Kosovo

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

The U.S. government discusses religious freedom with the government and religious representatives as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 4,211 square miles and a population of 2.2 million. Islam is the predominant faith, professed by most of the majority ethnic Albanian population; the Bosniak, Gorani, and Turkish communities; and some members of the Romani/Ashkali/Egyptian community. The ethnic Serb population, estimated at 100,000 to 120,000, is largely Serbian Orthodox. Groups that constitute less than 5 percent of the population include Roman Catholics and Protestants. Catholic communities are concentrated around Catholic churches in Prizren, Kline/Klina, Janjevo, Gjakove/Djakovica, and Pristina. Protestants have small populations in most cities, with the largest concentration in Pristina.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards **http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm**.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.

The law affirms the right to freedom of expression, conscience, and religion for all residents regardless of their religious convictions. It provides for the separation of religious communities from public institutions and for equal rights and obligations for all religious communities, stipulates that there is no official religion, and prohibits discrimination based on religion and ethnicity. There is no legal mechanism to register religious groups.

The law and regulations provide for separation between religious and public spheres and prohibit public education institutions from providing religious education or other activities promoting a specific religion.

The government observes the following religious holidays as official holidays: the beginning of Ramadan, Eid al-Fitr, Eid al -Adha, Easter, Orthodox Easter Monday, and Orthodox and Western Christmases.

Restrictions on Religious Freedom

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

Religious leaders complained of practical challenges resulting from the lack of a mechanism for religious groups to register and obtain legal status. Although many found alternative methods, religious groups reported challenges in owning and registering property and vehicles, opening bank accounts, and paying taxes on employees' salaries. In July the Office of the Ombudsperson sent to the national assembly a formal recommendation calling for the creation of a legal registration mechanism for religious communities. The assembly had not acted on that recommendation by the end of the reporting period.

Protestants continued to allege institutional discrimination by central and municipal governments. They complained of not being allowed to establish a Protestant cemetery, frequently resulting in Protestants being buried in Muslim graveyards, with many instances of Muslim clerics performing funeral services for Protestants. Protestants claimed that this circumstance was a violation of their right to be buried among those of their faith and the imposition of another religious tradition. Protestants also complained that they had to assure municipal officials that they would not include religious symbols on external portions of buildings to secure permits for expansions or construction on land they owned. Protestants also reported that the lack of a tax exemption for importing donated charitable goods hindered their efforts. The Protestant community also complained to the Ministry of Education that the ministry's funding of the Islamic religious high school Medresa Alaudi, and the inclusion of that school in the ministry's list of public schools, violates the separation of state and religion provided for in the constitution.

Although the Office of the Ombudsperson assessed there was no legal basis to do so, the Ministry of Education, Science, and Technology issued an administrative instruction to secondary schools at the start of the 2010-11 school year, as it had the previous year, prohibiting students from wearing Islamic headscarves. School administrators selectively applied this instruction and previous instructions from the ministry to prevent teachers and students from wearing headscarves in public schools. Both the Ombudsperson's Office and the Kosovo Islamic Community (known by its Albanian-language acronym, BIK) reported several cases in which students were expelled from public schools, and teachers alleged they were fired or refused jobs for wearing headscarves. The ombudsperson and the BIK reported four cases of students not allowed to attend school while wearing headscarves since the start of the 2010-11 school year; there were two in

Gjakove/Djakovica and one each in Mitrovica and Decan/Decani. The BIK reported that a Viti/Vitina secondary school continued to prevent a student from attending school while wearing a headscarf, despite a November 2009 ruling by a Gjilan/Gnjilane regional court in her favor following her January 2009 expulsion.

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An association of 30 nongovernmental organizations (NGOs), which had gathered several thousand participants for a June protest against the headscarf ban in schools, planned to hold additional protests in July and August. The association of NGOs said that it canceled plans for additional protests based on assurances from the Ministry of Education that the issue would be resolved and due to lack of support from the BIK. The Ministry of Education's administrative instruction 6/2010 remained in force at year's end.

Protestants reported that the municipality of Decan/Decani, citing negative reaction from local citizens, continued to deny them permission to build a church facility on land they had purchased. An appeal of the building permit denial remained before the Supreme Court at the end of the reporting period. Protestants also reported other instances in which their congregations were denied permission to build new church buildings on land owned by the church.

The Protestant community also reported that a government Web site on religious matters in society cited only the Muslim, Orthodox, and Catholic faiths as being present in the country. The Protestant community raised this omission with the government, asking that the language be removed; however, there was no response by the end of the reporting period.

