



Bosnia and Herzegovina

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

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The Constitution of Bosnia and Herzegovina and the entity Constitutions of the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska 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 remained unchanged from the previous reporting period; however, local authorities continued to restrict religious freedom of minority religious groups at times.

Societal abuses and discrimination based on religious affiliation, belief, or practice persisted. Discrimination against religious minorities occurred in nearly all parts of the country. However, 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. Illegally constructed religious objects continued to be a source of tension and conflict.

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. Embassy officials 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 an estimated population of 3.9 million. The country's territory is divided into two entities, the Federation of Bosnia and Herzegovina (BiH) and the Republika Srpska (RS), 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 Christian 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 varied among the traditional religious groups; however, some areas of significantly greater observance exist, particularly in more rural areas. For many persons, religion often serves as a community or ethnic identifier, and religious practice may be confined to 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 reside 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 Protestants and most other small religious groups in BiH, has its largest membership in Sarajevo.

Section II. Status of Government Respect for 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" such as members of 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" under the Constitution.

The state-level government does not observe any religious holy days as official holidays, and parliamentarians 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 (Eid al-Adha) and Ramadan Bajram (Eid al-Fitr) in Sarajevo and central Bosnia. The Federation Labor Law obligates any employer in the Federation to permit an employee four days off in a calendar year for the purpose of religious or traditional needs, two of which will be paid for. The RS law foresees the observance of the following religious holidays: Orthodox Christmas, Catholic Christmas, Kurban Bajram, Ramadan Bajram, Orthodox Good Friday, Orthodox Easter, and Catholic Easter. Orthodox Christians, Catholics, and Muslims have the right to excused and paid absences on these days, while those celebrating other religious holidays can choose two days a year for observance of other religious holidays. In practice, no institutions in the RS function during Orthodox holidays, while during Muslim and Catholic holidays, only employees observing the holidays are not expected to come to work.

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 responsible for 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 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.

A 2007 concordat with the Holy See recognizes the public juridical personality of the BiH Catholic Church and grants a number of rights, including the recognition of Catholic holidays. In May 2008 the BiH Presidency ratified a similar agreement with the Serb Orthodox Church. Both the concordat with the Holy See and the agreement with the Serb Orthodox Church accord with the BiH Law on Religious Freedom. On July 29, 2008, the Council of Ministers passed a decision to appoint a mixed commission for implementation of the concordat, consisting of five members from the BiH Government and five members from the Holy See. On February 18, 2009, the commission adopted a program of work and rulebook for work in 2009.

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.

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 a minority religious group 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 two-hour-per-week elective course. In cantons with Croat majorities, Croat students attend the elective one-hour-per-week Catholic religion course in primary and middle schools. However, in 13 Catholic schools in Bosnia and Herzegovina, parents have an option to choose between the elective one-hour-per-week Catholic religion course and a course in ethics.

In January 2009 the RS Ministry of Education introduced a Culture of Religions course as an experimental subject for all first-year high school students starting the second semester of the 2008-2009 school year. The aim of the subject is to advance understanding of moral values based on society and tolerance.

On August 13, 2008, the Brcko District International Supervisor issued a supervisory order regulating the conduct of religious education and the employment status of teachers of religion in Brcko District public schools. According to the order, teachers of religion may obtain indefinite-term contracts and have the same status, rights, and obligations, including the professional qualification requirements, as any other teacher under Brcko District laws.

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 to protect 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 used religion to strengthen their credibility with voters. Religious leaders exerted influence 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, the Ministry of Justice 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.

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 buildings continued at the end of the reporting period. 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 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 reporting period. On September 10, 2008, when Serb Orthodox priests accompanied by a police escort visited the illegally constructed church, the elderly owner of the land, protesting the visit, was charged with attacking a police officer. The owner was allegedly holding a pair of scissors, but no police officer claimed to have been injured. The charges were dismissed in April 2009.

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 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.

