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USDOS – US Department of State

2019 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.” The BiH constitution reserves all positions in the Presidency and one of two houses of parliament and certain other government offices to members of the three major ethnic groups – predominantly SOC-member Serbs, predominantly Roman Catholic Croats, and predominantly Muslim Bosniaks. The human rights ministry issued new regulations allowing reporting of religious freedom abuses directly to the ministry, which is then charged with working with relevant authorities to correct the abuses. Religious groups in areas where they were a local minority reported continued government discrimination regarding denial of permits for construction or repair of religious properties, and in education, employment, and provision of social services. The Presidency again failed to approve an agreement that would provide religious accommodations to Muslim workers. In a report covering 2018, the Islamic Community (IC) said a school threatened to punish Muslim students if they did not make up classes missed during a religious holiday. The same report said the military served Muslim soldiers pork over a two-month period. The Interreligious Council (IRC), a nongovernmental organization (NGO) comprising representatives of the country's four major religious communities, again reported authorities moved unacceptably slowly to investigate and prosecute religiously motivated crimes. In September Speaker of the Sarajevo Canton Assembly Dino Konakovic said in an interview he did not mind that a local elementary school continued to be named for a World War II-era Ustasha anti-Semite who glorified Hitler.

The IRC registered 10 reported acts of vandalism against religious sites and one case of verbal abuse against an Orthodox priest during the year and said the actual number of incidents was likely much higher. The Organization for Security and Cooperation in Europe (OSCE) reported receiving reports in 2018 of 17 incidents of bias against Muslims, 10 against Christians, and two against Jews. The one incident of violence reported by the OSCE mission in the country involved an assault and verbal insults against a Serb man during an Orthodox Christian holiday. Anti-Islamic incidents included shots being fired at a mosque, theft, and vandalism against mosques involving pig entrails, broken windows, or graffiti. In the two anti-Semitic incidents, vandals painted graffiti, including swastikas, on Jewish housing. The IRC continued to promote interfaith dialogue through conferences and projects with local governments.

U.S. embassy representatives emphasized to government officials the need to promote respect for religious diversity and enforce equal treatment for religious minorities. In regular meetings with religious groups, embassy officials continued to urge these groups to improve interreligious dialogue to help develop a peaceful and stable society. The embassy continued to maintain regular contact with the IRC and to fund some of its interfaith activities.

Section I. Religious Demography

The U.S. government estimates the total population at 3.8 million (midyear 2019 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 and prohibits any incitement to religious hatred or intolerance. 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 national law on religion guarantees freedom of conscience and grants legal status to churches and religious communities. To acquire official status as recognized religious communities, religious groups must register. Unregistered religious groups may assemble to practice their religion, but they have no legal status and may not represent themselves as a religious community. Registration grants numerous rights to religious communities that are not available to those who do not register, including the rights to conduct collaborative actions such as do 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 (MHRR) 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 BiH Council of Ministers. There are no reports the ministry had denied any registration applications by religious communities. 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 between the BiH government and the Holy See recognizes the public juridical personality of the Catholic Church and grants a number of rights, including to establish educational and charitable institutions, carry out religious education in public or private schools, 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 between the BiH government and the SOC, but the parties have not established a commission for implementation of the concordat.

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.

All three BiH administrative units have hate crimes regulated within their criminal codes. The provisions in these codes regulate hate crimes as every criminal act committed because of the race, skin color, religious belief, national or ethnic origin, language, disability, gender, sexual orientation, or gender identity of the victim. Criminal codes also stipulate that this motivation is to be taken as an aggravating circumstance of any criminal act unless the code itself stipulates harsher punishments for qualified forms of criminal acts.

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 assume responsibility for teaching religious studies in public and private preschools, 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.

In the Federation's five Bosniak-majority cantons, primary and secondary schools offer Islamic religious instruction as a twice-weekly course or students may take a course in ethics. In cantons with Croat majorities, Croat students in primary and secondary schools may attend an elective Catholic religion course twice a week or take a course in ethics. In the five primary and 10 secondary Catholic schools spread throughout the Federation and the RS that do not have Croat majorities, parents may choose either an elective Catholic religion course or a course in ethics. 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 elective religious education in secondary schools.

The BiH 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.

The BiH constitution reserves all positions in the House of Peoples (one of two houses of parliament) and apportions other government offices to members of the three major ethnic groups according to quotas. Members of religious minorities are constitutionally ineligible to hold a seat in the House of Peoples. The three-member presidency must consist of one Bosniak, one Croat, and one Serb.

