

ACT ON CHURCHES AND RELIGIOUS COMMUNITIES

("Official Gazette of the Republic of Serbia", no. 36/06)

I. GENERAL PROVISIONS

Freedom of religion

Article 1

Everyone is guaranteed, in accordance with the Constitution, the right to freedom of conscience and religion.

Freedom of religion includes: freedom to have or not to have, to hold or to change religion or religious conviction, that is freedom of belief, freedom to profess faith in God; freedom to manifest belief or religious conviction either individually or in community with others, in public or in private, by participating in religious services and performing religious ceremonies, through religious teachings and instructions, cherishing and developing religious tradition; freedom to develop and improve religious education and culture.

Prohibition of religious discrimination

Article 2

No one shall be subject to coercion which could impair freedom of religion, or be compelled to declare their religious belief and religious conviction or absence thereof.

No one shall be harassed, discriminated or privileged for her religious convictions, belonging or not belonging to a religious community, participating or not participating in religious services and religious ceremonies and exercising or not exercising guaranteed religious freedoms and rights.

There shall be no state religion.

Limitations to manifest religious freedom

Article 3

Freedom of religion or religious conviction shall be subject only to such limitations as prescribed by the Constitution, law and ratified international treaties, and which are necessary in a democratic society in the interest of the protection of public safety, public order, morals and the protection of the freedoms and rights of others.

Religious freedom shall not be used in a way which endangers the right to life, right to health, rights of children, right to personal and family integrity and right to property, nor in a way to cause and stimulate religious, national or racial intolerance.

II. LEGAL POSITION OF CHURCHES AND RELIGIOUS COMMUNITIES

1. Autonomy

Holders of religious freedom

Article 4

Holders of religious freedom according to this Act are traditional Churches and religious communities, confessional communities and other religious organizations (hereinafter: Churches and religious communities).

Freedom of association and assembly Article 5

Citizens have the freedom of association and assembly with the aim of manifesting religious convictions in accordance with the Constitution and law.

Citizens have the freedom of joining Churches and religious communities in accordance with law.

Autonomy of Churches and religious communities Article 6

Churches and religious communities are independent from the state and equal before the law.

Churches and religious communities are free and autonomous in determining their religious identities.

Churches and religious communities have the right to autonomously arrange and follow their order and organization, and to perform their internal and public affairs autonomously.

Autonomous regulations of Churches and religious communities Article 7

The state shall not disturb the application of autonomous regulations enacted by Churches and religious communities.

For the enforcement of final decisions and judgments issued by competent bodies of Churches and religious communities the state shall, upon their request, provide appropriate assistance in accordance with law.

Rights of priests and religious officials Article 8

Priests and religious officials are elected and appointed by Churches and religious communities, in accordance with their autonomous regulations.

Performance of priestly and religious service is regulated by autonomous regulations of Churches and religious communities.

Priests and religious officials are free and independent in performing religious services carried out in accordance with law and autonomous regulations of the pertinent Church or religious community.

Priests and religious officials shall not be responsible before public authorities for their acts in performing religious services in accordance with Paragraph 3 of this Article.

A priest or religious official is entitled to participate in all forms of public life, unless such participation is prohibited by autonomous regulations or a particular decision of the Church or religious community that appointed him.

The state shall not limit civil or political rights of priests and religious officials, based on their religious office or duty that they perform.

A priest shall not be called upon to testify on the facts and circumstances he learned during confession.

If a competent public authority arrests a priest or a religious official, it is obliged to immediately notify of the arrest the competent body of the Church or religious community to which the arrested priest or religious official belongs.

The state shall protect official uniform and its parts, as well as the designations of the rank and dignity of priests and religious officials, in accordance with the law and autonomous regulations of the pertinent Church or religious community.

Legal personality of Churches and religious communities

Article 9

Churches and religious communities registered in accordance with this Act have the capacity of a legal person.

Organizational units, bodies and institutions of a Churches or religious communities may acquire the capacity of a legal person in accordance with autonomous regulations of the pertinent Church or religious community, and based upon a decision of the competent authority of the pertinent Church or religious community.

