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2011 Report on International Religious Freedom - Kosovo

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. In November unknown persons desecrated graves in the Jewish cemetery in Pristina. There were occasional incidents of theft and vandalism directed at Serbian Orthodox Church (SOC) facilities and isolated incidents of persons throwing stones at buses of Serbs visiting SOC religious sites. The Islamic community reported students were prevented from wearing Islamic headscarves while attending public schools. The Protestant community raised concerns about its inability to establish a cemetery and to build a church facility in Decan/Decani.

Members of the U.S. embassy continued to meet with political and religious leaders to urge interfaith dialogue and to encourage resolution of the concerns of religious communities. Representatives from the U.S. embassy also joined discussions between the government and the SOC to restart the stalled Reconstruction and Implementation Council (RIC), which reconstructs religious buildings damaged during riots in 2004. The U. S. embassy continued to support efforts to resolve a land dispute involving the Visoki Decani Monastery and local groups. The U.S. government also funded cultural heritage preservation programs that included reconstruction and conservation of churches throughout the country.

Section I. Religious Demography

Islam is the predominant faith of the majority ethnic Albanian population; the Bosniak, Gorani, and Turkish communities; and some members of the Romani/Ashkali/Egyptian communities. 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, Protestants, and Jews. Catholic communities are concentrated around Catholic churches in Gjakove/Djakovica, Kline/Klina, Prizren, Janjevo, and Pristina. Protestants have small populations in most cities, with the largest concentration in Pristina. The Jewish community's largest population is in Prizren.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. 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 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 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 Christmas.

Government Practices

There were no reports of abuses of religious freedoms.

Religious leaders stated the lack of a mechanism for religious groups to register and obtain legal status created a number of practical challenges. Although many groups found alternative methods, a number of them reported challenges in owning and registering property and vehicles, opening bank accounts, and paying taxes on employees' salaries.

Protestants continued to allege institutional discrimination by central and municipal governments. They complained of not being allowed to establish a Protestant cemetery, which frequently resulted in Protestants being buried in Muslim graveyards and Muslim clerics performing funeral services for Protestants. Protestants claimed this circumstance was a violation of their right to be buried among those of their faith and the imposition of another religious tradition.

The Kosovo Islamic Community (known by its Albanian-language acronym BIK) and Muslim-oriented nongovernmental organizations reported that students were prevented from attending public schools while wearing Islamic headscarves. In 2010 the Ministry of Education, Science, and Technology issued an administrative instruction prohibiting pre-university students from wearing Islamic headscarves. School administrators selectively applied this instruction and previous instructions from the ministry. The BIK reported that during the year 13 students were expelled from schools for wearing headscarves. The Ombudsperson's office reported that three additional pre-university students were not allowed to attend school while wearing headscarves and two university students were not allowed to attend the Faculty of Education while wearing headscarves.

On September 23 the Constitutional Court issued a ruling in the case of a secondary school student who alleged her constitutional rights were violated in 2009 when school administrators told her she was not permitted to wear a headscarf to public school. The court ruled the case inadmissible because remedies at the municipal level had not been exhausted. The ruling went on to state that the facts of the case did not support an allegation of denial of constitutional rights. The ruling cited European Court of Human Rights decisions related to religious dress in public institutions that allowed for restriction of religious freedom "in order to reconcile the interests of the various groups and ensure that everyone's beliefs are respected."

On August 29 the Assembly rejected two amendments to the law on education proposed by the Islamic-oriented Justice Party. The amendments would have brought religious

education to public schools and lifted the administrative ban on headscarves in public schools. After a heated debate on the Assembly floor, the amendment on headscarves was rejected by a 48 to 39 vote, while the amendment on religious education failed in a vote of 64 to 18. The Assembly debate also prompted several weeks of extensive coverage of Islam-state relations, with many opinion and editorial pieces calling for the country to remain committed to its strong secular foundation.

In August the Assembly reviewed draft legislation to establish special protective zones for the historic center of Prizren and the village of Velika Hoca/Hoce e Madhe, which contain numerous examples of religious and cultural heritage dating as far back as the thirteenth century. This process resulted in heated debates and criticism that the laws would create special status for Serb cultural objects. Many parliamentarians made claims about the country's Serbian cultural heritage that some Serbs considered offensive. SOC representatives expressed concern that the Assembly's stance on these two draft laws represented a troubling opposition to the Ahtisaari Plan-mandated protection of the SOC.

In July the Rahovec/Orahovac municipal government began work on a road along the edge of the special protected zone (SPZ) of the Zociste Monastery, which is a violation of SPZ law. The work damaged the monastery's walls.