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

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

Government Practices

In April the MHRR issued new instructions on the implementation of the law on religious freedom and position of churches and religious communities. In addition to provisions dealing with cooperation with churches and religious communities and autonomy for churches and religious communities, the instructions contain a measure that allows churches, religious communities, and groups or individuals the right to report abuses of their right to religious freedom directly to the MHRR. The MHRR is then charged with requesting respective state, entity, cantonal, or municipal authorities to undertake legally prescribed measures to prevent such violations of the law.

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 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.

According to IC officials, the Croat and Serb members of the Presidency again blocked from its agenda for approval 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 one-time travel to Mecca for the Hajj. The IC officials stated the agreement remained blocked because the Croat and Serb members of the Presidency believed it would grant Muslims more rights than those granted to the Catholic and SOC communities.

In March the Commission for Freedom of Religion of the Riyasat – the highest religious and administrative body of the IC – issued its *2018 Reported Cases of Violations of the Right to Freedom of Religion of Muslims* in the country. The commission said it received six complaints, involving government and nongovernment entities. One was from the IC in Janja in the RS, saying Mesa Selimovic School officials violated the rights of approximately 500 Bosniak school children by threatening to sanction the students unless they made up school days they missed during the Eid al-Fitr holiday. In another case, the IC complained that schools in the country did not have prayer rooms.

Local NGOs continued to state that government authorities have not annulled the 2015 decision by the High Judicial and Prosecutorial Council (HJPC) prohibiting employees of judicial institutions from wearing any form of “religious insignia” at work, including headscarves. However, there were no instances of the HJPC applying these instructions during the year.

According to officials of religious groups 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 to build new, or repair existing, religious properties. Drvar municipal authorities continued to refuse to allocate land for the construction of a new Catholic church, saying the construction was not foreseen by urban plans drawn up in 1980. In June the Livno Canton Ministry of Construction, Space Planning, and Environment ordered Drvar Municipality to issue a location permit to the Catholic Church in Drvar for the construction of a pastoral and charity center on property owned by the Catholic Church. This overturned Drvar Municipality’s initial rejection of the Church’s request. At year’s end, however, Drvar Municipality had declined to implement this decision, even though the deadline for implementation was June 5, 2019.

On October 1, the ECHR ruled that the government of BiH must remove a Serbian Orthodox church illegally built on plaintiff Fata Orlovic’s property in Bratunac. The court ruled the church construction in 1998 was illegal and ordered authorities to ensure its removal within three months, return the land to Orlovic, and pay 5,000 euros (\$5,600) to Orlovic and 2,000 euros (\$2,200) to her relatives in damages. The SOC constructed the church after Orlovic and her family were expelled from their home during the 1992-95 conflict. The ECHR ruled that authorities had failed to comply with previous decisions by the Commission for Real Property Claims of Displaced Persons and Refugees in 1999 and the Ministry for Refugees and Displaced Persons of the RS in 2001 ordering that Orlovic be granted full restitution of her land, the seizure of which resulted in a violation of the right to property.

Leaders of the four traditional religious communities in BiH continued to say the country’s ongoing lack of any institution responsible for the rights of religious communities hindered efforts on the part of religious communities to resolve the issue of restitution for property confiscated and nationalized under communist rule from 1946 to 1965. In November Jakob Finci, the president of the country’s Jewish Community, said the country was the only one in the region that had done nothing to resolve the restitution problem. He said the lack of resolution posed a burden on religious communities, as disputed properties could be an important and much-needed source of revenue for them.

According to local NGOs such as Vasa Prava, the government again failed to implement legal provisions regarding the religious education of returnee children, particularly in segregated school systems, often at the behest of senior government officials 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 seventh 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. A mother in Banja Luka told media that her daughter did not want to stop attending religious education classes because she did not want to feel excluded or different from the other students.

According to Bosniak Muslim, Croat Catholic, and Serb Orthodox religious communities, authorities continued to enforce selectively the rights of religious groups in areas where those groups constituted religious minorities regarding access to education, employment, health care, and other social services. They said refugees returning to their original communities pursuant to the Dayton Peace Agreement were particularly subject to discrimination. Bosniak returnees complained that schools in the RS celebrated Saint Sava Day as an official holiday for their schools; Bosniaks said they considered this discriminatory, since Saint Sava is an Orthodox saint.

Leaders of religious minority communities and local NGOs, particularly in Canton 10 in the western part of the Federation and several municipalities in eastern RS, continued to say authorities again failed 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. Local NGOs reported government authorities discriminated against minority Serb Orthodox communities in the Canton 10 municipalities of Drvar, Bosansko Grahovo, and Glamoc, particularly by denying children access to education in their mother tongue (including using the Cyrillic alphabet) or to classes covering the history and literature of their national group and employment in public companies.

