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2018 Report on International Religious Freedom: Bosnia and Herzegovina

Executive Summary

The constitutions of Bosnia and Herzegovina (BiH) and each of the country's two entities – the Federation of BiH (the Federation) and Republika Srpska (RS) – provide for freedom of religious thought and practice, prohibit religious discrimination, and allow registered religious organizations to operate freely. The Federation constitution declares religion to be “a vital national interest” of the constituent peoples. The RS constitution establishes the Serbian Orthodox Church (SOC) as “the Church of the Serb people and other people of Orthodox religion.” A provision in the state constitution provides for representation of the three major ethnic groups – Serbs, who predominantly belong to the SOC; Croats, who mainly belong to the Roman Catholic Church; and Bosniaks, who are predominantly Muslim – in the parliament and in government positions. Individuals not belonging to one of the three major ethnic/religious groups reported they continued to be unable to obtain government positions or seats in parliament. There were few reports of the various levels of government making progress in resolving longstanding issues pertaining to religious freedom and rights. The Islamic Community (IC) continued to express its discontent over what it said was the Presidency's continued inaction on the anticipated agreement between the state and the IC on certain accommodations for religious adherents. Local religious groups in the minority continued to report discrimination by municipal authorities regarding the use of religious property and issuance of permits for new religious properties. In March the Sarajevo Canton Assembly annulled its 2016 decision to name an elementary school after a World War II-era Ustasha anti-Semite who glorified Hitler; at year's end, the annulment had not been implemented, and the school still bore the name. In April seven defendants were charged for a 2015 attack on a mosque and sentenced to one and a one-half years in prison, but their sentences were suspended pending two years of probation.

Of the 209 attacks on religious officials and sites registered by the Interreligious Council (IRC) since 2010, police had identified perpetrators in 73 of the attacks, and the courts had prosecuted 23 of the cases. In an annual report issued in May on the protection of holy sites, the IRC registered 11 attacks from November 1, 2016, through December 31, 2017: seven attacks on IC members' property, three attacks against SOC cemeteries, and one against property of the Catholic Church. The IRC said again that the failure of authorities to pursue many cases reflected ignorance about hate crimes and a desire to deflect criticism of religious intolerance. There were several instances of vandalism of religious buildings, including a mosque in Kiseljak (in December 2017), an SOC church in Visoko, and a Catholic church in Zenica. The IRC continued to take steps to promote interfaith dialogue, including organizing joint visits of senior religious leaders representing each of the major religious groups to sites of suffering in the past wars, supporting open-door days of religious communities, and sponsoring various projects with women believers and youth.

U.S. embassy officials met with government officials to emphasize the need to promote respect for religious diversity and to enforce equal treatment under the law, including for religious minorities. In regular meetings with religious groups, embassy officials continued to urge these groups to improve interreligious dialogue in order to contribute to the development of a peaceful and stable society. In December the Deputy Secretary of State met with leaders of the four major religious communities in BiH to discuss religious freedom and interreligious dialogue. Embassy officials continued to attend significant events in the various religious communities, including events to commemorate Eid al-Fitr, Catholic Christmas, and Orthodox Christmas, to support religious tolerance and dialogue. In December 2017, embassy officials attended a meeting in Banja Luka with the local mufti, Catholic bishop, and Orthodox bishop to discuss ways to encourage increased interreligious dialogue.

Section I. Religious Demography

The U.S. government estimates the total population of BiH at 3.9 million (July 2018 estimate). According to the most recent census, conducted in 2013, Sunni Muslims constitute approximately 51 percent of the population; Serbian Orthodox Christians 31 percent; Roman Catholics 15 percent; and others, including Protestants and Jews, 3 percent.

There is a strong correlation between ethnicity and religion: Bosnian Serbs affiliate primarily with the SOC, and Bosnian Croats with the Roman Catholic Church. Bosniaks are predominantly Muslim. The Jewish community estimates it has 1,000 members, with the majority living in Sarajevo. The majority of Serbian Orthodox live in the RS, and most Muslims and Catholics in the Federation. Protestant and most other small religious communities have their largest memberships in Sarajevo and Banja Luka.

Section II. Status of Government Respect for Religious Freedom

LEGAL FRAMEWORK

Annex IV of the Dayton Peace Agreement, which serves as the country's constitution, provides for freedom of thought, conscience, and religion. It stipulates no one shall be deprived of citizenship on grounds of religion and all persons shall enjoy the same rights and freedoms without discrimination as to religion. The entity constitution of the Federation states all individuals shall have freedom of religion, including of public and private worship, and freedom from discrimination based on religion or creed. It defines religion as a vital national interest of the constituent peoples.

