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Kosovo

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

October 26, 2009

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

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

Societal violence decreased marginally, but tensions between communities remained high, especially following the country's declaration of independence in February 2008. Although societal discrimination and violence appeared to be generally ethnically motivated, the close link between ethnicity and religion made it difficult to determine if events were motivated by ethnic or religious animosity.

The U.S. Government discusses religious freedom with the Government and religious representatives as part of its overall policy to promote human rights. The U.S. Government intervened in specific cases to ensure that places of worship belonging to the Serbian Orthodox Church (SOC) and other patrimonial sites were protected.

Section I. Religious Demography

The country has an area of 4,211 square miles and a population of two million, although the last credible census was taken in the 1980s. Islam is the predominant faith, professed by most of the majority ethnic Albanian population; the Bosniak, Goran, and Turkish communities; and some members of the Roma/Ashkali/Egyptian community. However, religion is not a significant factor in public life. Religious rhetoric was largely absent from public discourse in Muslim communities, mosque attendance was low, and public displays of conservative Islamic dress and culture were minimal. The ethnic Serb population in the country, 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, and Gjakova/Djakovica. Protestants have small populations in most cities, with the largest concentration located in Pristina.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

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

The Government recognizes as official holidays some but not all Orthodox, Islamic, and Catholic holy days, including Eid al-Adha, the beginning of Ramadan, Eid al-Fitr, Easter, Orthodox Easter Monday, and Orthodox and Western Christmases.

There are no mandatory registration regulations for religious groups; however, to purchase property or receive funding from international organizations, religious groups must register with the Ministry of Public Services as nongovernmental organizations (NGOs).

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

Restrictions on Religious Freedom

The Government generally respected religious freedom in practice. There was no change in the Government's respect for religious freedom during the reporting period.

Religious leaders complained that they should have a special status apart from that of NGOs. Islamic leaders complained of a lack of legal status for their religion. Protestant leaders also emphasized this problem, noting that a Protestant church

is compelled to use its tax identification number as the only proof of its legal status. Protestants complained that without formal and legal registration the community could not resolve many of the other problems it faced regarding land registration and obtaining building permits.

Protestants alleged institutional discrimination by central and municipal governments. For example, they complained of not being allowed to register property in the names of their churches or 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 was a violation of their right to be buried among those of their faith and an imposition of another religious tradition upon them. Protestants also reported that the lack of a tax exemption for importing donated charitable goods hindered their efforts.

Islamic leaders complained of insufficient attention to religious matters and activities from the national broadcaster Radio-Television Kosovo (RTK). Protestants stated that RTK specifically declined to report on the Protestant religion.

The Ministry of Education prohibited the wearing of headscarves, particularly at schools with obligatory uniforms, despite a 2004 opinion issued by the Ombudsperson that the rule should apply only to teachers and school officials, not students. On December 12, 2008, a daily newspaper reported that a school teacher in the Kline/Klina municipality was suspended from her job for wearing a headscarf to work. The school principal and other municipal officials cited this as a violation of the rule against teachers wearing headscarves. According to the Ombudsperson's Office, the Ministry of Education agreed, and the teacher reportedly decided that she would not return to her job if she could not wear the headscarf. The Ombudsperson also reported that in a similar case from the previous reporting period, the affected teacher later opted to leave her position. In another case in September 2008, the Ombudsperson's regional office in Gjilan/Gnjilane reported that a woman had allegedly been refused a teaching job because she wore a headscarf.

Both the Ombudsperson's Office and the Kosovo Islamic Community (KIC) complained that Muslim students continued to be expelled from public schools for wearing headscarves. The Ombudsperson reported that a case from September 2008 was resolved in the favor of the student, who was eventually allowed to return to school--with a headscarf--in March 2009.

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 privately owned land they had purchased. A legal case on the building permit in Decan/Decani remained before the Supreme Court at the end of the reporting period. Protestants also reported other ongoing instances in which their congregations were consistently denied permission to build new church buildings on land owned by the church.

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.

Improvements and Positive Developments in Respect for Religious Freedom

The multiethnic Reconstruction Implementation Commission (RIC) resumed its work in May 2009 to repair churches damaged during the 2004 riots. The SOC resolved internal political issues and agreed to continue participating in the RIC. All RIC stakeholders, including the Government, agreed to a new tendering procedure.

SOC priests, monks, and laypersons occupied several RIC-rebuilt sites during the reporting period.

Section III. Status of Societal Respect for Religious Freedom

Societal violence decreased marginally, but tensions between communities remained high. Societal discrimination and violence 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. Kosovo Serbs identify themselves with the SOC, which defines not only their religious but also their cultural and historical perspectives.