Protestants reported the municipality of Decan/Decani continued to deny them permission to build a church facility on land they had purchased. The municipality cited negative reaction from local citizens as the reason for the denial. The Protestant community appealed the denial of a building permit to the Supreme Court. The Supreme Court upheld the denial of the permit in a 2008 decision, but the Protestant community only learned of the ruling in October. The Court stated it did not have the proper address of the Protestant community in order to provide notice of the ruling in a timely manner. While general judicial inefficiency may have been a factor in the delay, the Protestant community remained concerned that the judiciary was hesitant to rule in cases related to religious communities and excessively delayed decisions and provision of information in these cases.

Improvements and Positive Developments in Respect for Religious Freedom

The multi-ethnic RIC, established to repair churches damaged during the 2004 riots, initially stalled in its progress during the year. However, after discussions between the government and the SOC, the government signaled its willingness to commit funds to complete the reconstruction of 34 churches destroyed in the March 2004 riots.

On September 19 the SOC's seminary in Prizren reopened after 12 years. Following the conflict in Kosovo, the seminary had moved to Nis, Serbia. The seminary building was destroyed during the March 2004 riots and was rebuilt by the European Agency for Reconstruction. Nine students began their studies at the reopened seminary in autumn 2011.

Despite initial concerns among SOC officials about the transfer of responsibility for providing physical security at their monasteries and other sites from the NATO-led peacekeeping force (KFOR) to the Kosovo Police (KP), the process has run smoothly and no significant security incidents have occurred at SOC facilities under KP protection. The KP assumed responsibility for five SOC sites in 2010 and one during the year in a process called "unfixing." In addition to those six officially unfixed sites, KP provides 24-hour security at 17 other SOC sites. Though SOC leaders noted their concerns about KP's capacity and will to protect SOC sites in the early phases of the unfixing process, SOC leaders publicly remarked in November they were satisfied with KP efforts and KP's positive role in ensuring the security of SOC facilities.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Prominent societal leaders often took positive steps to promote

religious freedom. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

Unite, an umbrella group that includes several Muslim nongovernmental organizations, arranged several prayer protests during the year. The protests focused in part on the group's opposition to the administrative ban on wearing Islamic headscarves in public schools, but they also addressed other issues of interest to the Muslim community, including a request for an allocation of land for a new mosque/cultural center in central Pristina, and efforts to introduce religious education in public schools. One of the protests drew several hundred participants. The Kosovo Islamic Community officially stated it did not support the protests and sought to address Muslim community interests through institutional channels.

In late November unknown persons painted swastikas on all of the approximately 80 tombstones in a Jewish cemetery in Pristina. Officials, religious communities, and other associations strongly denounced the desecration of the graves. The Ministry of Culture's Institute for the Protection of Monuments cleaned the graves and pavement in the cemetery following the incident. Police continued investigating the case at year's end but had no suspects.

There were no reports of assaults directed against Serbian Orthodox personnel; however, there were occasional incidents of thefts and vandalism. There also were isolated incidents of persons throwing stones at buses of Serbs visiting SOC religious sites. Through October the police registered 22 incidents involving SOC facilities, primarily thefts of metal objects (which are then sold for scrap metal) and damage to cemeteries. The number of incidents at SOC sites has decreased significantly since 2007, when there were 90 reported incidents, and has continued to decrease each successive year.

On October 29 unknown assailants set fire to the home and car of a local imam, Fehmi Leci, from the village of Rogane in Kamenice/Kamenica. Leci reported that he suspected adherents of a rival sect who had sought to oust him from his position were behind the attacks. The case remained under investigation at year's end.

Leaders of religious communities reported generally good relations with religious leaders from other faiths. Several interfaith meetings took place during the year.

Section IV. U.S. Government Policy

Representatives of the U.S. government discussed religious freedom with the government as part of their 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. embassy officials also met regularly with religious leaders of the SOC, Muslim, Catholic, Protestant, and Jewish 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 engaged in discussions between the government and the SOC to restart the stalled RIC, which reconstructs religious buildings damaged in the 2004 riots. U.S. government officials also continued to follow and support efforts to resolve a land dispute involving Visoki Decani Monastery and local groups.

The U.S. government funded cultural heritage preservation programs that included reconstruction and conservation of churches throughout the country. The government and the U.S. government signed an Agreement on the Protection and Preservation of Certain Cultural Properties on December 15, which provides for the protection of sites pertaining to the cultural heritage of World War II genocide victims.

