

RELIGIOUS COMMUNITIES AND THE FREEDOM TO PRACTICE RELIGION IN NORTH MACEDONIA

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Abstract

One of the most important assets that human society has inherited since its existence until now undoubtedly is the religious diversity. The freedom to practice religion or belief cannot be subjected to other restrictions except those provided by law which make up necessary measures in a democratic society including public security, public health and ethic order protection or for the protection of rights and freedoms of others.

The protection and guarantee of freedom of religious belief, the right not to be affined to any other religion or belief as well as the opportunity that religious communities to practice their religion unhindered are the fundamental elements of the religious freedom right foreseen in democratic constitutions. Therefore, if the religious freedom in all its aspects it is not being implemented and guaranteed within a community or state indicates disrespecting of human rights and lack of constitutional values.

The Constitution of Republic of North Macedonia, approved on November 17, 1991, defines the basic framework into which state relations with religious organizations are proceeded and examined, as well as the guarantees of religious freedom. Since its independence until today, in Republic of North Macedonia, the ideological and political pillars defining the Macedonian model of secularism have not always functioned in complete harmony and cohesion. This conclusion derived by the nature of legal provisions approved in this area, which are going to be discussed in this work of study.

Keywords: religious communities, freedom to practice, constitution, democracy, discrimination, North Macedonia.

1. Introduction

Freedom of religion or belief is considered to be a basic and fundamental right of human rights, freedoms and beliefs. To the universalization of this right came along the process of universalization of the idea of civil rights and freedoms and its codification in the relevant legal acts of many states and countries. In this process, of great importance is also the historical experience of Europe and West in general. The freedom of religion and belief in this area has undergone a difficult path, from the imposition of the official religion of others to the tolerance of the other and finally to the ultimate idea of religious freedom, noting that to these beliefs have been added other point of views of different non-religious beliefs.

Europe has undergone different phases of political and religious freedoms. In the earliest phase of Christian Europe, we encounter the idea of integrated religious and political authority and the imposition of one religion as the official religion of the state. According to this attitude, all citizens have been forced to follow a single religion and its rituals, since it was believed to be derived from God and cannot exist other alternative. Except the official religion, there was no other option even for the believers of other religions. This system is established in the Roman Empire in 394-395 when the Emperor Gratian (375-383) in the west and Theodosius (379-394) in the east proclaimed Christianity as the only privileged religion in the Empire. (Karcic, 2009).

For the first time, the concept of religious freedom was developed in North America, and later extended in many countries around the world. Initially, in America existed a system carried over from Europe, but later another system was developed the one of religious freedom (religious liberty). This happened because of the multi-national and multi-religious character of the colonies in the USA, and the arrival of many immigrants from Europe, Asia, Africa, etc. which had different religions, beliefs and consciences. Among the main protagonists is Roger Williams (1603-1683) (Dolle&Williams, 1683) who demanded freedom of conscience for everyone and the abandonment of state ratification of religion. He inspired John Locke (1632-1704) who would influence Thomas Jefferson, the author of the constitutional formulation of American access to religion (Amendment I, 1791). There were some developments in other countries as well regarding this aspect such as legal acts of Rhode Island Colony, (American history) then the Virginia Bill of Rights (1778) (Milestones documents) etc..

Even though it differs from country to country, from one political system to another, we have mainly two accesses: Freedom of belief, which is the freedom to choose and remain in a specific religion or belief. The government has no right to limit this freedom therefore it is absolute, as well as the freedom to manifest religion through learning, applying and maintaining rituals, privately and publicly, individually and collectively. The government can limit this aspect of belief, but only by law, on purpose to preserve safety, order, health, morals, freedoms and basic rights of others (Karcic, 2009).

The system created with the adoption of the Constitution on November 17, 1991, (Constitution of the Republic of Macedonia, 1991) projected North Macedonia as a civil and democratic state, with a main position of the principle of the law and the guarantee of the human rights, civil liberties and national equality (Robbers, 2007). Regarding the issue of relations with religious organizations and the guarantee of liberties and religious freedoms, Republic of North Macedonia created a model based on: 1. Euro-western international standards; 2. The traditions of the majority population who practice the orthodox version of Christianity; 3. The current religious outlook. The challenge of North Macedonian model in relation with religious organizations and the guarantee of liberties and religious rights, as the reality will demonstrate lies in the courage to balance the three mentioned models.

The Republic of North Macedonia does not have a homogeneous religious society. In addition to the members of the orthodox variant of Christianity and the Islamic confession, in Republic of North Macedonia exist a large number of other confessions such as Christian-Catholic confession, Christian-Protestant confession, Jewish etc.. (Stat.gov.mk). The religious and pluralistic reality in North Macedonia has further shaped his own model of relations with other religious organizations as well as the character of religious freedom and rights in the country. In the spirit of euro-western and international standards, historical traditions and in accordance with the principles of religious pluralism, the state has given some guarantee about the practice and cultivation of other minority confessions.

