

Bosnia - Herzegovina (79)



2000 Annual Report on International Religious Freedom:

Bosnia and Herzegovina

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BOSNIA AND HERZEGOVINA

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There was a slight improvement in the status of respect for religious freedom during the period covered by this report. Decreasing support for nationalist parties among the electorate and increasing refugee returns are moderating ethnic/religious discrimination in many areas, although serious problems remain.

Religious intolerance in the country is a reflection of ethnic intolerance because the identification of ethnicity with religious background is so close as to be virtually indistinguishable. As ethnic tensions in the country ease, religious tensions ease as well. However, incidents of religiously motivated violence continued.

The U.S. Government has sought to engage leaders from all three major religious communities to play a more supportive role in promoting a multiethnic society that is conducive to religious freedom. U.S. support for full implementation of the Dayton Accords and refugee returns is helping to improve tolerance.

Section I. Government Policies on Freedom of Religion

Legal/Policy Framework

The Constitution provides for freedom of religion, and in general, individuals enjoy this right in predominately mixed and religious-majority areas. However, the efforts of individuals to worship in areas in which they are an ethnic and religious minority were restricted by government and institutional harassment and sometimes by societal violence.

The Constitutions of the State and of both entities provide for religious freedom. While the majority of the population of the Federation consists of Bosniaks and Croats, neither Islam nor Roman Catholicism enjoys special status under the Federation Constitution. In the Republika Srpska (RS), although the Constitution provides for religious freedom, it also states that "the Serbian Orthodox Church shall be the church of the Serb people and other people of Orthodox religion." The Constitution

also directs the State to "materially support the Orthodox Church." However, these provisions are being contested before the Constitutional Court in a case that claims that special status for any ethnic group is contrary to the European Convention on Human Rights, which is incorporated in the Constitution.

Religious Demography

Because of the close identification of ethnicity with religious heritage, it is difficult to distinguish clearly between religious freedom and freedom from ethnic discrimination. The three largest ethnic groups are identified with three distinct religions, or at least religious ancestries. These groups include Bosniaks, who are Muslim or of Muslim descent, Croats, who are Roman Catholic or of Roman Catholic descent, and Serbs, who are Serbian Orthodox or of Orthodox descent. Many individuals are of mixed descent. Many also came of age under Tito's socialism when religion was suppressed and identification as "Yugoslav" was encouraged. While no census has been taken in the country since 1991, a credible estimate of the ethnic breakdown is that 46 percent of the population would be considered Bosniak, 14 percent Croat, and 31 percent Serb. The remainder of the population includes those of Romani, Jewish, and other origin.

As a legacy of the Communist period of 1945 to 1991 when religion was discouraged, the practice of religion is low among all groups. However, religious practice reportedly is increasing among the young. Religious practice is reportedly highest among Croats in the Herzegovina region.

Government Abuses of Religious Freedom

All three major religious groups and the Jewish community have claims to property confiscated from them during World War II, the Communist period, or the 1992-95 war. Neither the State nor the entity governments have enacted laws clarifying the legal status or ownership rights of religious organizations. However, the leaders of the Muslim, Roman Catholic, Serbian Orthodox, and Jewish communities are working on a law setting out the status of religious organizations, including property rights and tax status (see Section II). Municipal and cantonal authorities have broad discretion regarding disposition of this property. Many use this as a tool of political patronage. This renders religious leaders dependent on the whims of nationalist politicians to regain lost property. Some international observers believe that a legal framework providing equal religious status for all religious communities throughout the country would decrease the dependence of religious leaders on nationalist politicians from their respective communities.

Prior to mid-1998, car license plates identified vehicles as being registered in predominantly Bosniak, Serb, or Croat areas. This constituted a major obstacle to freedom of minorities to safely visit cemeteries and other religious sites in areas of the country with a majority population of a different group. The introduction in June 1998 of universal license plates significantly improved the ability of religious

minorities to visit such sites.

An estimated 1.2 million citizens remained internally displaced persons (IDP's) or refugees abroad as a result of the 1992-95 war. Virtually all had fled areas where their ethnic/religious community had been in the minority or had ended up in the minority as a result of the war.

In certain instances, local officials have blocked the return of minority religious leaders by using administrative obstacles.

