

BOSNIA AND HERZEGOVINA 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution of Bosnia and Herzegovina (BiH), the entity constitutions of the Federation of Bosnia and Herzegovina (the Federation), and the Republika Srpska (RS), and other laws and policies protect religious freedom. In practice, the government generally respected religious freedom, although entity and local governments sometimes did not enforce legal and policy protections for religious freedom, and weak administrative and judicial systems often posed major obstacles to safeguarding the rights of religious minorities.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Discrimination against religious minorities occurred in nearly all parts of the country. According to the Inter-religious Council (IRC), a nongovernmental organization (NGO) that mediates among the four “traditional” religious communities (Muslim, Serbian Orthodox, Catholic, and Jewish), the number of incidents targeting religious symbols, clerics, and property in the three ethnic-majority areas remained relatively low for a second straight year. Some political and religious leaders took positive steps to promote inter-faith dialogue.

U.S. embassy officials discussed religious freedom with the government, leaders of the four traditional religious communities, and emerging religious communities. Embassy officials facilitated interfaith dialogue; supported exchange, speaking, and cultural programs promoting religious freedom; and coordinated closely with religious communities to identify displaced religious minority families most in need of assistance in returning to their pre-war homes. The embassy hosted numerous interfaith events to promote religious tolerance. The embassy supported religious communities, particularly in areas where they were in the minority, in their efforts to acquire permits to build new religious structures and to rebuild those destroyed during the 1992-1995 Bosnian war.

Section I. Religious Demography

The U.S. government estimates the total population is 3.9 million (June 2013 estimate). The country’s territory is divided into two entities, the Federation and the RS, with a separate administrative district for Brcko. According to unofficial estimates from the statistics agency, Muslims constitute 45 percent of the population, Serbian Orthodox Christians 36 percent, Roman Catholics 15 percent,

BOSNIA AND HERZEGOVINA

Protestants 1 percent, and other communities, including Jews, 3 percent. There is a strong correlation between ethnicity and religion: Bosniaks are generally associated with Islam, Bosnian Serbs with the Serbian Orthodox Church, and Bosnian Croats with the Roman Catholic Church. The Jewish community has approximately 1,000 members and maintains a historic place in society by virtue of centuries of coexistence with other religious communities and its active role in the IRC, which mediates among the four religious communities regarded as “traditional” (Muslim, Serbian Orthodox, Catholic, and Jewish).

The majority of Serbian 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 in Herzegovina and areas of central Bosnia and most Muslims elsewhere in central Bosnia and Sarajevo. The Jewish, Protestant, and most other small religious communities have their largest membership in Sarajevo.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies generally protect religious freedom. The law provides for freedom of religion and outlines the legal status of churches and religious communities. The law prohibits any form of discrimination against any religious community and provides the basis for the establishment of relations between the state and religious communities.

The constitution provides for representation of the three major ethnic groups (Bosniaks, Serbs, and Croats) and, by extension, the three largest religious communities in the government and the armed forces. Parliamentary seats and most government positions are apportioned among the three constituent communities. The law provides for freedom of conscience and religion. It grants churches and religious communities legal status and allows them concessions that are characteristic of an NGO (e.g., rules for registration of religious groups are similar to those of NGOs). The Ministry of Justice (MOJ) maintains a unified register of all religious communities, and the Ministry of Human Rights and Refugees is responsible for documenting violations of religious freedom.

According to the law, any group of 300 or more adult citizens may apply to form a new church or religious community through a written application to the MOJ. The ministry must issue a decision within 30 days of receipt of the application, and a

BOSNIA AND HERZEGOVINA

group may appeal a negative decision to the state-level Council of Ministers. The law allows minority religious organizations to register legally and operate without restrictions.

A concordat with the Holy See recognizes the public juridical personality of the Catholic Church and grants a number of rights, including legal personality, formation of educational and charitable institutions, religious education, and official recognition of Catholic holidays. The commission for implementation of the concordat is composed of five members from the government and five from the Holy See and meets regularly to discuss the adoption of laws on religious holidays and restitution of nationalized properties. A similar agreement exists with the Serbian Orthodox Church, but the government has not established a commission for implementation.

The law affirms 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. These individuals are employees of the schools in which they teach, but receive accreditation from the religious body governing the curriculum.

Religious education is largely decentralized. Public schools offer religious education classes in the municipality's majority religion, with some exceptions granted. Secondary students have the legal right to opt out of religion classes, as do primary school students at their parents' request. When a sufficient number of students of a minority religious group attend a particular primary or secondary school (20 in the RS, 15 in the Federation), the school is required to organize religion classes on their behalf. In rural areas, however, qualified religious representatives are typically not available to teach minority religion courses.