Since its independence until today, in the Republic of North Macedonia, the ideological and political pillars that have defined the state model of secularism have not always functioned in complete harmony and cohesion. This conclusion derives from the character of the legal provisions adopted in this field, and that the character of legal solutions was largely determined by the ideological positions or action matrices of the governing parties in the country.

2. North Macedonia, a secular and religiously separated state

The declaration of independence of Republic of North Macedonia from other former Yugoslav republics and its formation as an independent, sovereign and democratic state achieved the national goal of the Macedonians and other citizens living in the foregoing territory to create their own state. The state independence interrupted the socialist period marking the beginning of the development of a new democratic order with new political institutions and new democratic values. These processes developed gradually through a “democratic transition” which influenced the protection and guarantee of human rights and liberties.

The challenge of the North Macedonian state model in relation to religious organizations and guaranteed religious rights and freedoms was directly related to the ability of the state factors to find appropriate balance between the various elements. The state model of secularism has created specific relations between the religious organizations themselves, as well as between the religious organizations and the state, ensuring the unhindered exercise of religious freedom in the country. The secular model of the relations between the state and religious organizations is not only based on values originating from the Western Europe heritage but also on traditional relations of an autochthonous character.

The principle of North Macedonian state, as a secular state is a constitutional principle that directly and clearly defines the limit of non-interference of state institutions and bodies in the competences of the religious organizations and vice-versa, prohibits the involvement of religious organizations in matters that are under the competences of the state. Article 19 of the constitution states that the Macedonian Orthodox Church, as well as the Islamic Religious Community, the Catholic Church, the Methodist Evangelical Church, other religious communities and groups are separated from state and are equal before the law. From this, we clearly understand that in North Macedonia does not exist a single official state religion. The state itself is secular and religion is separate from it. It means that the state has no right to interfere with the matters of the religious communities nor do religious communities have the right to interfere in the affairs of the state. In addition, for this very reason, with the law on organization and functioning of the State administration, is established the commission for relations with religious communities and religious groups, as a separate body of the state administration. Article 29 (Law on the organization and work of state administration bodies, 2000) of this law stipulates that the Commission for relations with religious communities and religious groups is responsible for the legal position of the religious communities and groups as well as for the relations between the state, religious communities and religious groups.

This commission as an intermediary element between state and religious organizations has existed since the time of the Socialist Republic of Macedonia. (Commission for Relations with Religious Communities, 1945) However, the difference with today’s commission lies upon the approach to the issue of religious organizations as well as to the issue of religious freedom.

3. Freedom to practice religion in North Macedonia

North Macedonia is a multi-ethnic and multi confessional state so automatically we are dealing with citizens belonging to different ethnicities and religions. In reality, we can say that religious freedom in North Macedonia is at the right level, with no extreme cases of violation of religious freedom by different communities; on the contrary, they cohabit in a complete harmony and respect.

Religious freedom is guaranteed by international acts of fundamental human rights and freedoms. In North Macedonia, this freedom as a basic right is also guaranteed by the

constitution and by the law on religious freedom. The Constitution of Republic of North Macedonia, approved on November 17, 1991 defines the basic framework within which the state's relations with religious organizations operate and are examined, as well as the guarantees of religious freedom, the free and public demonstration of faith, individually or in community with others.

Religious communities and religious groups existing in the country are separate from state and equal before the Constitution and the law. Moreover, it is also determined that religious freedoms and religious groups are free to establish religious schools and socio-humanitarian institutions according to the procedures foreseen by law. In order to prevent the violation of the right to free expression of the religion, the constitution determines that freedoms and rights can only be limited during a state of emergency or war and something alike cannot be considered discriminatory based on gender, race or skin color. Language, religion, national and social origin, wealth or social status but even in such a situation the freedoms and rights related to religious belief, conscience, opinion, public expression of opinion and religion cannot be limited. (Law on the legal position of the church, religious community and religious group)

Various laws regulate protection against discrimination based on membership of a specific religious organization or religious beliefs. Such a protection can be divided into two groups: 1. Laws defining the general framework for protection against discrimination and 2. Laws determining discrimination based on membership of a specific religious organization or religious belief in detail.

The approach of Republic of North Macedonia toward issues related to the status of religious organizations as well as the freedom to exercise religion is determined by several normative acts adopted over years. They contribute to defining the pluralist model of secularism in North Macedonia, which are: acts which legally regulate the issue of proof of religious affiliation; return of real estate to religious organizations in the process of denationalization; acts dealing with protection against discrimination on religious grounds, conscientious objection, teaching and learning in primary schools, religious blessings in public schools, the status of higher education institutions of religious organizations; state celebrations of religious holidays; the status of acts of religious organizations within the legal system of Republic of North Macedonia; acts that regulate state support of the Macedonian Orthodox Church in North Macedonia regarding its struggle for autocephaly. (Spasenovski, 2021).