Numerous buildings belonging to the Islamic, Serbian Orthodox, and Roman Catholic communities were damaged or destroyed during the 1992-1995 war, usually in deliberate attempts at ethnic intimidation. Administrative and financial obstacles to rebuilding religious structures impeded the return of minorities in many areas. RS authorities have blocked the reconstruction of any of the mosques or other Islamic community-owned buildings in Banja Luka and other areas destroyed during the war. In June 1999, the Muslim community won a case against RS authorities filed with the Human Rights Chamber, a legal institution established by the Dayton Accords. The RS Government has allowed the Muslim community to block off the sites, but has not yet allowed reconstruction to begin on one site near Zvornik. Local authorities in the RS also have obstructed attempts to rebuild mosques, particularly the symbolically important Ferhadija Central Mosque in Banja Luka.

In August 1998, the municipal government of Prnjavor, in the RS, ordered a Bosniak to move his deceased wife's remains from the Muslim cemetery to a "new" Muslim cemetery. The municipal authorities claimed that the Muslim cemetery in which the deceased had been buried was closed. At a February 1999 Human Rights Chamber hearing concerning the case, evidence indicated that there was in fact no "new" Muslim cemetery in the area and that no reasonable grounds had existed for closing the old Muslim cemetery (nearby Catholic and Orthodox cemeteries remained open). In February 2000, the Human Rights Chamber determined that the municipal government of Prnjavor had discriminated against the Islamic community by closing the cemetery. Prnjavor municipal authorities were ordered to allow burials within a month. As of mid-2000, Prnjavor authorities had not complied.

Public schools offer religious education classes. In theory, these classes are optional. However, in some areas, children who do not choose religion classes are subject to pressure and discrimination from peers and teachers. Schools generally do not hire teachers to offer religious education classes to students of minority religions. In Sarajevo canton schools, except for non-Bosniak schools, only offer Islamic religion classes. In Croat-majority West Mostar minority students theoretically have the right to take classes in non-Catholic religions; however, this option reportedly does not exist in practice. Orthodox symbols are present in public schools throughout the RS. For a variety of reasons, minority families with children have been slow to return to the RS. Consequently, municipalities have not yet been compelled to deal with the issue of minority religious education. On May 10, 2000, the

Education Ministers of both entities and the Deputy Federation Education Minister agreed on a standard curriculum, which requires all schools to teach the shared cultural heritage of all three communities.

Parties dominated by a single ethnic group remain powerful in the country, particularly in Serb and Croat-dominated areas. All these parties have identified themselves closely with the religion associated with their predominant ethnic group. Many leaders of these parties are former Communists who have adopted the characteristics of ethnicity, including religion, to strengthen their credibility with voters.

However, the nationalist lock on power appears to be weakening somewhat. The defeat of the Croatian Democratic Union (HDZ) in Croatia's January 2000 general elections and February 2000 presidential elections is expected to weaken eventually the HDZ hard-liners in Herzegovina. In the Federation, the Bosniak-dominated Party of Democratic Action (SDA) and the HDZ continue to dominate the Federation Government, but a number of municipalities came under the control of the multiethnic Social Democratic Party (SDP) as a result of municipal elections held on April 8, 2000. The Serb Democratic Party (SDS) remained ideologically committed to Serb cultural and religious authority in the territory of the RS. The Serb Radical Party (SRS) was banned from participation in the April 2000 elections, but retains an even more hard-line Serb nationalist philosophy. However, more moderate, pro-Dayton parties in the RS significantly improved their showing in the municipal elections. The RS Government and the RS National Assembly (RSNA) continued to promote the Serbian Orthodox Church through the official endorsement of Orthodox symbols in schools and government buildings, and prayers led by Serbian Orthodox clergy at the opening of RSNA sessions. The religious background of minorities generally is ignored.

Bosniak deputies in the RS Assembly, the entity parliament that meets in Banja Luka, have been subjected to harsh rhetoric, and on one occasion to physical violence, from Serb colleagues at Assembly sessions. At the beginning of every Assembly session, an Orthodox priest recites a prayer, which leads Bosniak members to feel obliged to excuse themselves. Orthodox priests also deliver a sectarian blessing every time a new Assembly is sworn in.

There were no reports of religious detainees or prisoners.

Forced Religious Conversion of Minor US. Citizens

There were no reports of the forced religious conversion 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.