Churches and religious communities may alter or terminate their organizational units, bodies and institutions with the capacity of a legal person by their internal decisions, and demand that they be erased from the Register.

Churches and religious communities, as well as their organizational units and institutions possessing the capacity of a legal person, shall use in public exclusively the official name under which they are registered.

Traditional Churches and religious communities

Article 10

Traditional Churches are those which have had a historical continuity within Serbia for many centuries and which have acquired the status of a legal person in accordance with particular acts, that is: the Serbian Orthodox Church, the Roman Catholic Church, the Slovak Evangelical Church (a.c.), the Christian Reformed Church and the Evangelical Christian Church (a.c.).

Traditional religious communities are those which had a historical continuity within Serbia for many centuries and which have acquired the status of a legal person in accordance with particular acts, that is: the Islamic Religious Community and the Jewish Religious Community.

The Serbian Orthodox Church

Article 11

The continuity of legal personality acquired by virtue of the Document on Spiritual Authority (Decree of the National Assembly of the Principality of Serbia of May 21, 1836) and of the Act on the Serbian Orthodox Church ("The Official Gazette of the Kingdom of Yugoslavia", No. 269/1929) is recognized to the Serbian Orthodox Church.

The Serbian Orthodox Church has had an exceptional historical, state-building and civilizational role in forming, preserving and developing the identity of the Serbian nation.

The Roman Catholic Church
Article 12

The continuity of legal personality acquired by virtue of the Act on the Concordat between the Kingdom of Serbia and the Holy See (Decision of the National Assembly of the Kingdom of Serbia of July 26, 1914, "The Serbian Gazette", No.199/1914) is recognized to the Roman Catholic Church.

*The Slovak Evangelical Church (a.c.), the Reformed Christian Church, the
Evangelical Christian Church (a.c.)*
Article 13

The continuity of legal personality acquired by virtue of the Act on Evangelist-Christian Churches and Reformist Christian Church of the Kingdom of Yugoslavia ("The Official Gazette of the Kingdom of Yugoslavia", No. 95/1930) is recognized to the Slovak Evangelical Church (a.c.), Reformed Christian Church and Evangelical Christian Church (a.c.).

The Jewish Community
Article 14

The continuity of legal personality acquired by virtue of the Act on Religious Community of Jews in the Kingdom of Yugoslavia ("The Official Gazette of the Kingdom of Yugoslavia", No. 301/1929) is recognized to the Jewish Community.

The Islamic Community
Article 15

The continuity of legal personality acquired by virtue of the Act on Islamic Religious Community of the Kingdom of Yugoslavia ("The Official Gazette of the Kingdom of Yugoslavia", No. 29/1930) is recognized to the Islamic Community.

Confessional communities
Article 16

Confessional communities are all those Churches and religious communities whose legal position was regulated on the grounds of notification in accordance with the Act on Legal Position of Religious Communities ("The Official Gazette of the Federal National Republic of Yugoslavia", No. 22/1953) and with the Act on Legal Position of Religious Communities ("The Official Gazette of the Socialist Republic of Serbia", No. 44/1977).

2. Registration

Register of Churches and religious communities

Article 17

The Ministry competent for religious affairs (hereinafter: Ministry) shall keep the Register of Churches and religious communities (hereinafter: Register)

Procedure of registration of religious organizations

Article 18

For the entry of Churches and religious organizations into the Register, a notification is filed to the Ministry containing:

- 1) name of the Church or religious community;
- 2) address of the seat of the Church or religious community;
- 3) name, surname and capacity of the person authorized to represent and act on behalf of the Church or religious community.

Religious organizations, excluding those mentioned in Article 10 of this Act, for the entry into the Register need to file an application with the Ministry, containing the following:

- 1) decision by which the religious organization has been established, with names, surnames, identification document numbers and signatures of founders of at least 0,001% adult citizens of the Republic of Serbia having residence in the Republic of Serbia according to the last official census, or foreign citizens with permanent place of residence in the territory of the Republic of Serbia;
- 2) statute or another document of religious organization containing: description of organizational structure, governance method, rights and obligations of members, procedure for establishing and terminating an organizational unit, list of organizational units with the capacity of a legal person and other data relevant for the religious organization;
- 3) presentation of the key elements of the religious teaching, religious ceremonies, religious goals and main activities of the religious organization;
- 4) data on permanent sources of income of the religious organization.