Religious leaders again said local authorities throughout the country 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 officials 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. For example, following an incident on July 24

when a group of five persons threw stones at the Rijecanska Mosque in Zvornik, the IRC said the police report stated the material damage to the mosque was negligible and did not treat the case as a hate crime.

According to the IRC’s 2018 annual report published in May, police identified only 34 percent of perpetrators of religiously motivated crimes in 2018, compared with 45 percent in 2017. Because religion and ethnicity often are closely linked, it was difficult to categorize many actions as solely based on religious identity.

In the report, the IRC said authorities moved unacceptably slowly in investigating and prosecuting crimes, taking an average of five to seven years to conclude cases reported as crimes. According to the IRC, of 219 incidents against religious sites or personnel it registered since 2010, police had identified suspects in 75 cases and prosecuted only 23. During the year, the IRC said authorities had identified only two suspects in the extant cases and initiated no new prosecutions. In addition, the IRC stated authorities continued their practice of not categorizing these attacks as hate crimes. 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.

The IC’s commission also said the armed forces failed to provide Muslim members with halal food and served them dried processed meals containing pork during a two-month period in 2018. The commission’s report said the Sarajevo Veterinary Institute confirmed the failure to provide halal food.

The Sarajevo Canton Assembly again failed to implement its 2018 decision to change the name of an elementary school and street in the town of Dobrosevici in the canton’s Municipality of Novi Grad named after Mustafa Busuladzic. Busuladzic was a World War II-era Ustasha figure who glorified Hitler and was known for his anti-Semitism. Both school and street retained the Busuladzic name. On September 16, Dino Konakovic, Speaker of the Sarajevo Canton Assembly, said in an interview that he did not mind that the Dobrosevici School continued to be named for Busuladzic.

According to representatives of the Catholic Church, the joint commission for the implementation of the concordat with the Holy See did not meet during the year and had not met since June 2016 due to a perceived lack of government interest and also because the government had still not formed a new Council of Ministers after the October 2018 general elections. According to the Catholic Church, the government had not implemented earlier agreements reached by the commission, including legislation on observing religious holidays.

The agreement between the government and the SOC also remained unimplemented; neither the SOC nor the government had nominated members to the implementing commission by year’s end.

International and local NGOs, academics, and government agencies said each of the country’s major political parties continued to align with the religion practiced by the dominant ethnic group among its membership: the largest ethnic Bosniak parties continued to align with the IC, the largest ethnic Croat parties with the Catholic Church, and the two largest ethnic Serb parties with the SOC.

Section III. Status of Societal Respect for Religious Freedom

In the case of verbal abuse against a religious official recorded by the IRC, an Orthodox priest from the Church of Saint Basil of Ostrog in Blagaj, near Mostar, said in August a Muslim man threatened him via social media. According to the *Srpska Times*, the man also posted on social media that Orthodox Serbs could worship at the church “unless Muslims get harassed; after that, they may wonder whether to come there again. Muslims get harassed in Gacko [in the RS], and you want to come here without problems? It will not do.”

The Office for Democratic Institutions and Human Rights of the OSCE reported receiving reports in 2018 of 17 cases of bias against Muslims (two involving threats, the rest incidents against property), 10 against Christians (one involving violence, the rest incidents against property), and two against Jews (both involving incidents against property). The one incident of violence reported by the OSCE mission in the country involved an assault and verbal insults against a Serb man during an Orthodox Christian holiday. The man sustained injuries. Anti-Islamic incidents included shots being fired at a mosque, theft, and vandalism against mosques involving pig entrails, broken windows, or graffiti. In the two anti-Semitic incidents, vandals painted graffiti, including swastikas, on Jewish housing.

In early April after several attacks were reported to the IRC in a relatively short period of time, it issued a public statement strongly condemning the incidents and expressing particular concern over the misuse of religious symbols. The IRC reported that it had raised awareness among local religious communities and IRC chapters on the importance of condemning religiously motivated attacks, and as a result, the local religious communities proactively took it upon themselves to condemn these types of attacks when they occurred.

In December 2018 unknown persons broke into the Catholic Church of Saint Mother Teresa in Vogosca near Sarajevo and damaged furniture. The local chapter of the IRC condemned the incident. At year's end, authorities had not identified any suspects.

In one of the three cases against SOC sites reported to the IRC, in July individuals broke into an Orthodox church in the village of Donje Vukovsko in the Kupres Municipality, broke the windows, and destroyed furniture.

In June a man destroyed four tombstones at an Islamic cemetery in Kazanbasca in Zvornik. Two weeks later, Zvornik police identified a suspect and submitted a criminal report to the district prosecutor's office in Bijeljina, with charges of desecration of graves or a criminal act against a deceased person; the investigation was ongoing at year's end.