Improvements in Respect for Religious Freedom

There was a slight improvement in the status of respect for religious freedom during the period covered by this report. In April 2000, RS

Prime Minister Milorad Dodik shared the stage in the RS Government's headquarters in Banja Luka with the newly appointed mufti of Banja Luka and three other Muslim clerics. In Mostar religious leaders representing all groups except Catholics attended celebrations for Muslim, Jewish, and Orthodox holidays. Also in Mostar, the Bosniak mayor has committed to providing \$10,000 (20,000 deutsche marks) to rebuild the home of the resident Orthodox priest, which was destroyed in the war. The priest currently lives in Trebinje in the RS. In Zvornik, for the first time since the war, the RS Government has allowed the Muslim community to begin reconstruction of a destroyed mosque. A significant number of citizens remained IDP's or refugees abroad as a result of the 1992-95 war. Virtually all had fled areas where their ethnic/religious community had been in the minority or had ended up in the minority as a result of the war. Both organized and spontaneous returns significantly increased during the period covered by this report.

Section II. Societal Attitudes

Until the 19th century, most Bosnians identified themselves by religious affiliation. With the rise of Balkan nationalism in the 19th century, Bosnians came to identify themselves in ethnic, as well as religious terms. This tendency increased during the Communist era when the regime discouraged religious affiliation. Under the Communists, most Bosnians identified themselves by ethnic group, or simply as "Yugoslavs." Since the country's independence, there have continued to be Bosnians who decline to accept either ethnic or religious identification and consider themselves simply as "Bosnians."

The 1992-1995 war resulted in over 270,000 deaths. While the war was not a religious conflict per se, due to the close association of ethnicity and religion in the country, bitterness over the war has contributed to mutual suspicion among members of all three major religious groups.

Despite the constitutional provisions for religious freedom, a degree of discrimination against minorities occurs in virtually all parts of the country. Discrimination is significantly worse in the RS than in the Federation. Sarajevo, the Bosniak-majority capital of the country, has preserved in part its traditional role as a multiethnic city. However, instances of discrimination exist in Sarajevo, especially in the areas of housing and support for the return of minority refugees and displaced persons.

Throughout the country, religious minorities felt pressure and were intimidated by the ethnic/religious majority. In 1999 violent incidents continued to hinder worship and cause damage to religious edifices and cemeteries. In the first half of 2000, there reportedly were incidents of vandalism.

There were instances of mob violence in the RS aimed at preventing Catholics from worshiping. In December 1999, a group of young men attacked a group of Catholic priests that was led by Archbishop Vinko Cardinal Puljic and was on its way to celebrate Mass in Derventa in the western RS. One member of Puljic's party was injured, but the service

took place as planned. There was no known RS Government involvement in the attack. In Bosniak-dominated Zenica, the Catholic school closed temporarily in March 2000 after school officials received a bomb threat. Though local authorities later discovered that the threat was a hoax, Zenica's few remaining Catholics are concerned for their safety. On June 25, 2000, an explosive device destroyed a Catholic chapel in Zivinice.

In Croat-dominated areas of Herzegovina, Muslims felt pressure not to practice their religion in public and have been the subject of violent attacks. In the Croat-dominated western Bosnian town of Glamoc, a building housing all local Muslim organizations and the apartment of a Muslim cleric was bombed and seriously damaged in April 2000.

Leaders of the Muslim, Orthodox, Roman Catholic, and Jewish communities have committed themselves publicly to building a durable peace and national reconciliation. The leaders of these four communities are members of the Interreligious Affairs Council of Bosnia and Herzegovina, which operates with the active involvement of the World Conference on Religion and Peace, a U.S.-based nongovernmental organization. During the period covered by this report, the council was more active than in the previous year. In November 1999, it published, without international assistance, a glossary of religious terms designed to promote mutual understanding of other religious traditions. The council members made several joint appearances together, including one in Brcko in October 1999. The council is drafting a law to set out the rights and status of religious organizations in regard to the Bosnian Government (see Section I). The council members plan to work together for the law's passage. The Organization for Security and Cooperation in Europe and the Office of the High Representative facilitated many interfaith meetings at the local level as well.

Section III. U.S. Government Policy

In addition to its broad and active efforts to foster return, democracy, and human rights throughout Bosnia, the U.S. Government has sought to engage leaders from all major religious communities to play a more supportive role in promoting a multiethnic society that is conducive to religious freedom. The U.S. Government has provided financial support to the Human Rights Chamber, which has heard cases on religious discrimination (see Section II). The Ambassador has met with the principal religious leaders, individually and collectively, to urge them to work toward moderation and multiethnicity. The U.S. Agency for International Development has funded training for lawyers and judges concerning the European Convention on Human Rights, which provides for religious freedom, and to which the parties to the Dayton Accords agreed to adhere.

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