

THE INSTITUTE on Religion and Public Policy Report:

Religious Freedom in Bosnia and Herzegovina

Executive Summary

(1) Bosnia and Herzegovina's Constitution guarantees freedom of religion to all, but only enforces it for the three major religious groups: the Bosniaks (Muslims), the Croats (Catholics), and the Bosnian Serbs (Serbian Orthodox). Many minority religious groups have been discriminated against despite the Constitution's policy on religious freedom. Although the government has been working on improving their system of protecting minority groups from religious discrimination, there have been many cases of abuse and segregation.

THE 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.

Demographics and Political Structure

(3) From 1992 to 1995 the former Yugoslavia dissolved into war; the nations that replaced it were formed by violence and ethnic cleansing. The Bosnian Genocide split the region that became Bosnia and Herzegovina into two ethno-religious territories, dividing the country's 3.9 million citizens and 31,816 square miles of territory into Republika Srpska and the Federation of Bosnia and Herzegovina, as well as the neutral administrative district of Brcko. Today, most members of the Serbian Orthodox Church live in Republika Srpska, while most Catholics and Muslims reside in the Federation. Within the Federation itself, most Catholics live in Herzegovina, and most Muslims live in central Bosnia. Most small religious groups, such as the Jewish community, reside in Sarajevo, which is the capital of both the Federation and Bosnia Herzegovina as a whole.

(4) The population of Bosnia and Herzegovina is 45 percent Muslim, 36 percent Serbian Orthodox, 15 percent Roman Catholic, 1 percent Protestant, and 3 percent other small groups. The country is largely comprised of three major ethnic groups that are referred to in the country as "constituent peoples". These three groups are, in descending order of population, Bosniaks, Bosnian Serbs, and Bosnian Croats. The majority of Bosniaks are Sunni Muslim, while Bosnian Serbs are predominantly members of the Serbian Orthodox Church, and most Bosnian Croats are Roman Catholic. Bosnia and Herzegovina is therefore separated, geographically and often politically, into three distinct ethno-religious groups.

(5) Important smaller groups include Romani and Jewish minorities. The Jewish community, although consisting of only around a thousand members, plays a particularly vital part in both the history of the country and in its modern day community. After centuries of co-existence with other religious communities, the Jewish community today plays an active role in mediating arguments and negotiations between the other majority communities.

Legal Status

(6) The 1995 Bosnian Constitution provides that all citizens have the right to “freedom of thought, conscience, and religion.” Bosnia plans to uphold these rights through a network of “civilian enforcement agencies” in order to ensure that Bosnia and Herzegovina provide a “safe and secure environment for all persons.”

(7) Religious groups must be licensed with the government through the Law on Religious Freedom. The Law also grants religious organizations legal status, and treats those organizations as nongovernmental organizations. Under the Law, the Ministry of Justice is charged with registering religious groups, while the Ministry of Human Rights and Refugees documents religious freedom violations.

(8) If a new religious group wishes to be registered, a group of at least 300 adults must turn in a written application to the Ministry of Justice. The Ministry of Justice, then, has 30 days to deliberate, and if the application is refused, an appeal by the group can be made to the Bosnian Council of Ministers. This helps minority religious communities to register and operate legally without restrictions.

(9) The education of religious studies is left up to official representatives of the various religious communities. These representatives are employed by the communities where they teach, but are chosen through the religious organizations who set up the curriculum. Religion classes must be organized for students who are members of minority religious groups if a designated number of students attend the school. Students, or their parents, may choose not to attend the classes. The Constitution provides for representation of the three largest ethnic groups (Bosniaks, Serbs, and Croats, which by extension includes the three major religious groups) within the government and the armed forces. The Dayton Accords apportioned governmental positions and parliamentary seats between the three major constituent groups. This, however, can lead to discrimination against the minority religious groups who are not a part of the three major constituent groups.

Specific Instances of Religious Discrimination

(10) Religious discrimination is widespread within the education system. Both students and teachers remain victims of segregation and intolerance. In one instance in March 2008, all Bosnian Muslims and Bosnian Serbs were banned from attending primary school in the southern Croat-majority town of Capljina. In addition, students of different religious affiliations who attend the same school are often separated in class and taught different lessons based on their ethnicity.

(11) Government protection of the religious minority has been selective and sometimes unresponsive. Negative sentiments towards these groups have been spread through the sermons of local religious leaders, and the public statements of politicians. There are widespread complaints that reports of victimization based on religious views have not been properly investigated. In addition, many religious officials from minority groups report that they experience discrimination when it comes to the use of religious property and that they are not granted equal access to municipal services. These officials also

claim to receive inadequate protection from the police, who they say fail to properly investigate instances of harassment or vandalism. Lack of protection causes minority groups to feel vulnerable to threats of violence.

(12) Certain minority groups struggle to gain recognition. The Baptist Church, for example, has been unable to register as the Alliance of Protestant-Evangelical Churches in Bosnia and Herzegovina. Baptist officials claim that the government refuses to recognize the legal term "alliance."

(13) Regional religious minorities also find it difficult to obtain permits to construct places of worship. In areas of the country, controlled by each of the major "constituent peoples", the construction by minority groups is often stymied by local officials, while monuments and places of worship for the majority group are built with and without official permission.

(14) Illegally constructed churches and religious monuments have caused tension between religious groups and government officials. In one instance, two Serbian Orthodox Churches that were illegally constructed on land that belongs to Bosniak (Muslim) returnees in Konjevic Polje continue to give services there despite the Ministry of Urban Planning's decision that they should be taken down in 2004.

US Foreign Policy

(15) The United States sees the Balkans as "a critical region for US foreign policy and security interests." Bosnia and Herzegovina have been accepted into the European Union's Stabilization and Association agreement which will allow Bosnia and Herzegovina to enter the European Union once they have hit certain developmental mile stones. While it seems as though Bosnia and Herzegovina has a long way to go before they can be accepted into the European Union, the United States government has given \$1 billion in aid to help the country develop economically, democratically, and socially.

(16) The United States continues "its support for full implementation of the Dayton Accords and a politically moderate, multiethnic government, in an attempt to improve respect for religious freedom in the country." The U.S. Government maintains a dialogue regarding the issue of religious freedom with the government of Bosnia and Herzegovina as well as with leaders of various religious groups in the country "in the context of its overall interfaith dialogue and policy of promoting human rights," while publicly issuing statements of criticism in response to "instances of religious discrimination" and "the politicization of religion."

Conclusions

(17) Bosnia and Herzegovina has taken strides towards universal religious freedom. Although the 1995 Constitution guarantees freedom of religion for all, there is still some intolerance and discrimination among both the populace and the government, especially when it comes to minority religious groups. Bosnia and Herzegovina needs to improve their enforcement of religious freedom for all, and aggressively prosecute those who break the law. This will allow the country to grow out of its past as the former Yugoslavia, and become part of the European Union.