There were reports of assaults directed against the Serbian Orthodox community and property, including threats, thefts, and vandalism. There were reported incidents of rock throwing and other assaults against SOC clergy traveling outside their monasteries. In addition, Serbian pilgrims traveling by bus from Serbia to attend services at Decani Monastery often had rocks thrown at their vehicles, usually by children. In the western municipalities of Peja/Pec, Decan/Decani, Gjakova/Djakovica, Istog/Istok, Kline/Klina, and Skenderaj, and also in south Mitrovica (areas that include the monasteries of the Peja/Pec Patriarchate, Decani, Gorioc, Budisavci, and Devic), clergy requested and received escorts from the NATO-led international peacekeeping force (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.

In June 2009 the mayor and other officials of Klina condemned the desecration of a graveyard in the Serb village of Vidanje, where vandals damaged ten gravestones. Several NGOs, including the Kosovo Council for the Defense of Freedoms and Human Rights, also condemned the desecration. The municipal government paid for repair and restoration of the graveyard.

Although Protestants previously reported a slight improvement in their overall situation, they reported increased violence and discrimination during the reporting period. A list of the names of Protestant ministers and missionaries, including Kosovo Albanians and foreign missionaries, along with family names, addresses, telephone numbers, and the names of their respective churches or organizations, remained available on approximately 100 private websites. The information was originally given in November 2007 on the website of the Gjakova/Djakovica branch of the Kosovo Islamic Community.

Individual Protestants alleged verbal discrimination. While several Protestant churches were broken into and robbed during the reporting period, community leaders did not consider these incidents to be motivated by religious discrimination.

Incidents were reportedly directed against the Muslim community, including thefts, vandalism, and threats.

Catholic, Orthodox, and Muslim Albanians reported that they had no problems with fellow ethnic Albanians belonging to others of these religious groups. However, there were some problems between Muslim Albanian groups.

On January 9, 2009, a group of nine ethnic Albanians belonging to a Wahhabist sect severely beat Muslim cleric Mullah Osman Musliu while he was entering a mosque in the Gillogovc/Glogovac village of Zabeli i Ulet. Police detained nine suspects and arrested five of them. On January 16, 2009, Musliu told a local newspaper that he would not allow Wahhabists to take over other local mosques in Gillogovc. Musliu also criticized KIC head Naim Ternava for not standing up against Wahhabism. He told the media that there were some Wahhabist imams preaching without prior approval from the KIC. Also on January 16, 2009, another local newspaper published an article noting that the mosque where the attack took place had been closed. The Gillogovc/Glogovac Islamic Community office reportedly requested that the municipal government take action to prevent Islamic religious activities taking place without KIC approval, citing security concerns.

In early 2009 the Kosovo Police (KP) adopted new operating procedures to provide greater protection for Serb religious and cultural sites. The KP agreed to provide enhanced protection of the most vulnerable Serbian Orthodox sites, as defined by SOC officials. KP officials declared that they had posted a 24-hour guard at the St. Nicholas Church in Pristina. They also reported that they were patrolling near other Serb cultural sites. KFOR reported that it was guarding the Pec, Decani, Budisavci, Gorioc, Devic, and Archangel monasteries.

On September 18, 2008, Jeton Mulaj was convicted of firing a rocket-propelled grenade at Decani Monastery in 2007 and sentenced to three years and six months in prison.

Catholic leaders reported that they had good relations with the Muslim community but little bilateral contact with the SOC leadership. Catholic and SOC leaders believed each other to be highly politicized. The Muslim community also reported good relations with the Catholic leadership but limited interaction with the Orthodox community.

Muslim, Catholic, and some local Orthodox leaders attempted to encourage tolerance and peace in the religious and political spheres. However, a planned follow-on to a 2006 interfaith conference hosted by Norwegian Church Aid continued to be stalled in the planning phase due to the reluctance of the SOC leadership to participate.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government and religious representatives as part of its policy to promote ethnic and religious tolerance. Many high-level U.S. government and military officials continued to meet with political and religious leaders to assess the situation and 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. The U.S. Government continued to support the Government and the Council of Europe in rebuilding religious buildings damaged in the 2004 interethnic riots and to intervene with government officials on behalf of SOC interests when SOC rights were threatened or violated. 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 assigned to the EU-led rule of law mission in the country and provided substantial support to the KP, both of which worked to prevent 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. U.S. government representatives intervened to protect the integrity of the Decani special zoning area. Restoration work continued 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.

[Back to Top](#)

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