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 what they described as “unsanctioned” religious practices and officially unite with the IC. The IC reported 21 active *para-jamaats* during the year, the same number as in 2018 and down from 64 in 2016.

The IRC continued to sponsor projects aimed at increasing interfaith dialogue involving women and youth. In February the IRC organized a two-day conference in Sarajevo on strengthening interreligious dialogue at the local level in the country. During the conference, members and activists from the IRC's 15 local chapters, among whom were religious officials from various cities, presented their activities and projects. Eight local chapters signed memoranda of cooperation with their respective municipalities, and some municipalities began providing financial support to local chapters for their activities, including some interfaith events designed to increase youth participation. One such activity involved organizing joint visits to Catholic, Islamic, Jewish, and Orthodox places of worship by mixed groups of youth from all four religions.

In November, according to a report in Reuters, Sarajevo's Islamic and Jewish communities celebrated the bicentennial of an uprising by Sarajevo Muslims to rescue a dozen Jews from an Ottoman governor's jail and impending execution. The event was marked by an exhibition and conference describing the episode and marking 500 years of what it described as peaceful coexistence between Muslims and Jews in the city, as well as among Jews, Orthodox Serbs, and Catholic Croats. BiH's Grand Mufti Husein Kavazovic said, “Bosnian Muslims and Jews are one body,” adding, “...We are renewing our pledge that we will remain good neighbors who will watch over each other as we did in the past.” As part of the commemoration, the tombstone of a Jewish historian who recorded the uprising, Mose Rafael Attias, was renovated in the city's Jewish cemetery.

Media reported that on May 4, the Aladza Mosque reopened as a working mosque in Foca in the eastern part of the country, following a five-year reconstruction effort led by international and local donors. Several thousand persons from throughout the country attended the event, which the IC described as its biggest event of the year. In 1992, Serb forces destroyed the mosque, originally built in 1549 and on the country's cultural heritage list and the UNESCO World Heritage list.

Section IV. U.S. Government Policy and Engagement

Embassy officials engaged with the Presidency, the Ministry of Security, and other ministries and underscored the need to promote respect for religious diversity and enforce equal treatment under the law for religious minorities.

Embassy officials had numerous meetings with the Catholic, Islamic, Jewish, and Orthodox communities and community leaders. The Ambassador had individual meetings with the leaders of the traditional religious communities, and embassy officials attended events hosted by the religious communities to commemorate religious holidays. At these events, which included events hosted by the religious communities as well as meetings hosted by the embassy, embassy officials emphasized the importance of interreligious dialogue and respect for religious diversity and urged the religious communities to continue efforts to foster reconciliation and condemn intolerance and hate speech. The embassy reinforced its messages of support following these events and meetings on its various social media platforms; these postings on Twitter and Facebook included calls for tolerance and the importance of interreligious dialogue in BiH.

The embassy helped to create and has continued supporting the first-ever joint master's degree program among the three theological faculties and between two entities of BiH. The Interreligious Studies and Peacebuilding Master's program is implemented jointly by the Catholic Theological Faculty, Faculty of Islamic Studies (University of Sarajevo), and Orthodox Theological Faculty (University of East Sarajevo) and is administered by a joint council. It was created in collaboration with the embassy and a visiting Fulbright specialist in 2018. Two cohorts of approximately 25 students had entered the course as of year's end.

The embassy continued to maintain regular contact with the IRC and supported its activities by providing funding. Cooperation included the IRC’s participation in activities such as visits to the locations of atrocities, round tables on reconciliation, IRC involvement in Open Doors events, where youth visit houses of worship other than their own, and participation in the PRO Future program, which is designed to promote interreligious dialogue in BiH.

The U.S. Ambassador at Large for International Religious Freedom met with IRC leadership in November to discuss ways in which the embassy and government could help the IRC and individual religious communities resolve their differences. The IRC continued to participate in U.S. government-funded programs designed to help overcome ethnic and religious divisions through dialogue among the country’s religious groups. In February, under the auspices of a U.S. government-funded program, the IRC organized a roundtable in Bugojno that served as the initial meeting to form a network of women believers from Bugojno Municipality as part of the larger Network of Women Believers of Bosnia and Herzegovina, an interfaith network of women that meets to discuss various issues. By having women of all religious backgrounds come together, the network is able to highlight similarities that the women share rather than differences.

The Ambassador spoke at the reopening ceremony of the historic Aladza Mosque in Foca on May 4. In his remarks, he noted that the people of Bosnia and Herzegovina must work together to ensure that all peoples and all faiths have a rightful place not only in Foca but throughout the country. The embassy contributed approximately \$128,000 to finance several phases of reconstruction and restoration of the mosque as a cultural landmark.

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