In the Federation's five Bosniak-majority cantons, primary and secondary schools offer Islamic religious instruction as a twice-weekly elective course. In cantons with Croat majorities, Croat students attend an elective once weekly Catholic religion course in primary and middle schools. However, in 13 Croat-majority primary and secondary Catholic schools in the Federation, parents can choose between the elective Catholic religion course and a course in ethics. In Sarajevo, primary and secondary students may take alternative courses to religious education in lieu of religious education classes. Schools in Tuzla offer students a similar option.

BOSNIA AND HERZEGOVINA

There is no national legislation governing restitution of property nationalized by the communist government of the former Yugoslavia after World War II.

Government Practices

The government selectively enforced the legal rights of religious minorities and often failed to provide government services and protections to them. Entity and local governments sometimes did not enforce legal and policy protections for religious freedom. The lack of action of some government officials often posed obstacles to safeguarding the rights of religious minorities. In some cases, local governments made improvements to protect religious freedom; however, others continued to allow societal intolerance and the threat of violence to restrict religious minorities' ability to worship in certain areas.

Religious officials of minority populations throughout the country complained that local authorities discriminated against them regarding the use of religious property, provision of municipal services, and police protection and investigation of harassment and vandalism. Compared to the four traditional religious groups, minority religious communities received unequal government assistance and benefits at the local and state levels and on occasion had difficulty obtaining permits for new churches. Religious communities tended to receive the most funding in areas where their adherents were in the majority.

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 ethnic group. Some political party leaders used religion to strengthen their credibility with voters, contributing to intolerance through public statements. The appropriation of religious symbols and buildings for political purposes had a negative effect on interreligious dialogue and interethnic relations in many communities.

Officials did not always fully implement provisions in the law regarding religious education, particularly in segregated school systems or where there was political resistance from party officials at the municipal level. Students from both majority and minority religious communities sometimes faced pressure from teachers and peers to attend noncompulsory religious instruction, and most did so.

A number of controversial and highly politicized cases involving the illegal construction of religious buildings or monuments on private or government-owned land remained unresolved. In these cases, observers stated that the purpose behind

BOSNIA AND HERZEGOVINA

the construction was to send a political message to members of minority religious communities about the dominance of the majority ethno-religious group in that area.

In June the Srebrenica Basic Court rejected Fata Orlovic's request for relocation of a Serbian Orthodox Church illegally constructed on her property, despite the RS Ministry of Urban Planning's 2004 decision that the church be removed. Orlovic immediately filed an appeal with the Bijelina District Court and the case was still pending at year's end.

Authorities did not apply laws governing private property and construction of religious buildings uniformly throughout the country, and local governments sometimes applied local laws in ways that contravened national laws permitting reconstruction of houses of worship by religious minorities.

The return of former religious properties continued at the discretion of municipal officials, who usually gave preferential treatment to the area's majority group. The four traditional religious communities' extensive claims for restitution remained largely unaddressed.

The Serbian Orthodox Church, supported by the IRC, continued to seek the return of the building housing the University of Sarajevo's economics faculty from the Sarajevo Canton government. As a step towards the full return of the building, in July representatives from the economic, Serbian Orthodox, Islamic, and Catholic faculties agreed to dedicate one room in the building to the establishment of an Institute for Religious Dialogue, to be managed by the Serbian Orthodox Church. Legal recognition of the Serbian Orthodox Church's ownership of the building had existed before the 1992-1995 Bosnian war, and in June 2010 the economics faculty and the governments of the Federation, Sarajevo Canton, and Sarajevo Stari Grad Municipality had agreed to an eventual return of the building.

Preventive efforts by law enforcement officials, in cooperation with religious communities, resulted in a relatively low number of attacks on religious sites for a second straight year, according to the IRC. The IRC reported 34 such attacks in 2013 compared to 56 attacks in 2012. Arrests, however, were infrequent and there were no convictions for such offenses. Of the 34 cases during the year, police identified perpetrators in only nine. In order to downplay incidents of vandalism, local police sometimes alleged that juveniles, intoxicated individuals, or mentally unstable persons were responsible for the attacks.

BOSNIA AND HERZEGOVINA

In July vandals desecrated the Ponjevici Orthodox Cemetery in Donji Vakuf and Catholic Cemetery in Bugojno. The slow response by law enforcement prompted the IRC, in coordination with local religious and municipal leaders, to speak out publicly against the lack of punishment for acts of vandalism against religious sites.

In March the Bijeljina Basic Court handed down sentences to five individuals who had been arrested in 2012 by police for breaking into the Atik Mosque and charged with violation of religious freedom and religious practice, as well as instigating racial and religious hatred. The court fined three of the individuals 600 marka (\$422) and gave the fourth a one-month sentence, with no actual jail time as long as no other offense is committed during the two years, and acquitted the fifth individual.

In Pecista near Srebrenica, local police in March arrested two individuals for overturning tombstones in the Serbian Orthodox cemetery in November 2012. The police charged the perpetrators with instigation of religious hatred. The court gave them each a two-month suspended sentence, with no jail time required if no other offense is committed within two years.

