

The consequences of limitations on freedom of religion or belief in Montenegro during the Covid 19 Pandemic

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Montenegro faced the epidemic of the COVID-19 virus in very complex and specific social conditions. The issue of the right to freedom of religion or belief, but also other human rights such as the right to freedom of assembly, property rights and other rights in Montenegro was opened long before the epidemic was announced on March 18 this year. Namely, in the early morning hours of December 27, 2019, after the incident and the arrest of opposition members of Parliament of Montenegro, the Parliament adopted the Law on Freedom of Religion or Belief and the Legal Status of Religious Communities. The law came into force on Orthodox Christmas January 7. this year.

The adoption of the Law on Freedom of Religion or Belief and the Legal Status of Religious Communities is not a problematic action itself. In general, this Law would not cause serious disturbance to believers or the general public. But in Montenegro, this Law was drafted in violation of a number of procedural regulations, without a dialogue with traditional churches and religious communities and other subjects in drafting the law, with a number of unconstitutional legal norms contrary to international human rights standards – starting with the abolition of the Church and religious communities, new nationalizations of sacral, religious buildings - churches and monasteries, as well as all other immovable church property. Orthodox believers, but also members of other religions, as well as citizens without religious feelings, have protested persistently in almost all MNE cities and for three months, but in a peaceful way, through prayer walks and liturgies. According to official estimates, about 30% of the Montenegrin population attended these gatherings, especially youth and parents with children. Numerous believers had the most important message with prayer: We will not give up our shrines!

Immediately after the emerging of the epidemic, the Metropolitanate of Montenegro and Littoral and three other dioceses of the Serbian Orthodox Church in Montenegro stopped the protests against the unconstitutional provisions of the Law, as well as all other church activities except religious services, broadcasting Radio Svetigora and running a charity kitchens. The clergy called on the faithful to respect health measures on all occasions. However, the Government of Montenegro, and especially the Police Directorate, used the difficult situation with the epidemic to settle accounts with the bishops, priests and believers of the Serbian Orthodox Church in Montenegro. The police used methods that are inadmissible in the 21st century. It is enough to mention that Metropolitan Amfilohije (Radović) was taken to the police three times for serving the Holy Liturgy and other religious services, and Bishop Joanikije was detained with eight other priests for three days for the same reasons.

Also, state of emergency was not declared in Montenegro, but so the restriction of human rights wasn't legitimate and proportionate. It was not even a restriction but the suspension of many human rights, especially the right to freedom of religion. The Constitution of Montenegro stipulates that human rights can only be limited only by law, but not totally suspended by orders of the Ministry of Health. In Montenegro, there has been a suspension of human rights, but also the abolition of the right to effective legal protection against illegal actions of state bodies in such situations.

The Constitutional Court did not do any official work at all since February 27 this year and during the epidemic, so that the constitutionality and legality of numerous measures from the order of the Ministry of Health have not been checked until today. The basic courts were deciding and punishing citizens in the field of human rights, but in the way that the right to a fair trial was not ensured.

In Montenegro, the end of the epidemic was officially declared on June 2, but the violation of the right to freedom of religion continued. It turned out that the problem was not the health measures but turning health measures into political measures against the Church. The Church is not against restrictions on human rights, but restrictions must be prescribed by law (and applied equally to everyone). They cannot be suspended illegally or implemented selectively.

I regret to say that the concept of guaranteeing and protecting human rights has been seriously called into question. It is our duty in the forthcoming period, which will surely be full of challenges, to work together to reduce human rights violations in this situation to a minimum. There is an additional obligation in Montenegro because the unconstitutional provisions of the Law on Freedom of Religion are still in force.