The name of religious organization

Article 19

A religious organization whose name contains the name or part of the name denoting the identity of the Church or religious community already entered into the Register or of the one who had filed the application before, shall not be entered into the Register.

Deciding on the application for the entry into the Register

Article 20

The Ministry issues a decision on the application for the entry into the Register within 60 days from the date of the receipt of proper application and necessary documentation.

If the application is incomplete or if the name violates Article 19 of this Act, the Ministry shall call upon the applicant to complete or alter the application within 30 days. If the application is not completed or altered in the stated period, the Ministry shall dismiss the application.

If a religious organization which filed notification of its existence in accordance with regulations on citizens' association, fails to submit the application for the entry into the Register within one year after entry into force of this Act, shall not be deemed religious organization in the terms of this Act.

The Ministry shall issue a decision denying application for the entry of a religious organization into the Register if the aims, teaching, ceremonies or activities of the religious organization are contrary to the Constitution and public order or if they endanger life, health, freedom and the rights of others, the rights of children, the right to personal and family integrity and the right to property.

In issuing the decision on application for the entry into the Register, the Ministry shall take into account the decisions of the European Court of Human Rights, as well as administrative or judicial decisions regarding registration or activities of pertinent religious organization in one or several member states of the European Union.

Entry into the Register vests a religious organization with the capacity of a legal person.

If the Ministry fails to issue decision within the term prescribed in Paragraph 1 of this Article, entry into the Register shall be deemed approved.

Contents of the Register Article 21

The following shall be entered into the Register: the name of the Church, religious community or religious organization; seat and address; organizational forms and territorial organization; name and surname, address and capacity of the person authorized to represent the Church, religious community or religious organization and act on its behalf; the number and date of the decision on the entry; the number and date of the decision on the deletion from the previous register of legal persons, as well as all changes of the data entered.

The data on religious schools, cultural institutions and associations, humanitarian, charitable and medical organizations founded by the Church, religious community or religious organization shall also be entered into the Register, as well as the data on business or other activity performed by the Church, religious community or religious organization.

A Church, religious community or religious organization is obliged to notify the Ministry of the change of any data entered into the Register within 30 days from its occurrence.

The Ministry competent for religious affairs shall prescribe regulation on the contents and method of keeping the Register.

Deletion from the Register Article 22

The Ministry shall issue a decision on the deletion from the Register if:

- 1) the Church, religious community or religious organization submits such a request;
- 2) such circumstances occur due to which entry into the Register should be denied;
- 3) if it be established by a final court decision that the religious organization fulfills goals different from the ones for which it has been founded.

Legal remedy
Article 23

A decision on registration, dismissal of the application for entry, denial of entry or deletion from the Register is final, and the review before administrative court is available.

Treatment of property
Article 24

Property of a Church, religious community or religious organization which is deleted from the Register will be treated in accordance with the regulation on citizens' associations.

Supervision
Article 25

The Ministry competent for religious affair shall supervise the application of this Act.

3. Property and financing

Property
Article 26

Churches and religious communities finance their activities with income from their property, endowments, legacies and funds, inheritance, donations and contributions, other non-profit transactions and activities, in accordance with law.

Churches and religious communities manage their property and financial assets independently, in accordance with their autonomous regulations.

Churches and religious communities may perform business and other activities in accordance with relevant regulation.

Protection of property
Article 27

Sacral and cultural heritage, including structures of cultural significance, belonging to Churches and religious communities, shall not be subject to enforcement and bankruptcy proceedings or settlement.

By the time the law on the restitution of property to Churches and religious communities is enacted, the competent public or local self-administration authority may cede without compensation the use of such property or its parts to Churches and religious communities, at their request and in accordance with law.

Cooperation of the state with Churches and religious communities
Article 28

The state cooperates with Churches and religious communities with the aim of improving religious freedom and accomplishing common good and mutual interest.

