



## Bosnia and Herzegovina

### International Religious Freedom Report 2008

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution of Bosnia and Herzegovina (BiH) and the entity Constitutions of the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS) provide for freedom of religion; the Law on Religious Freedom also provides comprehensive rights to religious communities. These and other laws and policies contributed to the generally free practice of religion.

The Government generally respected religious freedom in practice. Government protection of religious freedom improved slightly during the period covered by this report; however, local authorities continued at times to restrict religious freedom of minority religious groups.

Societal abuses and discrimination based on religious affiliation, belief, or practice persisted. Discrimination against religious minorities occurred in nearly all parts of the country. The number of incidents targeting religious symbols, clerics, and property in the three ethnic majority areas decreased. Local religious leaders and politicians contributed to intolerance and an increase in nationalism through public statements. Religious symbols were often misused for political purposes. A number of illegally constructed religious objects continued to cause tension and conflict in various communities.

The U.S. Government discusses religious freedom with the Government and leaders from the four traditional religious communities and emerging religious groups as part of its overall policy to promote human rights and reconciliation. The U.S. Embassy supported religious communities in their efforts to acquire permits to build new religious structures. The Embassy also assisted religious communities regarding restitution of property and supported several exchange, speaking, and cultural programs promoting religious freedom.

#### Section I. Religious Demography

The country has an area of 31,816 square miles and a population of 3.9 million. The country's territory is divided into two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, with a separate administrative district in Brcko (Brcko District).

According to unofficial estimates from the BiH State Statistics Agency, Muslims constitute 45 percent of the population, Serb Orthodox 36 percent, Roman Catholics 15 percent, Protestants 1 percent, and other groups, including Jews, 3 percent. Bosniaks are generally associated with Islam, Bosnian Croats with the Roman Catholic Church, and Bosnian Serbs with the Serb Orthodox Church. The Jewish community, with approximately 1,000 members, maintains a historic and respected place in society by virtue of centuries of coexistence with other religious communities and its active role in mediating among those communities.

The degree of religious observance is relatively low among the traditional religious groups; however, some areas of significantly greater observance exist, such as among Catholic Croats in the Herzegovina region and among Bosnian Muslims in central Bosnia. For many Bosnian Muslims, religion often serves as a community or ethnic identifier, and religious practice is confined to occasional visits to the mosque or significant rites of passage such as birth, marriage, and death.

Ethnic cleansing during the 1992-95 war caused internal migration and refugee flows, which segregated the population into separate ethnoreligious areas. As a result, the majority of Serb Orthodox adherents live in the RS and the majority of Muslims and Catholics in the Federation. Within the Federation, distinct Muslim and Catholic majority areas remain, with most Catholics living in Herzegovina and most Muslims living in central

Bosnia. The Jewish community, like most other small religious groups in BiH, including Protestants, has its largest membership in Sarajevo.

## Section II. Status of Religious Freedom

### Legal/Policy Framework

The Constitution provides for freedom of religion. The BiH Law on Religious Freedom provides for freedom of religion, ensures legal status of churches and religious communities, and prohibits any form of discrimination against any religious community. The law also provides the basis for the establishment of relations between the state and religious communities.

The Constitution safeguards the rights of the three major ethnic groups (Bosniaks, Serbs, and Croats), and by extension the three largest religious communities, by providing for representation of each group in the government and in the armed forces. As a result of the governmental structure created by the Dayton Accords, parliamentary seats and most government positions are apportioned specifically to members of the three constituent peoples. These stipulations often result in constitutional discrimination against "others" and sympathizers of certain religious communities that do not fit neatly into the three constituent groups. During the reporting period, the European Court of Human Rights made no decisions regarding lawsuits previously filed by members of the Bosnian Jewish and Romani communities to address the discrimination against those considered "others" by the Constitution.

