under the new law.

(9) An unresolved issue related to the practice of religion is the dispute over property owned by religious communities that was expropriated by the former Yugoslav communist government. Although many religious groups have regained ownership of their churches or mosques, other religious property claims remain unresolved, usually because title to the seized property changed hands many times or the property has been developed. The Islamic Community of Macedonia (ICM) claims it has not been able to regain its rightful use of several mosques that the Government agreed to return. Additionally, the ICM alleges that the Government delayed or prevented restitution for some property by selling or developing the disputed property. Another tactic the ICM claims the government used to delay restitution was questioning their historical legal claim to the disputed properties. The ICM and the Macedonian Orthodox Church claimed that it was more difficult to regain ownership of any property in locations desirable for investors and business owners, which usually means urban areas. In January 2008, the government agreed to fund the construction of a church for the MOC in the city center of Skopje. The ICM requested that the government also help rebuild the Burmali mosque in downtown Skopje. Instead, the government decided to help rebuild the Charsia Mosque in Tetovo. Many of the ICM's property claims remain unresolved.

(10) Jehovah's Witnesses have claimed several instances of discrimination including a December 2006 report that police harassed some of their members in the town of Kichevo. They complained to officials in the central office of the Ministry of the Interior about this incident. The Ministry of the Interior served as a mediator between the local police and members of the group helping to resolve the issue, which resulted in the first-ever visit by the Director of the State Commission for Relations with Religious Communities and Groups to the group's headquarters in Skopje. Leaders in the Jehovah's Witness community reported that the situation was resolved satisfactorily and that there have been no further problems.

Sectarian Instances of Discrimination and Violence

(11) In 2007 Jewish leaders reported a number of instances in which Nazi symbols were spray painted in graffiti in towns around the country. Investigators reported that the incidents were not part of an organized effort, but were likely the result of individuals acting on their own.

(12) There were numerous incidents of damage to religious property reported in 2007. On May 20, 2007, unidentified individuals set fire to a mosque in Obednik, a small southwestern village. Local authorities stated that the act was an isolated case and did not appear to be part of an organized anti-Islamic movement. The Islamic and Orthodox communities publicly condemned the attack. There were also isolated reports of vandalism and theft at Macedonian Orthodox Churches and Bektashi centers.

(13) The Bektashi, a Sufi Islamic group filed suit against the Islamic Community of Macedonia in 2007 alleging that armed ICM members seized part of the Arabati Baba Tekke complex in 2002 and have not left. The ICM claimed ownership of the property because the Bektashi are a "sect" of Islam; however, the Bektashi are registered as a separate religious group and claim the property is owned solely by the Bektashi community. The dispute continues.

(14) In another alleged case of sectarian violence, Bishop Marko, a member of the "Orthodox Archbishopric of Ohrid," was performing a religious ceremony at a cemetery in Bitola in November 2007 when two security guards, allegedly employed by the Macedonian Orthodox Church, forced him to leave. When the Bishop refused the security guards assaulted him. Local police were called and told the Bishop to leave because the cemetery was owned by the MOC.

Positive Trends

(15) Although there have been incidents of religious intolerance by the government and between sectarian groups, there are also many positive trends in Macedonia. For example, on April 16, 2007, Parliament amended the education law allowing religious education in public schools to start in the 6th year of primary school. In May 2008, the first Macedonian rabbi since 1943 graduated from the Sephardic School Yeshiva in Jerusalem. He will serve as the Supreme Rabbi in Macedonia. The Jewish community completed negotiations with the government for the full restitution of individual property confiscated by the former Yugoslav government. Additionally, the government agreed to pay \$26.3 million in restitution for all heirless Jewish property in December 2007. The government strengthened its efforts to reach out to religious communities to help resolve issues with local authorities, which were applauded by many including the Jehovah's Witness community. Finally, the government hosted a World Conference on Dialogue among Religions and Civilizations in October 2007.

Conclusion

(16) The 1992 Macedonian Constitutional reforms were a positive step towards guaranteeing religious freedom, but the new religion law is extremely ambiguous and could lead to religious discrimination and abuse of power. Macedonia's enforcement of its laws has been inconsistent and, at times, promoted the state-backed Macedonian Orthodox Church. Religious minorities in the country are concerned about continuing enforcement problems under the new religion law. It behooves the international community to continually monitor progress in this Balkan state so that hard won freedoms that are now enshrined in its Constitution will not be eroded. Continuing to promote the rule of law along with a fair and impartial judiciary will be of utmost importance in continuing Macedonia's moves towards full religious freedom.