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. On November 18, 2008, the Council of Ministers formed a new Restitution Commission to work on improving the rejected draft law. At the end of the reporting period, the commission had not submitted a revised law for consideration.

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 housing the University of Sarajevo's Economic Faculty and compensation for the land on which the state parliament building is located. The Inter-Religious Council reached consensus on the need for the Economic Faculty building to be returned; however, at the end of the reporting period, no agreement had been reached with university or political leaders. Religious communities continued to seek the return of commercial and residential properties in major cities throughout the country.

On February 20, 2009, the Basic Court in Banja Luka ordered the RS and the City of Banja Luka to pay approximately \$42.6 million (64 million KM) in compensation to the BiH Islamic Community for the destruction of 16 mosques during the 1992-95 war. On March 17, 2009, the RS Chief Attorney filed an appeal to the first instance verdict.

On July 31, 2008, the Mostar City Council passed a decision to temporarily return (give rights of use of) six nationalized buildings to the Serb Orthodox Church.

Minority religious communities also encountered difficulty in obtaining permits for new churches and mosques. After numerous attempts, the Catholic Church received an urban permit to build a new church in the Sarajevo neighborhood of Grbavica. However, the Evangelical Church continued to seek a construction permit to build a new church on its downtown property in Mostar. Evangelical 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 who had not been allowed to be returned to the United States.

Section III. Status of Societal Respect for Religious Freedom

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.

There were a number of acts of violence, theft, and vandalism against Islamic religious targets throughout the

country. On December 8, 2008, on the eve of Eid al-Fitr, a fire occurred in a mosque in the Bosniak returnee village of Kula, in Gacko, a municipality in southeastern RS. The RS Ministry of the Interior concluded that the fire was not the result of intended arson but rather the result of a faulty electrical installation. Doubting the trustworthiness of the official investigation results, the Islamic Community of Bosnia and Herzegovina hired its own expert, who claimed (without having inspected the evidence collected by law enforcement officials) that the cause of fire was arson. Regardless of the origin of the fire, the fact that it occurred on the eve of one of the biggest Muslim holidays, and due to numerous security problems in this area in the past, the incident contributed greatly to the increased feeling of insecurity of returnees in Gacko.

Serb Orthodox sites were also targets of vandalism. On January 6, 2009, on Orthodox Christmas Eve, unidentified persons burned the flag on the Orthodox cathedral in the Federation city of Tuzla. Police conducted an investigation, which continued at the end of the reporting period, and began providing 24-hour protection to the church.

Vandals also targeted Catholic sites. During the week of March 23, 2009, windows in St. Luke Catholic Church in the Sarajevo municipality of Novi Grad were damaged three times. Police arrested a suspect, who admitted that he was responsible for two incidents, but did not file charges against him. The parish priest reported that this was the 16th attack since 2005.

The Jewish community was also a target of vandalism. On February 15, 2009, graffiti equalizing the swastika and Star of David appeared in Sarajevo. On January 7-8, 2009, during the conflict in Gaza, anti-Semitic graffiti was found in Mostar.

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 of 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 Inter-Religious Council of Bosnia and Herzegovina, which continued to operate despite occasional disagreements and funding constraints.

By the end of April 2009, a controversial Serb Orthodox church built on the site of a destroyed mosque in the eastern RS village of Divic had been completely relocated, without any incidents surrounding the removal.

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 and buildings and encouraged political leaders from all ethnic groups and members of the international community to respond equally strongly. Similarly, embassy officials frequently spoke out against the politicization of religion. 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 Embassy continued to lobby for the adoption of a law on restitution to assist religious communities in obtaining

the return of their former property.

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 nurture interreligious dialogue.

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 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 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 the "Faith and Community" exchange program that gave 18 of Bosnia's young religious leaders a chance to study comparative religion in the United States. The U.S. Government continued to provide funds to the National Commission to Preserve Monuments via the Ambassador's Fund for Cultural Preservation to support the reconstruction of religious property destroyed during the 1992-95 war, including the famous Ferhadija Mosque and 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.