The entity constitution of the RS establishes the SOC as “the Church of the Serb people and other people of Orthodox religion.” It guarantees equal freedoms, rights, and duties for all citizens irrespective of religion. It specifies religious communities shall be equal before the law and free to manage their religious affairs and hold religious services, open religious schools and conduct religious education in all schools, engage in commercial activities, receive gifts, and establish and manage legacies in accordance with the law.

A state law on religion guarantees freedom of conscience; grants legal status to churches and religious communities; and grants numerous rights to registered religious communities, including the rights to assemble, conduct collaborative actions such as charity work, raise funds, and construct and occupy places of worship. The law states churches and religious communities serve as representative institutions and organizations of believers, founded in accordance with their own regulations,

teachings, beliefs, traditions, and practices. The law recognizes the legal status of four “traditional” religious communities: the IC, SOC, Catholic Church, and Jewish community. 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 state law, any group of 300 or more adult citizens may apply to register a new religious community or church through a written application to the MOJ. Other requirements for registration include the development of a statute defining the method of religious practice and a petition for establishment with the signatures of at least 30 founders. The ministry must issue a decision within 30 days of receipt of the application, and a group may appeal a negative decision to the state-level Council of Ministers. The law allows registered religious communities to establish their own suborganizations, which may operate without restriction. The law also stipulates the ministry may deny the application for registration if it concludes the content and manner of worship may be “contrary to legal order, public morale, or is damaging to the life and health or other rights and freedoms of believers and citizens.”

The law states no new church or religious community may be founded bearing the same or similar name as an existing church or religious community. The law also states no one may use the symbols, insignia, or attributes of a church or a religious community without its consent.

A concordat with the Holy See recognizes the public juridical personality of the Catholic Church and grants a number of rights, including rights to establish educational and charitable institutions, carry out religious education, and officially recognize Catholic holidays. The commission for implementation of the concordat comprises five members from the government and five from the Holy See. A similar agreement exists with the SOC, but a commission for implementation does not yet exist, due to inaction from the government and also from the SOC.

The state recognizes the IC as the sole supreme institutional religious authority for all Muslims in the country, including immigrants and refugees, as well as for Bosniaks and other Muslim nationals living outside the country who accept the IC’s authority. According to the law, no Islamic group may register with the MOJ or open a mosque without the permission of the IC.

The laws of the Federation and RS, as well as those of all 10 cantons, affirm the right of every citizen to religious education. The laws allow a representative of each of the officially registered religious communities to be responsible for teaching religious studies in public and private pre-, primary, and secondary schools and universities if there is sufficient demand. Children from groups that are a minority in a school are entitled to religious education only when there are 18 or more students from that religious group in one class. Religious communities select and train their respective religious education teachers. These individuals are employees of the schools where they teach, but they receive accreditation from the religious body governing the curriculum.

The IC, SOC, and Catholic Church develop and approve religious curricula across the country. Public schools offer religious education in a school’s majority religion, with some exceptions. Secondary students who do not wish to attend the religion class have the right to opt out if their school offers a class in ethics as an alternative, which many schools do. Parents of primary school students may request an exemption for their child from religion class attendance.

In the Federation’s five Bosniak-majority cantons, primary and secondary schools offer Islamic religious instruction as a twice-weekly course. In cantons with Croat majorities, Croat students in primary and

secondary schools attend an elective Catholic religion course twice a week. In the five primary and 10 secondary Catholic schools spread throughout the Federation and the RS, parents may choose either an elective Catholic religion course or a course in ethics. In Sarajevo and Tuzla Cantons, primary and secondary students may either opt out or take ethics courses in lieu of religious education classes. The Sarajevo Canton Ministry of Education offers Orthodox and Protestant religious education in addition to classes offered to the Muslim and Catholic communities. In September the RS Ministry of Education introduced religious education in secondary schools.

A law against discrimination prohibits exclusion, limitation, or preferential treatment of individuals based on religion in employment and the provision of social services in both the government and private sectors.

The state constitution provides for representation of the three major ethnic groups – Serbs, Croats, and Bosniaks – in the government and armed forces. The constitution makes no explicit mention of representation for religious groups, although each ethnicity mentioned by the constitution is associated with a particular religion. Parliamentary seats and government positions are apportioned among the three constituent major ethnicities – Serbs, Croats, and Bosniaks – according to quotas set by constitutional provisions.

The country is a party to the International Covenant on Civil and Political Rights.

GOVERNMENT PRACTICES

Officials publicly acknowledged the need to address a 2009 decision by the European Court of Human Rights (ECHR) stating the country should amend its constitution to allow members of religious and other minorities, including Jews, to run for president and the parliament's upper house, but they took no action during the year. According to the ECHR ruling, observers said, by apportioning government positions and seats in the parliament only among Serbs, Croats, and Bosniaks, the constitution discriminated against minority groups. Individuals who were not members of the three major ethnic/religious groups reported they could not hold any of the proportionally guaranteed government positions, including the presidency. There were reports of the various levels of government making little progress in resolving longstanding issues pertaining to religious freedom and rights.