Government Inaction

In October the six major political parties once again failed to agree on implementation of a 2009 European Court of Human Rights decision calling for an amendment to the constitution to allow minorities, including Jews, to run for president and the parliament's upper house.

Authorities in Travnik still did not fully comply with a 2003 decision by the Human Rights Chamber (now the Human Rights Commission of the Constitutional Court) ordering the municipal government to relocate a public school housed in a building owned by the Roman Catholic archdiocese. The municipality returned part of the building in 1999 to the archdiocese for use as part of its Catholic school center. Part of the building, however, remained in use as a public school. The court had ordered the public school to move out of the building by July 2006.

The Serbian Orthodox Tuzla-Zvornik Diocese made no effort to relocate construction of a church near an exhumed Bosniak mass grave near Srebrenica, despite vigorous efforts by the international community to encourage progress on the issue. Leaders from the Srebrenica municipal assembly stated that they viewed

BOSNIA AND HERZEGOVINA

relocation of the church as outside their jurisdiction and was the responsibility of the Serbian Orthodox Church to decide on a new location.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Prominent societal leaders took some positive steps to promote religious freedom. Incidents targeting religious symbols, clerics, and property occurred in all three ethnic majority areas. Because ethnicity and religion were often inextricably linked, it was difficult to categorize many incidents specifically as ethnic or religious intolerance.

From January through November, the IRC documented 34 acts of vandalism against religious sites in the RS and the Federation. These numbers represent an increase over 2012, according to the IRC. Vandals attacked 17 Islamic sites (primarily in RS), nine Orthodox sites (primarily in the Federation), seven Catholic sites (primarily in the Federation), and one Jewish site. Officials from the IRC noted that attacks appeared to be motivated more by material gain than religious hatred.

Discrimination remained a serious problem throughout the country, especially against non-Serbian Orthodox in the RS, non-Catholics in Herzegovina, and non-Muslims in central Bosnia. Sarajevo, where Muslims are the majority, preserved in part its traditional role as a multiethnic city; however, complaints persisted of discrimination, isolation, and widespread marginalization of non-Muslims.

The leaders of the four traditional religious communities participated in the IRC, which undertook numerous projects to promote inter-religious dialogue despite occasional disagreements. Through various working groups, the council engaged youth and women's communities, facilitated inter-community exchanges of theology students, reported attacks on religious sites, and monitored protection of religious freedom.

In June Catholic Bishop Franjo Komarica organized the Peace and Reconciliation Summit in Banja Luka, which focused on building interfaith dialogue among the traditional religious communities, particularly on the issues of political and governmental reform.

Section IV. U.S. Government Policy

BOSNIA AND HERZEGOVINA

The U.S. embassy discussed concerns about religious freedom with the government, the leaders of the four traditional religious communities, and emerging religious communities, and urged them to nurture inter-religious dialogue. Embassy officials publicly criticized incidents of religious discrimination and attacks against religious communities and buildings, and they encouraged political leaders of all ethnic communities and members of the international community to respond equally strongly. Embassy officials frequently spoke out against the politicization of religion. Embassy officials engaged directly with top RS government and Serbian Orthodox Church officials to prevent an escalation of tensions between Srebrenica's Serb and Bosniak population.

In August the Ambassador hosted an iftar, attended by the Reis (head) of the Islamic Community and four members of the IRC's steering board, among others.

The embassy strongly supported the work of the IRC. The embassy renewed funding for a council project monitoring attacks on holy sites and funded an outreach project to women's groups aimed at creating a network for civic action. The project aims to create a civil society network dedicated to enhancing mutual respect for the respective religions and greater tolerance of religious observance for the various communities.

In March embassy officials met with the school principal in Travnik whose building was still split between public and Roman Catholic use, to encourage him to file a complaint with the Human Rights Ombudsman's Office in order to pressure the municipality to relocate the public part of the school.

In April the Ambassador met with the leaders of the IRC to discuss religious reconciliation in BiH. Leaders from three of the four traditional religious communities were present, including the Serbian Orthodox Church bishop, the Catholic cardinal, and Sarajevo's mufti. The meeting garnered positive media attention and highlighted issues deemed critical to the various religious communities, including restitution.

At the Peace and Reconciliation Summit held in June in Banja Luka, the Deputy Chief of Mission conveyed U.S. commitment to religious reconciliation. The Deputy Chief of Mission participated in one session calling for improved rights of religious minorities to serve in the national government.

The embassy continued to provide funds for the reconstruction of religious property destroyed during the 1992-95 Bosnian war, including two mosques in

BOSNIA AND HERZEGOVINA

Foca, a Jewish cemetery in Sarajevo, a Serbian Orthodox Church in Ostrog, a Catholic Church in Blagaj, and a monastery in Zitomislici. Other embassy-supported projects include the preservation and return of the Sarajevo Haggadah, the conservation of a basilica and medieval cemetery in Listani, and the protection of religious tombstones in the village of Sabici.