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

Improvements and Positive Developments in Respect for Religious Freedom

The Reconstruction Implementation Commission (RIC) made progress on various projects, including repairing churches damaged during the 2004 riots. The Serbian Orthodox Church (SOC) continued to take over church properties repaired under RIC auspices and to use them for religious purposes. All RIC stakeholders, including the government, agreed to new tenders for various projects and held regular meetings throughout the reporting period. On July 14, the RIC completed reconstruction of the parish house of the Church of the Holy Virgin of Ljeviska in Prizren. During the reporting period, the RIC worked on interior repairs and landscaping of Saint George Church in Prizren; repairing the well and installing bells at Devic Monastery; reconstruction of the Church of the Assumption of the Holy Virgin in Gjakove/Djakovica; reconstruction of the baptistry, repairing the church roof, bell tower, and perimeter wall of Saint Elias Church in Vushtrri/Vucitrn; and repairing and landscaping the Church of Saint John the Baptist in Peja/Pec and reconstructing its guest reception building. The RIC project to restore the SOC's Saint George churchyard in Prizren was carried out by a company contracted by the Ministry of Culture, Youth, and Sport. The project included removal of barbed wire on a fence surrounding the churchyard and the installation of marble tiles and a lawn around the church.

An SOC priest announced on September 15 that the SOC was providing support toward reconstruction of the Zivinjane/Zhivinjane village church outside Prizren, destroyed in March 2004 riots, and that restoration work had begun. On August 18, the SOC priest based in Shterpce/Strpce, accompanied by the local imam and a Catholic priest, attended a meeting chaired by Ferizaj/Urosevac municipality to discuss maintenance of the municipality's Orthodox church. The meeting, which included the mayor and police, resolved that the Orthodox priest would resume services at the church and the municipality would begin cleaning the churchyard, remove barbed wire from the property, and install a new fence. The Ministry for Communities and Returns supported the project.

Municipalities at times assisted the SOC. For example, on October 8, the municipality of Prizren started a project to clean the local Serbian Orthodox cemetery, and in early October the municipality of Lipjan/Lipljan committed 1,000 euros ($1,300) to clean Orthodox cemeteries in three villages in preparation for an October 9 visit by displaced Kosovo Serbs.

The municipality of Podujevë/Podujevo reported in early November that it had repainted the facade of a local Serbian Orthodox Church that had been damaged in June by unknown perpetrators.

In September in a display of interreligious support and cooperation, representatives of major religious communities participated in a ceremony to dedicate a new Catholic Cathedral in Pristina honoring Mother Teresa.

On September 16, the SOC appointed a priest for Saint Nicholas Church in Istog/Istok town and announced that regular church services would start on October 1. The church had not had a priest since 1999.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

Societal discrimination and violence, when it occurred, generally appeared to be ethnically motivated, but the close relationship between ethnicity and religion made it difficult to determine if events were motivated by ethnic or religious animosity. While most Kosovo Albanians identify themselves as Muslim, the designation has more of a cultural than religious connotation. Religion is not a significant factor in public life. Religious rhetoric was largely absent from public discourse in Muslim communities and mosque attendance was low; however, public displays of conservative Islamic dress and culture, although still infrequent, increased. Kosovo Serbs identify themselves with the SOC, which in many cases defines both their religious and their cultural and historical perspectives.

In contrast with previous reporting periods, there were no reports of assaults directed against Serbian Orthodox personnel; however, there were occasional incidents of threats, thefts, and vandalism. On August 26, the Serbian Orthodox priest at the church in Gjilan/Gnjilane told police that unknown person(s) had broken into his residence, located on the church's premises. He reported no serious damage or missing items but said this was the third time a break-in had occurred. On August 29, a fire was reported in the SOC cemetery in Gjilan/Gnjilane, causing damage to gravestones. At the end of the reporting period, police were investigating. On October 20, three gravestones at the SOC cemetery in Frushe Kosove/Kosovo Polje were found to be damaged, and one of the cemetery's entrance gates had been stolen. An estimated 50 participants in a November 6 All Souls' Day visit by a group of displaced Kosovo Serbs to the SOC cemetery in the village of Mushutishte/Musutiste, Suhareke/Suva Reka municipality, reported hearing shots from an automatic weapon fired near the cemetery. Participants reported feeling intimidated and said that gunshots had not occurred during previous visits to the cemetery. On December 2, a local priest reported that a significant amount of copper from the alter apse of the SOC church in Donja Budriga/Budrike e Poshtme had been stolen.

There were reported incidents of rock throwing and other assaults against SOC clergy traveling outside their monasteries. Kosovo police, European Rule of Law Mission (EULEX) police, and the NATO-led peacekeeping force (KFOR) supported security arrangements related to the installment of Serbian Orthodox Patriarch Irinej on October 3. According to police reports, stones were thrown at three of the 76 buses and 29 vans that carried pilgrims to the event as they departed the ceremony. Police made five arrests. One pilgrim sustained slight injuries from broken glass but reportedly did not require medical treatment. After the event, the SOC issued a statement alleging that some pilgrims to the ceremony had been the victims of organized and preplanned attacks by stones and that 10 buses and other vehicles had been damaged, while Kosovo police did not respond in a timely manner. No police reports were filed by alleged victims related to these allegations, and international observers present at the scene reported that police acted quickly and professionally to respond to the incidents reported.

