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2011 Report on International Religious Freedom - Bosnia And Herzegovina

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Executive Summary

The constitution of Bosnia and Herzegovina, the entity constitutions of the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska, the Law on Religious Freedom, 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. Discrimination against religious minorities occurred in nearly all parts of the country throughout the reporting period. The number of incidents targeting religious symbols, clerics, and property in the three ethnic majority areas remained high. Some local religious leaders and politicians contributed to intolerance and an increase in nationalism through public statements. Some religious communities illegally

constructed, with tacit government acceptance, religious structures in some areas, which continued to be a source of tension and conflict.

The U.S. government discussed religious freedom with the government, leaders from the four traditional religious communities, and emerging religious groups as part of its overall policy to promote human rights. The U.S. embassy supported religious communities in their efforts to acquire permits to build new religious structures. Embassy officials also assisted religious communities regarding restitution of property and interfaith dialogue, and supported several exchange, speaking, and cultural programs promoting religious freedom. The embassy also supported local efforts to address attacks on religious sites and persons.

Section I. Religious Demography

The country's territory is divided into two entities, the Federation of Bosnia and Herzegovina (BiH) and the Republika Srpska (RS), with a separate administrative district for Brcko (Brcko District). According to unofficial estimates from the State Statistics Agency, Muslims constitute 45 percent of the country's population, Serb Orthodox Christians 36 percent, Roman Catholics 15 percent, Protestants 1 percent, and other groups, including Jews, 3 percent. Bosniaks are generally associated with Islam, Bosnian Croats with the Roman Catholic Church, and Bosnian Serbs with the Serb Orthodox Church. The Jewish community, with approximately 1,000 members, maintains a historic place in society by virtue of centuries of coexistence with other religious communities and its active role in the Inter-Religious Council, which mediates among the communities.

The degree of religious observance varies among the traditional religious groups; however, some areas of significantly greater observance exist, particularly in more rural areas. For many persons religion often serves as a community or ethnic identifier, and they might confine their religious practice to significant rites of passage such as birth, marriage, and death.

The majority of Serb Orthodox adherents lives in the RS, and the majority of Muslims and Catholics resides in the Federation. Within the Federation distinct Muslim and Catholic majority areas remain, with most Catholics living in Herzegovina and areas of central Bosnia and most Muslims living elsewhere in central Bosnia and Sarajevo. The Jewish community, like Protestants and most other small religious groups in the country, has its largest membership in Sarajevo.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. The Law on Religious Freedom provides for freedom of religion as well as legal status of churches and religious communities, and it prohibits any form of discrimination against any religious community. The law also provides the basis for the establishment of relations between the state and religious communities.

The constitution safeguards the rights of the three major ethnic groups (Bosniaks, Serbs, and Croats), and by extension the three largest religious communities, by providing for representation of each group in the government and in the armed forces. Parliamentary seats and most government positions are apportioned specifically to the three constituent peoples. These stipulations often result in constitutional discrimination against "others" such as religious communities that do not fit neatly into the three constituent groups.

The Law on Religious Freedom governs religion and the licensing of religious groups, and it provides for the right to freedom of conscience and religion. It grants churches and religious communities legal status and allows them concessions that are characteristic of a nongovernmental organization. The law also created a unified register within the Ministry of Justice for all religious groups, while the Ministry of Human Rights and Refugees is responsible for documenting violations of religious freedom.

According to the law, any group of 300 or more adult citizens may apply to form a new church or religious community through a written application to the Ministry of Justice. The ministry must issue a decision within 30 days of receipt of the application, and an appeal may be made to the state-level Council of Ministers. The law allows minority religious organizations to register legally and operate without unwarranted restrictions.

The 2007 concordat between government and the Holy See recognizes the public juridical personality of the Catholic Church and grants a number of rights, including official recognition of Catholic holidays.

A mixed commission for implementation of the concordat began operating in 2008. The commission, composed of five members from the government and five from the Holy See, met regularly to discuss the adoption of laws on religious holidays and restitution of nationalized properties. The Council of Ministers adopted the Law on Religious Holidays on October 5, 2010, and sent it to Parliament for passage. However, because of general elections in 2010 and the delays in forming a new government, the parliament had not considered the law by year's end. In 2008, the Presidency ratified a similar agreement

with the Serb Orthodox Church. Both agreements accord with the Law on Religious Freedom.

On November 9, the Council of Ministers appointed a working group to negotiate a draft agreement between the Muslim community and the government and requested the Muslim community to appoint their members to the Commission.

The Law on Religious Freedom reaffirms the right of every citizen to religious education. The law calls for an official representative of the various religious communities to be responsible for teaching religious studies in all public and private preschools, primary schools, and universities. These individuals are employees of the schools in which they teach but are accredited by the religious body governing the curriculum. However, the law was not always fully implemented.