The state-level government does not observe any religious holy days as official holidays, and members of Parliament continued to disagree on a state law on national holidays. Entity and cantonal authorities routinely recognize religious holidays celebrated by members of the area's majority religion, with government offices closed on those days. Locally observed holy days include Orthodox Easter and Christmas in the RS, Catholic Easter and Christmas in Herzegovina, and Kurban Bajram and Ramadan Bajram in Sarajevo and central Bosnia.

The BiH Law on Religious Freedom governs religion and the licensing of religious groups, and it provides for the right to freedom of conscience and religion in Bosnia and Herzegovina. It grants churches and religious communities legal status and allows them concessions that are characteristic of a nongovernmental organization. The law also created a unified register for all religious groups within the Ministry of Justice, while the Ministry of Human Rights and Refugees is tasked with documenting violations of religious freedom.

According to the law, any group of 300 adult citizens may apply to form a new church or religious community through a written application to the Ministry of Justice. The Ministry of Justice must issue a decision within 30 days of the application, and an appeal may be made to the Bosnian Council of Ministers. The law allows minority religious organizations to register legally and operate without unwarranted restrictions.

On August 20, 2007, the BiH Presidency ratified a concordat with the Holy See. The concordat recognizes the public juridical personality of the BiH Catholic Church and grants a number of rights, including the recognition of Catholic holidays. Similarly, on May 7, 2008, the BiH Presidency ratified an agreement with the Serb Orthodox Church. Chairman of the Presidency Haris Silajdzic voted against the agreement, arguing that the Serb Orthodox Church is not a sovereign country like the Holy See, but his position was overruled, and the agreement went into force on May 16, 2008. Both the concordat with the Holy See and the agreement with the Serb Orthodox Church accord with the BiH Law on Religious Freedom.

The Law on Religious Freedom reaffirms the right of every citizen to religious education. The law calls for an official representative of the various religious communities to be responsible for teaching religious studies in all public and private preschools, primary schools, and universities throughout BiH. These individuals are employees of the municipality in which they teach but have been accredited by the religious body governing the curriculum. However, the law was not always fully implemented, particularly in segregated school systems or where there was political resistance from nationalist party officials at the municipal level (see Restrictions on Religious Freedom).

Religious education is largely decentralized, as is the education system generally. Public schools offer

religious education classes, but with some exceptions, schools generally offer religious instruction only in the municipality's majority religion. Legally, students (or their parents, in the case of primary school students) may choose not to attend the classes. If a sufficient number of students of minority religious group(s) attend a particular school (20 in the RS, 15 in the Federation), the school must organize religion classes on their behalf. However, in rural areas there are usually no qualified religious representatives available to teach religious studies to minority students. Minority students are often widely scattered across remote areas, making it difficult to provide classes even when a teacher is available. In the Federation's five Bosniak majority cantons, schools offer Islamic religious instruction as a 2-hour-per-week elective course. In cantons with Croat majorities, all Croat students attend the elective 1-hour-per-week Catholic religion course in primary and middle schools.

### Restrictions on Religious Freedom

Weak administrative and judicial systems effectively restricted religious freedom and posed major obstacles to safeguarding the rights of religious minorities. In some cases local governments made improvements in protecting religious freedom; however, respect for religious freedom continued to be limited by selective legal enforcement and the indifference of some government officials, which allowed societal violence and the threat of violence to restrict the ability to worship of adherents of religious groups in areas where they are in the minority. For example, local police rarely made arrests in cases of vandalism of religious buildings or violence against and harassment of religious officials or believers. Successful prosecutions were extremely rare. Local police frequently alleged that juveniles, intoxicated individuals, or mentally unstable persons were responsible for these attacks.

Lack of uniform protection posed obstacles to safeguarding minority rights. Police forces as well as entity and local governments frequently allowed or encouraged an atmosphere in which violations of religious freedom could take place. In some cases the reluctance of police and prosecutors to aggressively investigate and prosecute crimes against religious minorities remained a major obstacle to safeguarding the rights of religious minorities. The appropriation of religious symbols and buildings for political purposes had a negative impact on interreligious dialogue and interethnic relations in many communities. Authorities of the majority religious or ethnic group often discriminated against those of the minority group in matters related to municipal services, including security and education.

