



Institute on Religion and Public Policy

Religious Freedom in the Federation of Bosnia and Herzegovina

Executive Summary

The State Constitution of Bosnia and Herzegovina (BiH), which includes the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), provides for the “freedom of thought, conscience, and religion”. The Law on Religious Freedom also provides broad protections for religious rights. Government implementation of these laws improved over the past year, but some local authorities continue to restrict minority groups’ right to worship. Although officially the government has made improvements, societal discrimination, particularly against religious minorities, persists unabated. Local religious leaders and politicians contributed to this intolerance through public statements and sermons and the misuse of religious symbols for political purposes. Most of the religious communities within the country are segregated as a result of ethnic cleansing during the war from 1992-95, which has led to official and unofficial discrimination against local minority groups.

Institute on Religion and Public Policy

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.

Introduction to the Legal Status

Article 2 of the 1995 Constitution protects the “freedom of thought, conscience, and religion,” for all citizens of Bosnia and Herzegovina. The Constitution also specifically protects the three major ethnic groups, Croats, Serbs, and Bosniaks, which means, as a practical matter, that it also protects the three major religious traditions, Muslims, Serb Orthodox, and Roman Catholics. These groups are guaranteed representation in the government and military, which often results in discrimination against other religious or ethnic groups. The government has made vigorous efforts to ensure a “safe and secure environment for all persons” in keeping with the general principles of international law and the Universal Declaration of Human Rights.

The BiH Law on Religious Freedom has a number of provisions governing the licensing of religious groups, granting legal status to religious organizations, and providing them concessions 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 charged with documenting violations of religious freedom.

According to the religion law, any group of 300 adult citizens may apply to form a new church or religious community by submitting a written application to the Ministry of Justice. The Ministry of Justice has 30 days to issue a decision, and if denied, the organization may appeal to the Bosnian Council of Ministers. The law allows minority religious organizations to register legally and operate without unwarranted restrictions.

Most public schools offer religious education classes, but usually only in the majority religion of the region. Reiterating the right to religious education granted in the Constitution, the religion law allows religious organizations to appoint an official representative that will be responsible for teaching religious studies in all public and private academic institutions throughout BiH. The representative must be accredited by the governing religious body and then becomes a municipal employee in the region in which he or she teaches. Schools are obligated to offer religion classes to members of a minority religious group if a designated number of students from that group attend the school (20 in the RS, 15 in the Federation). However, students (or their parents, in the case of primary school students) are not obligated to attend the classes.

On August 20, 2007, the BiH Presidency ratified a concordat with the Holy See recognizing the public juridical personality of the BiH Catholic Church and granted it a number of rights, including the recognition of Catholic holidays, despite the fact that the state-level government does not recognize any religious holy days as official holidays. Nine months later, on May 7, 2008, the BiH Presidency also ratified an agreement with the Serb Orthodox Church.

Instances of Official Discrimination

The four year civil war destroyed many of BiH's resources including its education system. The Constitution was reformed after the civil war to include protections for the right to an education, but the educational system has not benefited from similar reforms. Pupils and teachers at all levels continue to experience ethnic and religious segregation, intolerance, and division. For example, in early March 2008, the town council of Capljina, a Croat-majority town, which is primarily Roman Catholic, announced that all Bosniak children, who are primarily Muslim, and Bosnian Serb children, who are primarily Serbian Orthodox, would no longer be welcome in the town's only primary education facility. The provisions in the religion law dealing with religious education have not been well implemented and

enforced and many students were pressured by peers and teachers to attend religion classes for a religion they did not practice at home.

One of the most serious threats to religious freedom in BiH is the weak administrative and judicial system which has led to limited or selective enforcement and indifference to religious liberty issues. Local officials have ignored actual and threatened violence against religious communities. Arrests are rare, and when they are made, prosecutions are even rarer. This lack of uniform protection poses a significant threat to minority rights because it creates an environment that supports hostility to religious minorities. In fact, some local police and political leaders take advantage of this type of environment to pervert religious symbols for their own political use. According to the State Department's 2008 International Religious Freedom Report, religious leaders of minority groups in Sarajevo, Banja Luka, and Mostar's complained of discrimination by local authorities regarding the use of religious property, obstruction in municipal services, lack of police protection, harassment, and vandalism.

Another group that has faced discrimination has been the Baptist Church who 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 term "alliance."

Illegally constructed religious buildings or monuments on private or government owned lands continue to cause ethnic and religious tension in numerous communities. Serbian Orthodox churches illegally built on the land of Bosniak returnees in the eastern RS town of Konjevic Polje remain despite the RS Ministry of Urban Planning's 2004 decision that the churches should be removed.

Sectarian Instances of Discrimination and Violence

Between 2006 to 2008, the Interreligious Council of Bosnia-Herzegovina cited several incidents of sectarian abuses in the country, especially against non-Serbs in the RS, non-Croats in western Herzegovina, and non-Bosniaks in central Bosnia. Their report also cited the apathy of local authorities when investigating and prosecuting cases of religious discrimination.

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. In April 2008, the plaque of the Islamic community building in Trebinje was damaged. Although the mosque's video surveillance immediately identified the perpetrator, it took the police several weeks to arrest him.

Serb Orthodox and other Christian sites have also been 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. Last June, Orthodox monks in Sase, near Srebrenica, fearing an attack on their monastery, requested the local police to provide them with around-the-clock police protection.

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.

Even in Sarajevo, the Bosniak-majority capital, which has preserved its traditional role as a multiethnic city, there have been complaints of discrimination, isolation, or marginalization against the city's non-Muslim population.

Positive Trends

Despite occasional disagreements between leaders of the traditional religious communities, conciliatory overtures have recently been forthcoming by these divided communities. In May 2008, a "Donors' Dinner" organized by the Serb Orthodox Church in the ethnically divided city of Mostar to raise funds for the reconstruction of the historic Serb Orthodox cathedral in that city was attended by representatives of the Catholic Church and the Islamic Community.

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.

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.

United States Foreign Policy toward Bosnia and Herzegovina

The United States with NATO played an important role in helping to end the fighting in Bosnia and Herzegovina and negotiated the Dayton Agreement which ended the fighting and formed the new government of Bosnia and Herzegovina. The United States has provided much aid to Bosnia and Herzegovina, in order to help with reconstruction and government building after the end of the fighting and also is in command of the NATO forces still in

Sarajevo. USAID has also provided aid for economic development, democratic reform, and infrastructure development.

Conclusion

Since the end of inter ethnic hostilities in 1995, the country of Bosnia and Herzegovina has made significant strides to implement the religious freedoms it guarantees its citizens under its present Constitution. However, greater oversight and vigilance is needed by the various government agencies charged with upholding the rights of its citizens especially where minority populations live. The international community will also have to continue closely monitoring the situation in this Balkan country from returning to the bloody path it walked in the mid 1990s.