Religious education is largely decentralized, as is the education system in general. Public schools offer religious education classes, but with some exceptions, schools generally offered religious instruction only in the municipality's majority religion. Legally, students (or their parents on their behalf, in the case of primary school students) may choose not to attend the classes. If a sufficient number of students of a minority religious group attend a particular primary or secondary school (20 in the RS, 15 in the Federation), the school must organize religion classes on their behalf. However, in rural areas there are usually no qualified religious representatives available to teach religious studies to minority students. Minority students are often widely scattered across remote areas, making it difficult to provide classes even when a teacher is available.

In the Federation's five Bosniak-majority cantons, primary and secondary schools offer Islamic religious instruction as a two-hour-per-week elective course. In cantons with Croat majorities, Croat students attend the elective one-hour-per-week Catholic religion course in primary and middle schools. However, in 13 Catholic primary and secondary schools in Bosnia and Herzegovina, parents can choose between the elective one hour-per-week Catholic religion course and a course in ethics. At the beginning of the school year, the Sarajevo Cantonal Ministry of Education introduced alternative courses to religious education in the canton called "Society, Culture, and Religion" in primary schools and "Culture of Religion" in secondary schools as options for those children who do not want to attend religious education classes. Experts noted that religious teachers across the country, while usually proficient in their subject matter, lacked sufficient pedagogical training and teaching experience.

The state-level central government does not observe any religious holy days as official holidays, and parliamentarians continued to disagree on a state law on national

holidays. Entity and cantonal authorities routinely observe religious holidays celebrated by members of the area's majority religion with government offices closed on those days. Locally observed holy days include Orthodox Easter and Christmas in the RS, Catholic Easter and Christmas in Herzegovina, and Ramadan Bajram (Eid al-Fitr) and Kurban Bajram (Eid al-Adha) in Sarajevo and central Bosnia. The Federation labor law obligates any employer in the Federation to permit an employee four days off in a calendar year for the purpose of religious or traditional needs, two of which will be paid. The RS law foresees the observance of the following religious holidays: Orthodox Christmas, Catholic Christmas, Ramadan Bajram, Kurban Bajram, Orthodox Good Friday, Orthodox Easter, and Catholic Easter. Orthodox Christians, Catholics, and Muslims have the right to excused and paid absences on these days, while those celebrating other religious holidays can choose two days a year for observance of other religious holidays. Those who declare no religious affiliation do not qualify for this benefit. In practice no institutions in the RS function during Orthodox holidays, while during Muslim and Catholic holidays only employees observing the holidays are excused from work.

Government Practices

There were no reports of abuses of religious freedom; however, entity and local governments generally did not enforce legal and policy protections for religious freedom.

Weak administrative and judicial systems effectively restricted religious freedom and posed major obstacles to safeguarding the rights of religious minorities. Minority religious communities also encountered difficulty in obtaining permits for new churches and mosques. In some cases local governments made improvements to protect religious freedom; however, selective legal enforcement and the indifference of some government officials continued to limit respect for religious freedom, which allowed societal violence and the threat of violence to restrict religious minorities' ability to worship in certain areas. For example, local police rarely made arrests in cases of vandalism of religious buildings or violence against and harassment of religious officials or believers. Successful prosecutions were rare. Local police frequently alleged, in order to downplay the vandalism, that juveniles, intoxicated individuals, or mentally unstable persons were responsible for these attacks.

Lack of uniform protection posed obstacles to safeguarding minority rights. Federation, RS, and local governments frequently allowed or failed to prevent an atmosphere in which violations of religious freedom could take place. Police often failed to identify violators of rights of the minority population. In some cases, police and prosecutors

were reluctant to investigate and aggressively prosecute crimes against religious minorities.

The appropriation of religious symbols and buildings for political purposes had a negative effect on interreligious dialogue and interethnic relations in many communities. Authorities of the majority religious or ethnic group often discriminated against those of the minority group in matters related to municipal services, including security and education.

The lines dividing politics, ethnic identity, and religion were often blurred. Political parties dominated by a single ethnic group remained powerful and continued to identify closely with the religion associated with their predominant ethnic group. Many political party leaders used religion to strengthen their credibility with voters. Religious leaders exerted influence in government policy and programs, sometimes to the detriment of nonbelievers or adherents of another religion.

Religious officials of minority populations in Sarajevo, Banja Luka, and Mostar complained that local authorities discriminated against them regarding the use of religious property, provision of municipal services, and police protection and investigation of harassment and vandalism.

Officials did not always implement fully provisions in the Law on Religious Freedom regarding education, particularly in segregated school systems or where there was political resistance from nationalist party officials at the municipal level. Entity, cantonal, and municipal governments gave varying levels of financial support to the four traditional religious communities: Muslim, Serb Orthodox, Catholic, and Jewish. Religious communities tended to receive the most funding in areas where their adherents were in the majority.