The lines dividing politics, ethnic identity, and religion were often blurred. Political parties dominated by a single ethnic group remained powerful and continued to identify closely with the religion associated with their predominant ethnic group. Many political party leaders manipulated the core attributes of their particular ethnic group, including religion, to strengthen their credibility with voters. Religious leaders played an influential political role in government policy and programs, sometimes to the detriment of nonbelievers or adherents of another religion.

The Baptist Church continued to have problems registering the Alliance of Protestant-Evangelical Churches in Bosnia and Herzegovina. According to Baptist officials, government authorities claimed that the law could not recognize the legal term "alliance."

Religious officials of minority populations in Sarajevo, Banja Luka, and Mostar complained of discrimination by local authorities regarding the use of religious property, obstructionism in municipal services, and police protection and investigation of harassment and vandalism.

Provisions in the Law on Religious Freedom regarding education were not always fully implemented, particularly in segregated school systems or where there was political resistance from nationalist party officials at the municipal level. Entity, cantonal, and municipal governments gave varying levels of financial support to the four traditional religious communities--Muslim, Serb Orthodox, Catholic, and Jewish. Religious communities tended to receive the most funding in areas where their adherents were in the majority.

Students of the majority religious groups and sometimes also of minority religious groups faced pressure from teachers and peers to attend noncompulsory religious instruction, and most did so. Children who were reluctant to be singled out as different from their classmates often attended instruction of the majority religion, even if it was not the religion they practiced at home.

During the period covered by this report, the Islamic Community of Bosnia and Herzegovina launched a campaign to have religious education extended to kindergarten-level students in Sarajevo Canton. There was significant public opposition to the initiative, and it was not implemented.

There were a number of controversial and highly politicized cases involving the illegal construction of religious buildings or monuments on private or government-owned land. In these cases the buildings or monuments, which had been built to send a political message to minority believers about the dominance of the majority ethnoreligious group in that area, created ethnic tensions and impeded the process of reconciliation.

The cases of illegal construction of religious property continued at the end of the period covered by this report. An illegally constructed Serb Orthodox church remained on the land of a Bosniak returnee in the town of Konjevic Polje in the eastern RS, despite the RS Ministry of Urban Planning's 2004 decision that the church should be removed. In June 2007 RS and Serb Orthodox Church officials agreed in principle to relocate the church, but the church had not been relocated by the end of the period covered by this report. A wooden Serb Orthodox church unlawfully built on private Bosniak-owned land in the town of Kotorako continued to be the source of legal and ethnic conflict, despite multiple deadlines set by authorities for its removal.

The country's four traditional religious communities had extensive claims for restitution of property that the communist government of the former Yugoslavia nationalized after World War II. The Law on Religious Freedom provides religious communities the right to restitution of expropriated property throughout the country "in accordance with the law." In December 2007 Serb representatives in the BiH House of Peoples voted against a draft restitution law even though it had previously passed in first reading through the BiH House of Representatives chamber in September 2007. In the absence of any state legislation specifically governing restitution, return of former religious properties continued on an ad hoc basis at the discretion of municipal officials, but such actions were usually completed only in favor of the majority group.

Many officials used property restitution cases as a tool of political patronage, rendering religious leaders dependent on politicians to regain property taken from religious communities. Other unresolved restitution claims were politically and legally complicated. For example, the Serb Orthodox Church continued to seek the return of the building that housed the University of Sarajevo's Economic Faculty and compensation for the land on which the state parliament building is located. The Jewish and Muslim communities also asserted historic claims to many commercial and residential properties in Sarajevo. The Catholic community continued to assert a large number of similar claims in Banja Luka.