With the aim of improving religious freedom and cooperation with Churches and religious communities, the state may, in mutual interest, financially support Churches and religious communities.

Social rights of priests and religious officials
Article 29

Priests and religious officials are entitled to health, pension and disability insurance.

With the aim of improving religious freedom, with the consent of Churches and religious communities, funding of health, pension and disability insurance of priests and religious officials, may be provided for in the budget of the Republic of Serbia, in accordance with law.

If the funding is provided for in the budget of the Republic of Serbia, the Government shall determine respective amounts for the realization of social rights of priests and religious officials, equally and proportionally to the number of believers of each Church and religious community, according to the latest census conducted in the Republic, in which process the principle of positive discrimination may be applied to Churches and religious communities with a small number of believers.

Churches and religious communities may independently establish funds for social, that is health, pension and disability insurance of their priests and religious officials, in accordance with their autonomous regulations.

A priest or religious official who is a foreign citizen, serving permanently and in accordance with law and autonomous regulations of the pertinent Church or religious community, and having permanent residence in Serbia, is entitled to all the rights based on this Article, in accordance with law.

Tax exemptions
Article 30

With respect to undertaking business activities and providing income in accordance with this Act, Churches and religious communities may be entirely or partially exempt from tax and other obligations, in accordance with the law on the pertinent public income.

Natural and legal persons that have given a contribution or donation to a Church or religious community may be exempt from respective tax obligations, in accordance with the law on the pertinent public income.

III. ACTIVITY OF CHURCHES AND RELIGIOUS COMMUNITIES

1. Religious service

Space of worship
Article 31

Churches and religious communities perform religious service and worship, ceremonies and other activities in temples, other structures and premises they own or rent.

Religious service and worship, ceremonies and other activities may be performed in public places and open spaces, as well as in the places related to significant historical events or persons, in accordance with law.

The space and time of religious service and worship are protected and inviolable, in accordance with the Constitution, law and autonomous regulations of Churches and religious communities.

Religious service and ceremonies may also be performed in hospitals, military and police facilities, institutions for execution of criminal sanctions, and other institutions and facilities, upon request of the competent body, while in schools and social and child care institutions religious service and ceremonies may be performed only on appropriate occasions.

Competent bodies of the institutions mentioned in Paragraph 4 of this Article are obligated to provide to the possible extent for performance of religious services, worship and ceremonies upon request of the members of these institutions or upon request of the beneficiaries of these institutions' services.

Churches and religious communities shall, in agreement with the competent body of the institution concerned, determine the manner and terms of granting the requests for performance of religious services and ceremonies periodically, permanently or on appropriate occasions.

Construction Article 32

Churches and religious communities may build on their own, in accordance with law, temples and other buildings for purposes of service and worship, as well as rectories, monastery residences, administrative-management buildings, schools, boarding houses and hospitals (hereinafter: religious facilities).

Churches and religious communities may also build residential buildings, production facilities and other buildings, in accordance with law.

In adopting planning acts the competent local self-administration authority is obliged to consider notified needs of Churches and religious communities for the construction of religious facilities.

Construction, conversion and reconstruction of religious facilities may be conducted on the basis of a decision of the Church or religious community, upon obtaining necessary licenses and permits in accordance with pertinent law and regulation, as well as the consent of the competent Ministry, and under expert supervision of the competent public authority.

The competent public authority is obliged to respect the right of the Church or religious community to organize and conduct works and determine purpose, style and equipment of the facility on its own, in accordance with law and its autonomous regulations.

The competent public authority and the local self-administration authority may provide funds in the budget for construction, maintenance and restoration of religious facilities, in accordance with the needs and to the extent possible.

Burials may take place in temples and other religious facilities owned by Churches and religious communities, as well as on the land lots on which those

facilities are built, on the basis of a decision of the competent authority of the Church or religious community.

Charitable activity
Article 33

In the context of their social and charitable activity, Churches and religious communities may establish appropriate institutions and organizations, in accordance with law.

Social and charitable activity of Churches and religious communities shall be separate from religious service.

In performing their social and charitable activity, Churches and religious communities, as well as institutions and organizations from Paragraph 1 of this Article, shall make visible their full registered name, whereas institutions and organizations shall also make visible the full name of the Church or religious community which founded them.