Students of the majority religious groups and sometimes also of minority religious groups faced pressure from teachers and peers to attend noncompulsory religious instruction, and most did so.

There were a number of controversial and highly politicized cases involving the illegal construction of religious buildings or monuments on private or government-owned land. These illegally constructed buildings were usually built by religious communities themselves or by civic groups affiliated with religious communities, with tacit or even official approval of the government. In these cases, the buildings or monuments had been built to send a political message to minority believers about the dominance of the majority ethno-religious group in that area. These actions created ethnic tensions and impeded the process of reconciliation.

For example, an illegally constructed Serb Orthodox church remained on the land of a Bosniak returnee, Fata Orlovic, in the town of Konjevic Polje in the eastern RS, despite the RS Ministry of Urban Planning's 2004 decision that the church should be removed. In 2007, RS and Serb Orthodox Church officials agreed to relocate the church across the street, but had not done so by the end of the year. This was because ownership of the land to which the building would be moved was in dispute and the subject of a separate pending court case by the Serb Orthodox Church against the company owning the potential site for relocation. In May the Srebrenica Basic Court had issued a verdict in the case of Fata Orlovic against the Zvornik/Tuzla eparchy (administrative unit) of the Serb Orthodox Church, declaring that the eparchy did not bear responsibility for confiscating private property and illegally constructing a church building on it. The judge ruled that Orlovic should have submitted her case within three years of the church being built. Although no Orthodox believers reside in Konjevic Polje, the local Orthodox bishop holds services in the church on Orlovic's property each September. On September 27 the Bijeljina District Court rejected a new lawsuit that Orlovic had filed against the bishop that demanded removal of the church. Despite public statements by Orthodox authorities during the trials suggesting their continued willingness to move the church, the church remained on Orlovic's property at year's end.

In January the Serb Orthodox Tuzla-Zvornik diocese began building, without a construction permit, a church near an exhumed Bosniak mass grave on land donated by a former Bosnian Serb police officer removed from his position for his connections to war crimes. The diocese suspended construction after the local government refused to issue a permit, a decision recognized as lawful in a letter from the Republika Srpska Ministry for Urban Planning in April 2011. By year's end, the illegally constructed church still stood, nearly completed. Srebrenica genocide survivors regard the church as disrespectful to genocide victims because it was built so close to the former mass grave, not far from the genocide memorial at Potocari, and in an area with few Serb Orthodox believers.

Authorities either did not apply laws governing private property and construction of religious buildings uniformly throughout the country or attempted to apply local laws in ways contravening national laws permitting reconstruction of houses of worship by religious minorities. For example, ethnic tensions increased in the municipality of Livno, when the local Muslim community began reconstruction of Curcinica Mosque, which was destroyed during the 1992-95 war. In 2007, the country's National Commission for Preservation of National Monuments declared the remnants of the mosque and the Muslim tombstones within the complex a national monument. The commission also granted the Muslim community the right to rebuild the mosque in modern style and with additional business facilities onsite – a decision not subject to appeal by local

authorities under the law. Based on that decision, the Federation Ministry of Spatial Planning issued the construction permit on May 4. On June 26, the Livno municipal council, led by an ethnic Croat majority, ordered the suspension of construction on the technicality that the mosque's reconstruction did not match the original mosque's design. By year's end, the mosque's reconstruction was proceeding peacefully, but the council's majority publicly pledged to continue their legal challenges.

The country's four traditional religious communities had extensive claims for restitution of property that the communist government of the former Yugoslavia nationalized after World War II. The Law on Religious Freedom provides religious communities the right to restitution of expropriated property throughout the country "in accordance with the law." In the absence of any state legislation specifically governing restitution, return of former religious properties continued at the discretion of municipal officials, but such actions were usually completed only in favor of the majority group.

Many officials used property restitution cases as a tool of political patronage, rendering religious leaders dependent on them to regain property taken from religious communities. Other unresolved restitution claims were politically and legally complicated.

For example, the Serb Orthodox Church continued to seek the return of the building currently housing the University of Sarajevo's economics faculty. The Inter-Religious Council, representing all of the country's major religious communities supported the building's return to the Church. However, at the end of the year, university and political leaders had taken no significant steps to implement the June 2010 agreement among the Federation, Sarajevo Canton, Sarajevo Stari Grad Municipality governments, and the economics faculty in Sarajevo to return the faculty building to the Serb Orthodox Church.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders rarely took positive steps to promote religious freedom. Discriminatory incidents aimed at religious symbols, clerics, and property in all three ethnic majority areas continued.