The Catholic Church continued to seek return of its property occupied by a public primary school in the Federation municipality of Travnik. Although half of the building was returned, the other half remained in use as a school in violation of a court order that the municipality vacate the building by July 2006.

Hearings in a lawsuit filed by the Islamic Community against the RS city of Banja Luka seeking damages for the wartime destruction of all 14 mosques in the city continued in the Banja Luka Basic Court. The Islamic Community filed the original lawsuit in 2000 but began proceedings again in 2007 when an out-of-court settlement failed because the city would not make the requested admission of guilt.

Minority religious communities also encountered difficulty in obtaining permits for new churches and mosques. The Catholic Church continued to seek permission, first solicited in 2000, to build a new church in the Sarajevo neighborhood of Grbavica. The Evangelical Church continued to seek a construction permit to build a new church on its downtown property in Mostar. Church officials stated that corruption among municipal officials, specifically the Church's refusal to pay a bribe, caused the long administrative delays in issuance.

There were no reports of religious prisoners or detainees in the country.

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

### Section III. Societal Abuses and Discrimination

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice, and prominent societal leaders did not always take positive steps to promote religious freedom.

The number of incidents aimed at religious symbols, clerics, and property in all three ethnic majority areas decreased, especially compared with the previous reporting period, when attacks against religious targets were often a result of the overall political atmosphere in the country prior, during, and immediately after the October 2006 national elections. These attacks prompted the leaders of the Interreligious Council of Bosnia and Herzegovina (IRC) to begin collecting all available reports on violations of religious freedom, such as attacks on religious officials and religious objects, as well as other forms of religious discrimination. In May 2008 the IRC issued its first report, covering the period between November 2006 and December 2007. The report cited the Government's failure to investigate, prosecute, and punish the perpetrators of such acts. According to the report, police and prosecutors frequently claimed that the perpetrators were minors or mentally disturbed and did not conduct serious and thorough investigations into such incidents. For example, in April 2008 an individual damaged the plaque of the Islamic community building in Trebinje. Using the mosque's video surveillance, police immediately identified the perpetrator but did not arrest him for several weeks.

There were a number of acts of violence, theft, and vandalism against Islamic religious targets throughout the country. In September 2007 unidentified persons destroyed five tombstones at the graveyard of the Hadzi Omerova Mosque in Banja Luka. Also in September a man, allegedly encouraged by friends at a nearby cafe to provoke Bosniaks, urinated on the walls of the Osman Pasa Mosque in Trebinje at the beginning of a Ramadan prayer. Video equipment captured the incident, and police arrested a local Serb within days. In February and March 2008, unidentified vandals painted pejorative nationalistic graffiti on buildings owned by the Islamic Community in Banja Luka and Mostar, respectively. According to the IRC report, there was an increase in petitions opposing "loud" calls to prayer in Zvornik, Kozluk, and Glumina in eastern Bosnia.

Serb Orthodox sites were also targets of vandalism. In February 2008 there were several attacks against the Orthodox Church in Gracanica near Tuzla, during which unidentified persons stoned the church, broke 6 windows, overturned 34 tombstones, and uprooted crosses from the tombs and turned them upside down. Also in February, 11 tombstones and 6 tomb crosses were destroyed in Janja, Bijeljina. Fearing attacks on their monastery, in July 2007 Orthodox monks in Sase, near Srebrenica, requested around-the-clock police protection to protect their monastery from attacks they believed were imminent.

Vandals also targeted Catholic sites. In July 2007 unidentified individuals destroyed several tombstones in the Catholic cemetery in Sultanovici, near Bugojno. Officials indicated that this was the fifth attack in a two-month period.

Discrimination remained a serious problem throughout the country, especially against non-Serbs in the RS, non-Croats in western Herzegovina, and non-Bosniaks in central Bosnia. Sarajevo, the Bosniak-majority capital, preserved in part its traditional role as a multiethnic city; however, complaints of discrimination, isolation, or marginalization against non-Muslims persisted.

