

## RELIGION, LAW AND COVID-19 EMERGENCY

# Religion, law and Covid-19 emergency: a brief report from Montenegro

by **Nikola B. Šaranović** \*

nisha@t-com.me

The COVID-19 epidemic in Montenegro was declared on March 26<sup>th</sup> 2020. Due to timely measures and recommendations by the relevant state authorities, Montenegro was the last European state that had been hit by the COVID-19 epidemic; beginning February 28<sup>th</sup>, almost a month before the appearance of the first reported cases, a total of 74 such measures and 19 recommendations by April 4<sup>th</sup>, 2020<sup>1</sup> has been put in place.

The COVID-19 epidemic limited, among other human rights and freedoms, the freedom of religion in Montenegro. As laid down by the Constitution of Montenegro, freedom to expression of religious beliefs may be restricted only if so required in order to protect life and health of the people, public peace and order, as well as other rights guaranteed by the Constitution<sup>2</sup> (the ratified and published international agreements and generally accepted rules of international law shall make an integral part of the internal legal order, shall

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\* NGO Consortium for Religious Research Activities of Montenegro – CREDO.  
ICLARS Member from Montenegro

<sup>1</sup> [http://www.gov.me/en/homepage/measures\\_and\\_recommendations/](http://www.gov.me/en/homepage/measures_and_recommendations/)

<sup>2</sup> Article 46 of the Constitution of Montenegro

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have the supremacy over the national legislation and shall be directly applicable when they regulate the relations differently from the internal legislation<sup>3</sup>). These restrictions are envisaged in the Law on Protection of Population from Infectious Diseases.

The first measure indirectly restricting freedom of religion was passed on March 13<sup>th</sup>, to prohibit the population from assembling in indoor and outdoor public places (public gatherings, events relating to sports, politics, religion, culture and art, along with private gatherings, ceremonies and events in line with the law).<sup>4</sup>

In accordance with this measure, the Orthodox Church has suspended mass protest-processions against the recent Law on Freedom of Religion and Legal Status of Religious Communities, which had taken place twice a week in almost all Montenegrin cities. Religious teachings and other events were also suspended, while epidemiologists and other experts were invited to the Church-owned media in collaboration with the Institute of Public Health. Moreover, the Orthodox Church offered its premises to the state for the purpose of combatting the virus.

The Islamic Community suspended the Friday Prayer and daily group prayers, on all religious sites, as well as its educational activities, i.e. all gatherings and events of a religious and cultural nature.

The Roman Catholic Church suspended all religious / catechetical / pastoral activities and gatherings until further notice, called on believers to refrain from coming to Holy Mass and to have funeral rites performed in accordance with the recommendations of those in charge.

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<sup>3</sup> Article 9 of the Constitution of Montenegro.

<sup>4</sup> [http://www.gov.me/en/homepage/measures\\_and\\_recommendations/](http://www.gov.me/en/homepage/measures_and_recommendations/), Measure No. 12

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These are not the only measures taken by religious communities.

The new state measure, directly restricting freedom of religion, followed on March 21<sup>st</sup>: the obligation of religious communities to adapt their activities to the current epidemiological situation and perform religious ceremonies in religious infrastructure, exclusively without the presence of followers.<sup>5</sup> The reason for this measure was a misunderstanding between the state and the Orthodox Church when it came to receiving Eucharistic Bread and Wine from the common spoon for holy communion.

According to the report of the Institute for Public Health, one religious gathering near Podgorica, the capital of Montenegro, resulted in a cluster of infected people.

On March 19<sup>th</sup> the Police summoned two Orthodox priests for informative questioning about the religious gathering in Kotor (a city in the south of Montenegro). The Police arrested on March 29<sup>th</sup> an Orthodox priest who served a Holy Liturgy in one monastery near Budva (a city in the south of Montenegro) in the presence of 11 people. He has been held criminally liable for failing to comply with health regulations for the suppression of a dangerous infectious disease.

On April 12<sup>th</sup>, the head of the Orthodox Church in Montenegro Metropolitan Amfilohije Radović and several priests were summoned by the Police for informative questioning about the Holy Liturgy served near Podgorica as well as about the gathering in the Cathedral of the Resurrection of Christ in Podgorica. The same day, one Orthodox priest was also questioned

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<sup>5</sup> [http://www.gov.me/en/homepage/measures\\_and\\_recommendations/](http://www.gov.me/en/homepage/measures_and_recommendations/), Measure No. 60

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by the Police about the Holy Liturgy served in Kolašin (a city in the north of Montenegro).

After the Catholic Church celebrated Easter without the presence of laymen, the question of all questions was how Easter will be celebrated by the Orthodox Church on April 19<sup>th</sup>. After exchanging different views in public, a meeting between Church representatives and State institutions resulted in the Church's decision to celebrate Easter without the presence of laymen.

Putting some exceptions aside mainly caused by different interpretations of restricting measures, churches and religious communities in Montenegro uphold their role in the prevention of the COVID 19 pandemic, in accordance with their line of duty recognized in the said law, by which they participate, among other entities, in providing and implementing protection of the population against infectious diseases.<sup>6</sup>

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<sup>6</sup> Article 14 of the Law on Protection of Population from Infectious Diseases