By November the country's Inter-Religious Council documented 56 acts of vandalism against religious sites, 30 in the RS and 26 in the Federation. Most attacks occurred in places where the targeted community was in the minority. Attacks against Islamic sites (28) were the most frequent, and the overwhelming number occurred in the Republika Srpska. Those against Serb Orthodox sites (17) occurred exclusively in the Federation.

Attacks against Catholic sites (9) were more frequent in the Federation. The Council's report noted that police apprehended perpetrators in 30 of the 56 cases. The Council documented one religiously motivated physical assault against clergy (an imam in Gacko in the Federation) and verbal harassment of an Orthodox priest in Gracanica in the Federation and an imam in Dubica in the RS.

Serb Orthodox sites were targets of vandalism. On June 1, two high school students sprayed offensive graffiti on the walls of a Serb Orthodox church in Blazuj. The police identified and arrested the perpetrators within a few days, handed them over to the Sarajevo Canton Prosecutor's Office and submitted a criminal report against them for instigating ethnic, racial, and religious hatred and intolerance. They were reportedly drunk while committing the vandalism. Many local Muslim neighbors came to the parish Orthodox priest to express their sorrow over what happened and offer their support. The municipal authorities immediately paid for the removal of graffiti, and local police stepped up patrols around the church.

There were acts of violence, theft, and vandalism against Islamic sites throughout the country. For example, in June perpetrators throwing stones broke windows of the Sefer-Bey Mosque in Banja Luka in six different attacks. Police arrested two suspects in connection with the June 21 attack. Criminal proceedings against the suspects were ongoing in Banja Luka Basic Court by year's end.

Vandals also targeted Catholic sites and believers. On November 15, unknown perpetrators desecrated the Catholic graveyards of Sviba, Bogdusa, and Sikalovo groblje in Brajkovici parish in Travnik municipality. The perpetrators stole or damaged 22 gravestones and statues of the Virgin Mary and brass crosses. The perpetrators had not been identified by year's end.

Discrimination remained a serious problem throughout the country, especially against non-Serbs in the RS, non-Croats in Herzegovina, and non-Bosniaks in central Bosnia. Sarajevo, the Bosniak-majority capital, preserved in part its traditional role as a multiethnic city; however, complaints persisted of discrimination, isolation, and widespread marginalization of non-Muslims.

Some individuals preached forms of Islam that tended to be intolerant of other religions and other interpretations of Islam. Debate within the Muslim community continued about how to reconcile competing interpretations.

The leaders of the four traditional religious communities participated on the Inter-Religious Council, which continued to operate despite occasional disagreements.

Section IV. U.S. Government Policy

The U.S. government discussed religious freedom with the government and leaders of the four traditional religious communities and emerging religious groups as part of its overall policy to promote human rights. The embassy publicly criticized instances of religious discrimination and attacks against religious communities and buildings and encouraged political leaders of all ethnic groups and members of the international community to respond equally strongly. Similarly, embassy officials frequently spoke out against the politicization of religion. The embassy continued to lobby for the adoption of a law on restitution to assist religious communities in obtaining the return of their former property.

The U.S. government continued its support for full implementation of the Dayton Accords and a politically moderate, multiethnic government to improve respect for religious freedom.

The U.S. ambassador and other embassy personnel met frequently with the principal leaders of all four major religious groups and hosted or attended religious holiday events, including iftars (evening meals during Ramadan), Catholic and Orthodox Christmas, and Passover events. The embassy worked closely with religious leaders, individually and collectively, to discuss religious freedom concerns and to urge them to nurture interreligious dialogue. The embassy strongly supported the work of the Inter-Religious Council. In December the ambassador spoke to the Council's conference of 30 young theologians from all major religious communities who declared their common goals of stopping attacks on all religious sites and of promoting inter-religious reconciliation. The embassy's Democracy Commission funded the Council's project for monitoring attacks on holy sites and student exchanges between the seminaries of all major religious communities.

To promote inter-religious dialogue, the embassy continued its outreach programs with religious communities at all levels by sponsoring speeches by prominent visiting U.S. lecturers and speakers on interfaith dialogue and diversity of religions in the United States. The embassy continued meeting with faith-based charities, funding a Fulbright English teaching assistant at the Faculty of Islamic Sciences in Sarajevo, as well as two English Language Fellows at the Faculty of Islamic Sciences in Sarajevo and the Faculty of Islamic Pedagogy in Bihac, respectively. The embassy continued conducting an annual summer seminar for elementary and secondary schoolteachers at the Tuzla Madrassah and the Access Microscholarship program for intensive English Language instruction at all six madrassahs throughout the country.

The U.S. government continued to provide funds to support the reconstruction of religious property destroyed during the 1992-95 war, with ongoing projects at the Aladza Mosque in Foca and the Jewish cemetery in Sarajevo. Other projects include the restoration of the Orthodox Church of St. Basil of Ostrog and the Catholic Church of the Holy Trinity in Blagaj near Mostar.