There were other instances of Kosovo police providing support for security arrangements related to SOC events, such as for the October 14 holy ceremony to celebrate the patron saint of the Serbian Orthodox Patriarchate of Peć, and the July 14 celebration of the patron saint's day of the Serbian Orthodox Monastery of Holy Healers in Zociste/Zoqishte village, Rahovec/Orahovac municipality.

In addition Serbian pilgrims traveling by bus from Serbia to attend services at Decani Monastery at times had rocks thrown at their vehicles, usually by children. In the western municipalities of Peja/Pec, Decan/ Decani, Gjakove/Djakovica, Istog/Istok, Kline/Klina, and Skenderaj/Srbica, and also in south Mitrovica (areas that include the monasteries of the Peja/Pec Patriarchate, Decan/Decani, Gorioc, Budisavci, and Devic), clergy requested and received escorts from KFOR. Clergy stated that they could not visit church members in the west (where the most important SOC holy sites are located) without an escort, and members cited threats to their security as impediments to their ability to visit holy sites. Monks and nuns at some monasteries reportedly did not use parts of monastery property, often the land outside the monastery walls, due to safety concerns.

Protestants reported the kidnapping and beating of a community member in the Decan municipality on December 25. The Protestant community reported that the attack was religiously motivated, and a group calling itself "Army of Allah" sent two threatening e-mails to the community member prior to the attack. At the end of the reporting period, a police investigation continued. The Protestant community raised concerns about the initial stages of the police investigation, reporting that officers asked the victim why he converted from Islam to Christianity.

The BIK continued to report concerns about radical Islamic groups they alleged were operating from private homes and led by persons from outside of the country.

The operating procedures adopted by the police in 2009 to provide greater protection for Serb religious and cultural sites remained in effect. The police continued to provide enhanced protection of the most vulnerable Serbian Orthodox sites, as defined by SOC officials. Police continued a 24-hour guard at the Saint Nicholas Church in Pristina, where the SOC resumed services in March 2010 and where an SOC priest and his family resided. Police also reported that they were patrolling near other Serb cultural sites. KFOR reported that it was guarding the Peje/Pec Patriarchate, and Decan/Decani, Gorioc, Devic, and Archangel monasteries, although it announced plans to transfer responsibility for security at Gorioc Monastery to Kosovo police. KFOR transferred responsibility for security to Kosovo police at Gracanica Monastery on August 5, 2010, at Zociste Monastery on November 1, and Budisavci Monastery on November 22 without incident. However, amid public discussions surrounding KFOR's planned transfer of primary responsibility for security at several additional SOC sites to Kosovo police, SOC leaders stated publicly that they wanted a permanent KFOR presence at sites to provide safety and security for personnel and visitors and appealed to KFOR to remain at the sites.

Leaders of religious communities reported generally good relations with religious leaders from other faiths. Catholic leaders reported that they had good relations with the Muslim community but little bilateral contact with the SOC leadership. The BIK also reported good relations with the Catholic and Protestant leadership as well as with some Orthodox leaders and noted that it made regular visits to monasteries.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. Many high-level U.S. civilian and military officials continued to meet with political and religious leaders to urge reconciliation and progress toward a more tolerant multiethnic society.

U.S. officials also maintained close contacts and met regularly with religious leaders of the SOC, Muslim, Catholic, and Protestant communities to discuss their concerns and promote interfaith dialogue. U.S. officials urged dialogue between SOC members and ethnic Albanian members of the government and civil society. The U.S. government continued to support the government, the Council of Europe, and the SOC via the RIC process, in rebuilding religious buildings damaged in the 2004 riots and to intervene with government officials on behalf of SOC interests when SOC rights were threatened or violated. The U.S. government continued to follow and support efforts to resolve a land dispute involving

Visoki Decani Monastery and local groups. U.S. peacekeeping troops in KFOR worked to prevent ethnic and religious violence and guarded religious sites.

The U.S. government continued to fund 80 U.S. police officer positions, four judges and prosecutors, and two political officers assigned to EULEX, and it provided substantial support to the police; the goals of both entities included prevention of ethnic and religious violence. U.S. diplomats worked with U.S. military personnel assigned to KFOR to protect religious sites in the U.S. military's area of responsibility and promoted efforts to reconstruct damaged or vandalized churches. Restoration work was completed on seven reconstruction projects funded under a one-million dollar U.S. government grant as part of UNESCO's effort to preserve the country's religious and cultural heritage.

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