2. Educational activity

Religious educational institutions
Article 34

Churches and religious communities may establish institutions for the purpose of educating future priests and religious officials, improving spiritual and theological culture and other related goals (hereinafter: religious educational institutions).

Establishment of educational institutions according to general laws and regulations
Article 35

Churches and religious communities may establish preschool institutions, elementary schools, grammar schools, technical and artistic secondary and high schools, faculties and universities, in accordance with law.

Religious educational institutions within the educational system
Article 36

A Church or religious community may initiate the procedure of verification and accreditation of a religious educational institution with the aim of incorporating it in the educational system, in accordance with law on education.

Religious educational institutions which obtain verification and accreditation shall be entitled to financing from the budget, proportionally to the number of believers according to the latest census in the Republic of Serbia.

With the aim of improving religious freedom and education, the state may also provide financial support for religious educational institutions which are not incorporated in the educational system.

Autonomy of religious educational institutions
Article 37

Religious educational institutions shall have organizational and curricular autonomy.

A Church or religious community autonomously determines the curriculum, syllabus, textbooks and reference literature, appoints and dismisses teaching and other staff and conducts supervision over the work of religious educational institution.

Religious educational institutions incorporated in the educational system are obliged to observe conditions and standards applicable within the educational system, in accordance with law on education.

Certificates and diplomas of religious educational institutions
Article 38

Certificates and diplomas of verified and accredited religious educational institutions have the same legal effect as corresponding certificates and diplomas acquired in state educational institutions.

Certificates and diplomas acquired in other religious educational institutions may have, upon determining equivalence before the competent state authority, the same legal effect as corresponding certificates and diplomas acquired in state educational institutions.

Social rights of pupils and students of religious educational institutions
Article 39

Full-time pupils and students of religious educational institutions are entitled to health and social care, pupils' and students' standard, delay of military service and serving civil military service, while their parents have the right to child support, under the same terms and conditions as the pupils and students of state educational institutions.

Religious instruction in state and private schools
Article 40

The right to religious instruction in state and private elementary and secondary schools is guaranteed, in accordance with law.

3. Cultural activity

Bearers of cultural and scientific activity
Article 41

Bearers of cultural and scientific activities of Churches and religious communities are monasteries, treasuries, museums, archives, scientific-research institutions, libraries, specialized schools and institutions, artistic and conservation-restoration workshops, cultural-artistic clubs, choirs and other institutions and associations.

Religious buildings and institutions of special historical, national and cultural significance enjoy special protection, care and financial support by the state and local self-administration authorities.

Protection of sacral heritage and cultural goods

Article 42

Churches and religious communities may establish professional and scientific institutions for the protection of sacral heritage within the uniform system of protection, in accordance with law.

Verified institutions from the previous Paragraph may enjoy financial subsidies from the budget of the Republic of Serbia or from the budget of the local self-administrative entity.

Informative and publishing activity

Article 43

With the aim of improving religious freedom and freedom of information, Churches and religious communities are entitled to use public broadcasting service in accordance with the Constitution and law, as well as to independently conduct their own informative and publishing activities.

Churches and religious communities are obliged to make their full name visible in the course of their informative and publishing activity.

In informing the public of their activities, Churches and religious communities are obliged to state clearly the nature and content of each particular activity.

Funding of cultural and scientific institutions and programmes

Article 44

With the aim of improving religious freedom and culture, the competent state and local self-administration authority shall provide, to the extent possible, subsidies to Churches and religious communities for their cultural and scientific institutions and programmes.

Churches and religious communities are entitled to apply to competent state authorities and committees for the funds for the realization of cultural and scientific programmes under the same terms and conditions as other legal and natural persons.

IV. TRANSITIONAL AND CONCLUDING PROVISIONS

Term for the bylaw enactment

Article 45

The minister competent for religious affairs shall prescribe regulation for application of this Act within 90 days from the entry into force of this Act.

Entry into Force of the Act

Article 46

This Act shall enter into force eight days from the date of its publication in the "Official Gazette of the Republic of Serbia".