In the international report (Mk.UsEmbassy.gov, 2022) published by the American State Department, on religious freedoms in 2022, on the section about North Macedonia, it is stated in the beginning that constitution prohibits discrimination on religious grounds and guarantees religious freedom and the right to religious expression. It ensures equality before the law for all citizens regardless of their religious beliefs including five religious groups such as Christians, Muslims, and Jewish who automatically gain tax exemptions and other benefits. It also mentions the problems faced by religious communities such as the slow and incomplete denationalization of state property, the favoring of church and some religious groups, the non-accreditation of religious schools thus preventing students from these schools to enroll in secular universities. This report points out that the inter-institutional working group formed in 2021, proceeds to examine the changes and additions to the law, enabling churches and mosques to obtain the status of a legal entity, a long-standing request of Macedonian Orthodox Church- Ohrid Archdiocese and the Islamic Religious Community in North Macedonia.

According to the 2021 census, the total population in North Macedonia was 2.1 million, out of which 1.8 million are residents. From the usual resident population, 46, 1 percent are orthodox Christians of which the dominant majority are KOM-KO followers, 32, 2 percent of the population are Muslims and the majority are Sunnis and followers of the BFI, 13, 2 percent

are Christians not specifying religion, and 7.2 percent are unknown. Other religious groups, together accounting less than 2 percent of the total population include a small number of Sufi groups with some Bektashi orders, KOO, Jehova's witnesses, the Church of Jesus Christ of Latter-day Saints, various Protestants catholic groups and Vaishnav Hindus. The Jewish Community is estimated to have around 200 members, even though data from 2021 census show that only 66 members confirmed their Jewish ethnicity. (Stat.gov.mk, oblast opshto, 2023)

The majority of the Orthodox Christians live in the central and southeastern regions of the country. The majority of the Muslims reside in the northwestern regions. There is a mutual relationship between ethnicity and religion of the population: most of the orthodox Christians are ethnic Macedonians, while majority of the Muslims are ethnic Albanians. Most of the Roma, Turks and Bosnians are almost Muslims whilst the largest number of Serbs and Vlachos are Orthodox Christians.

The Government recognizes 43 religious organizations, including those five mentioned in the constitution (KOM-KO, Islamic Religious Community, the Catholic Church, the Methodist evangelical Church and the Jewish Community). This number includes 20 churches, 10 religious communities (four Christian, four Muslim, 1 Hindu and one Jewish) and 13 religious groups (seven Christian and six Muslim). (Kovz.gov.mk, pocetna, 2023)

4. Conclusions

The idea of freedom of religion in Europe and America has had its complicated and long path of development. This journey has had its challenges and difficulties as well as the quality improvements. We can clearly distinguish the main stages; freedom of religion has undergone from violence and intolerance to tolerance and full freedom of expression (selective in essence, especially for Muslims).

The independence of North Macedonia interrupted the socialist period marking the beginning of the development of a new democratic order with new political institutions and new democratic values. These processes developed gradually, through a "democratic transition" that also influenced the protection and guarantee of human rights and freedoms.

In contrast to the previous period, human rights and freedoms began to be regulated in an authentic manner by applying the relevant recognized standards of Western Europe. These standards were included in the Constitution of Republic of North Macedonia, which breathed new life related to the status and position of religious organizations, as well as guarantees for the exercise of religious freedoms and rights.

Regarding relations with religious organizations and guarantees regarding religious rights and freedoms, the North Macedonian model is based on international standards of Western Europe. The international western-european standards included in the constitutional-legal system of North Macedonia are actually values that originate from the theory of natural rights of the 17th and 18th centuries, the Renaissance, civilization and the Protestant Reformation, that are part of history and practice of Western Europe and North America. (Calyvas, 1997)

Tolerance and especially the acceptance of the other is among the most pronounced positive religious features of genuine religious pluralism but also for a general pluralism. Moreover, the Balkans, Europe and world in general in the public discourse was a symbol of conflict, impatience and exclusion, while because of hatred and bloody conflicts in many parts of Europe and world. We are looking forward that the future will bring to "those who are not and do not think like them" as much light as they have brought to their sky.

The religious and religious pluralistic reality in North Macedonia has further shaped its own model of relations with religious organizations, and the character of religious freedom and rights in the country. The Northern Macedonian principle as a state of secularism is a

constitutional principle, which directly and clearly defines the limit of institutional non-interference of state bodies in the competences of religious organizations, and vice versa, prohibits the involvement of religious organizations in issues that are within state competences.

The democratic character of the Republic of North Macedonia can be determined based on the practical implementation of the standards regarding the state position toward religions, as well as based on the degree of implementation of religious freedom.

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