NGOs, academics, and government agencies reported the continued association of each of the country's major political parties with the religion practiced by the dominant ethnic group among its membership. The biggest ethnic Bosniak parties continued to align with the IC, the biggest ethnic Croat parties with the Catholic Church, and the two largest ethnic Serb parties with the SOC.

NGOs continued to report that government authorities were not enforcing the 2015 decision by the High Judicial and Prosecutorial Council prohibiting employees of judicial institutions from wearing any form of “religious insignia” at work, including headscarves. During the year, the Border Police complied with a November 2017 state Constitutional Court ruling that declared their January 2017 regulation prohibiting beards for the police to be unconstitutional and ordering the police to abolish the regulation.

According to IC officials, the Presidency again did not approve an agreement, reached in 2015, between the state and the IC that addressed dietary restrictions in public institutions, employer accommodations for daily prayer, and time off to attend Friday prayers as well as to take a one-time

trip to Mecca for the Hajj. During the year, the Croat and Serb members of the Presidency refused to put this issue on the agenda of the Presidency sessions due to disputes over the proposed text of the agreement.

According to representatives of the Catholic Church, there had been no meeting of the joint commission for the implementation of the concordat with the Holy See since June 2016 due to a perceived lack of government interest. Earlier agreements reached by the commission, including legislation on observing religious holidays, remained unimplemented by the government and parliament.

In December SOC officials reported the government had taken no steps to establish a commission to implement the government's agreement with the SOC.

According to officials of religious groups that are in a local minority, authorities at all levels continued to discriminate against those groups with regard to the use of religious property and issuance of permits for new religious properties. Drvar municipal authorities continued to refuse construction permits for a new Catholic church, despite repeated requests from the local Catholic priest, the Banja Luka Catholic Diocese, and representatives from the Organization for Security and Cooperation in Europe, which became directly engaged on the issue. In pursuit of a solution, Drvar Catholics, led by their priest, began raising funds to purchase private land to build the church.

In December leaders of the four major religious communities in BiH lamented the lack of any BiH institution responsible for the rights of religious communities. They said this lack hindered efforts on the part of the religious communities to resolve the issue of restitution for property confiscated and nationalized under communist rule from 1946 to 1965.

According to nongovernmental organizations (NGOs), provisions of the law regarding the religious education of returnee children remained unimplemented, particularly in segregated school systems, often at the behest of senior government authorities seeking to obstruct the process. Parents of more than 500 Bosniak children, who returned to their prewar homes in several RS communities, continued to boycott public schools for a sixth year, choosing instead to send their children to alternative schools organized on the premises of the IC's administrative buildings and supported by the Federation Ministry of Education.

Academic and NGO representatives reported continued social pressure on students from communities throughout the country to attend instruction in their respective religions.

Authorities continued to enforce selectively the rights of religious groups in areas where those groups constituted religious minorities. These members of religious minorities reported discrimination regarding access to education, employment, health care, and other social services. They stated that refugees returning to their original communities pursuant to the Dayton Peace Agreement were particularly subject to discrimination. Leaders of religious minority communities and NGOs, particularly in Canton 10 in the western part of the Federation and several municipalities in eastern RS, reported the continued failure of authorities to provide government services and protections to minorities, including access to health care, pensions, other social benefits, and the transfer of student records between districts. NGOs reported that representatives of minority communities in the Canton 10 municipalities of Drvar, Bosansko Grahovo, and Glamoc were discriminated against particularly when it concerned access to education in their mother tongue and employment in public companies. The community leaders also said local authorities continued to discriminate when it came to providing

police protection and investigating threats of violence, harassment, and vandalism. While only a few cases were recorded, the IRC said law enforcement treated these cases as simple theft or vandalism, without taking into consideration the acts occurred at religious sites and could be categorized as hate crimes. According to an annual report published by the IRC in May, only 45 percent of perpetrators were identified in these cases. Because religion and ethnicity often are closely linked, it was difficult to categorize many actions as solely based on religious identity.

On March 6, the Sarajevo Canton Assembly annulled its 2016 decision to name an elementary school and a street in the town of Dobrosevici in the canton's Municipality of Novi Grad after Mustafa Busuladzic, a World War II-era Ustasha figure who glorified Hitler and was known for his anti-Semitism. As of the end of the year, the decision remained unimplemented. The school's website continued to list the school name as Mustafa Busuladzic, and the street was still named after him. During the year, the president of the Jewish Community strongly condemned the continued use of the name.

In April seven individuals were convicted for a 2015 attack on a mosque in Tomislavgrad and sentenced to one and one-half years in prison, but their sentences were suspended pending two years of probation. In 2017, a different defendant in the same case pleaded guilty and was sentenced to a similar one-year suspended prison sentence.