Some individuals preached forms of Islam that tended to be intolerant of other religions and other interpretations of Islam. Debate within the Islamic community continued about how to reconcile these competing interpretations.

The leaders of the four traditional religious communities participated in the IRC of Bosnia and Herzegovina, which continued to operate despite occasional disagreements and funding constraints.

In May 2008 the Serb Orthodox Church organized a "Donors' Dinner" in the ethnically divided city of Mostar to raise funds for the reconstruction of the historic Serb Orthodox cathedral in that city. The Government and private donors together pledged more than \$4 million for the project. Representatives of the Catholic Church and the Islamic Community in Mostar attended the dinner.

In April 2008 representatives of the Serb Orthodox Church, Islamic Community, and municipality of Zvornik

signed an agreement to relocate a controversial Serb Orthodox church built on the site of a destroyed mosque in the eastern RS village of Divic. The Islamic Community agreed to finance the relocation, the Serb Orthodox Church agreed to facilitate the return of the land to the Islamic Community, and Zvornik municipality officials agreed to help with any administrative issues in the relocation process. By the end of the reporting period, the church had not been relocated.

The Catholic and Orthodox bishops of the country continued to meet regularly to discuss matters of mutual concern. During the week of Christian unity in January 2008, the head of the BiH Serb Orthodox Church, Metropolitan Nikolaj, and the head of the BiH Catholic Church, Cardinal Vinko Puljic, with their bishops, organized religious events including an exchange of sermons in each others' cathedrals.

In contrast with the previous period, there were reported no anti-Semitic incidents during the period covered by this report.

#### Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government and leaders from all four traditional religious communities and emerging religious groups in the context of its overall interfaith dialogue and policy of promoting human rights. The U.S. Embassy publicly criticized instances of religious discrimination and attacks against religious communities or buildings and encouraged political leaders from all ethnic groups and members of the international community to respond equally strongly. The U.S. Government continued 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. Embassy continued to lobby for the adoption of a law on restitution to assist religious communities in obtaining return of their former property.

When the Evangelical Church in Mostar encountered difficulties in obtaining a construction permit to build a new church on its own downtown lot, in December 2007 the Embassy intervened on its behalf with municipal authorities.

The U.S. Ambassador and embassy personnel met frequently with the principal leaders of all four major religious groups and hosted or attended religious holiday events including iftars, Catholic and Orthodox Christmas, and Passover. The Embassy worked closely with religious leaders, individually and collectively, to discuss religious freedom concerns and to urge them to work on interreligious dialogue. The Ambassador also continued to serve as a member of the governing board of the Srebrenica Memorial Foundation, a memorial and cemetery dedicated to the 1995 genocide in Srebrenica.

The U.S. Government continued to fund countrywide human rights and democracy courses taught in 50 percent of all Bosnian elementary and secondary schools and all private Bosnian Catholic schools.

To promote interreligious dialogue, the Embassy continued to engage in an active outreach program with the religious communities at all levels. This included sponsoring speaking engagements by visiting U.S. academics and lecturers, meeting with faith-based charities, funding English Language Fellows at the Faculty of Islamic Sciences and at several madrassahs, helping to establish a comparative religion graduate program between the University of Sarajevo and Arizona State University, and funding several exchange programs to promote religious dialogue, including a "faith and community" exchange program that gave 18 of Bosnia's leading young religious leaders a chance to study comparative religion in the United States. The U.S. Government also funded the Ambassador's Fund for Cultural Preservation to support the reconstruction of religious property destroyed during the 1992-95 war, including the Muslim Seranic House in Banja Luka, St. Mary's Catholic Church and St. Luke's bell tower in Jajce, and the Serb Orthodox Church of the Holy Apostles Peter and Paul in Osanici, Stolac. The Embassy also supported the first joint exhibition of religious artifacts of all four of the country's major religious groups.

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