Section III. Status of Societal Respect for Religious Freedom

In May the IRC, which records and tracks cases of intolerance and hatred in an annual report when members of affected religious communities report them, released data it had collected between November 2016 and December 2017. The data showed 11 attacks on religious sites, religious officials, or believers during that period (compared with 12 in the report covering November 2015-October 2016). One attack was against a Catholic site, seven against the IC, and three against the SOC. Of 209 attacks on religious officials and sites since 2010, the IRC reported police had identified perpetrators in 73 of the attacks. As of May 2018, the courts had prosecuted 23 of these cases. The IRC stated that while there were fewer reported attacks, authorities continued their practice of not categorizing these attacks as hate crimes.

In March unknown perpetrators stole items from and desecrated the Catholic Church of Saint Elijah the Prophet in Zenica, causing significant material damage. The local chapter of the IRC condemned the incident, but as of year's end, no perpetrators had been identified. In June individuals broke into an Orthodox church in the town of Cekrekije in the Visoko Municipality, set fire to sacral items, and stole valuables. Police arrested two suspects and forwarded the case to the Zenica Dobož Prosecutor's Office for further proceedings. On July 10, three minors verbally accosted a Catholic nun in the central town of Fojnica. Police identified the perpetrators and discussed the incident with their parents. The local mayor condemned the attack.

The Council of Muftis of the IC continued efforts to persuade unregistered Islamic congregations (or *para-jamaats*), which gathered predominantly Salafist followers and operated outside the purview of the IC, to cease their “unsanctioned” religious practices and officially unite with the IC. While the IC reported that 64 *para-jamaats* were active in 2016, only 21 were active and operating outside the auspices of the IC in 2018.

On July 18, during a talk show on the Serbian television program *Cirilica*, also broadcast on Alternative

TV in BiH, then RS President and leader of the Alliance of Independent Social Democrats Milorad Dodik referred to the *adhan* (Muslim call to worship) as “howling” that disturbed citizens in Banja Luka and caused property values to depreciate. The statement drew strong condemnation from opposition politicians, the international community, and the IC.

On July 20, anti-Semitic graffiti appeared, almost at the same time, inside the hallways of apartment buildings in Tuzla and Sarajevo, where members of the Jewish community resided. Authorities condemned the incidents. No perpetrators were identified by year’s end.

On December 28, 2017, individuals threw beer bottles at the city mosque in Kiseljak, inflicting light damage to the mosque’s facade. Police identified the perpetrators and forwarded the case to the local prosecutor’s office. No information was available what sanctions, if any, were handed down to the perpetrators.

The IRC continued to sponsor projects aimed at increasing interfaith dialogue involving women and youth. On April 23, in cooperation with the German Maximilian Kolbe Foundation, the IRC organized its fourth “European Workshop on Facing the Past Burdened with Violence,” which also involved participants from other European countries. Within the project, religious leaders visited places of suffering of each ethnic/religious group from past wars. The visits included the testimonies of victims in those places.

Section IV. U.S. Government Policy and Engagement

Embassy officials engaged with the Presidency, the BiH Minister of Security, and other ministries to discuss the government’s efforts to combat violent extremism related to religion and religious freedom. They also underscored the need to promote respect for religious diversity and enforce equal treatment under the law, including for religious minorities, emphasizing that restrictions on minority religious groups can lead to their marginalization and possible radicalization.

In a December meeting with leaders of the four major religious communities in BiH, the Deputy Secretary of State stressed the importance of religious freedom and interreligious dialogue. The embassy continued to promote interreligious dialogue in regular meetings with leaders and representatives of the four “traditional” religious communities and other religious groups, including discussing ways the groups could contribute to the further development of a peaceful and stable society. In December 2017, the embassy met with the local mufti, Catholic bishop, and Orthodox bishop in Banja Luka to discuss ways to promote interreligious dialogue.

As part of a U.S. government program with the IRC to promote peace, reconciliation, tolerance, and coexistence among the country’s diverse religious and ethnic communities, embassy officials regularly attended significant events in the different religious communities – Eid al-Fitr celebrations with the IC, Christmas and Easter celebrations with the Orthodox and Catholic communities, and a Passover seder with the Jewish community. At these events, embassy officials emphasized the importance of interreligious dialogue and respect for religious diversity.

The embassy continued to maintain regular contact with the IRC and support its activities, including the development of its first communication strategy, 14 small grant applications to be administered by local IRC chapters, and other activities to help the IRC further develop its institutional capacity. The IRC continued to participate in U.S. government-funded programs designed to help overcome ethnic and

religious divisions through dialogue and restore trust among the country's religious groups. Such events included multiple roundtables featuring prominent women and a youth summit.

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