

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	244
Land:	Bosnien
Kilde:	US Department of State
Titel:	July-December, 2010 International Religious Freedom Report – Bosnia and Herzegovina
Udgivet:	13. september 2011
Optaget på baggrundsmaterialet:	3. november 2011

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Title	July-December, 2010 International Religious Freedom Report - Bosnia and Herzegovina
Publisher	United States Department of State
Country	Bosnia and Herzegovina
Publication Date	13 September 2011
Cite as	United States Department of State, <i>July-December, 2010 International Religious Freedom Report - Bosnia and Herzegovina</i> , 13 September 2011, available at: http://www.unhcr.org/refworld/docid/4e734cb1c.html [accessed 3 November 2011]
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July-December, 2010 International Religious Freedom Report - Bosnia and Herzegovina

Bureau of Democracy, Human Rights, and Labor
September 13, 2011

[Covers six-month period from 1 July 2010 to 31 December 2010 (USDOS is shifting to a calendar year reporting period)]

The constitution of Bosnia and Herzegovina and 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. There was no change in the status of respect for religious freedom by the government during the reporting period.

The government generally respected religious freedom in law and in practice; however, entity and local authorities continued at times to restrict religious freedom of religious groups that are in the minority in some areas of the country by failing to enforce legal and policy protections for religious freedom.

There were reports of societal abuses and 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. Religious symbols often were misused for political purposes. Illegally constructed religious structures in some areas continued to be a source of tension and conflict.

The U.S. government discusses religious freedom with the government and 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 supported several exchange, speaking, and cultural programs promoting religious freedom.

Section I. Religious Demography

The country has an area of 31,816 square miles and a population of 3.9 million. 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 BiH State Statistics Agency, Muslims constitute 45 percent of the 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 religious practice may be confined to significant rites of passage such as birth, marriage, and death.

Ethnic cleansing during the 1992-95 war caused internal migration and refugee flows, which largely segregated the population into separate ethnoreligious areas. As a result the majority of Serb Orthodox adherents live in the RS, and the majority of Muslims and Catholics reside 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 BiH, has its largest membership in Sarajevo.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards
<http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. The BiH 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. As a result of the governmental structure created by the Dayton Accords, 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. In December 2009 the European Court of Human Rights ruled that the Bosnian constitution discriminates against minorities other than the "constituent peoples" and required Bosnia to bring its constitution into compliance with the European Convention on Human Rights. The decision stemmed from a 2006 case brought by representatives of the Bosnian Jewish and Romani communities claiming that the provision of the constitution that precludes "others" from becoming president violates the European Convention on Human Rights. At the end of the reporting period, the ruling had not been implemented.

The BiH Law on Religious Freedom governs religion and the licensing of religious groups, and it provides for the right to freedom of conscience and religion in Bosnia and Herzegovina. 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 Bosnian Council of Ministers. The law allows minority religious organizations to register legally and operate without unwarranted restrictions.

The 2007 concordat between BiH and the Holy See recognizes the public juridical personality of the BiH Catholic Church and grants a number of rights, including official recognition of Catholic holidays. In 2008 the BiH Presidency ratified a similar agreement with the Serb Orthodox Church. Both agreements accord with the BiH Law on Religious Freedom.

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 in its first year but slowed its work in 2010. The Holy See members wrote in June to the minister of human rights and refugees to draw the ministry's attention to this development, but at the end of the reporting period, they had not seen their concerns addressed.

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 throughout BiH. These individuals are employees of the municipality 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.

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. In practice no institutions in the RS function during Orthodox holidays, while during Muslim and Catholic holidays only employees observing the holidays are not expected to come to work.

Restrictions on Religious Freedom

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. 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, to downplay the vandalism as incidents unconnected with one another, 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 forces 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.

The Alliance of Protestant-Evangelical Churches in Bosnia and Herzegovina had difficulties registering the alliance; the Ministry of Justice claimed that the law could not recognize the legal term "alliance." Overall, evangelical churches had a difficult time registering their individual churches, because the government tried to make them fit into the patterns commonly applied to registration of the four main religious communities.

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.

Provisions in the Law on Religious Freedom regarding education were not always fully implemented, 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. Children who were reluctant to be singled out as different from their classmates often attended instruction on the majority religion, even if it was not the religion they practiced at home.

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. In these cases the buildings or monuments, which had been built to send a political message to minority believers about the dominance of the majority ethnoreligious group in that area, 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 it had not happened by the end of the reporting period; this was because ownership of the land to which the building would be moved was in dispute and subject of a separate pending court case by the Serb Orthodox Church against the company owning the potential site for relocation. On May 21, 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. On September 10, police in Bratunac had an altercation with the elderly landowner. During the scuffle Orlovic sustained minor injuries. 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.

Authorities did not apply laws governing private property and construction of religious buildings uniformly throughout the country. For example, on August 17, authorities demolished a mosque near Livno because the local Islamic community reportedly lacked the proper permits to transform the donated house into a mosque.

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 and also compensation for the land on which the state parliament building is located. The Inter-Religious Council agreed the economics faculty building should be returned; however, at the end of the reporting period, no agreement had been reached with university or political leaders. On June 9, the Federation, Sarajevo Canton, and Sarajevo Stari Grad Municipality governments and the economics faculty in Sarajevo signed an agreement to return the faculty building to the Serb Orthodox Church. The agreement states construction of a new faculty building should begin in 2011; however, authorities did not undertake significant preliminary steps to fulfill the agreement. Religious communities continued to seek the return of commercial and residential properties in major cities throughout the country.

Minority religious communities also encountered difficulty in obtaining permits for new churches and mosques. After numerous attempts the Catholic Church received a permit to build a church in the Sarajevo neighborhood of Grbavica. On the other hand, the Evangelical Church remained unable to obtain a construction permit to build a new church on its downtown property in Mostar. Evangelical Church officials stated that their refusal to pay bribes to corrupt municipal officials was the cause.

There were no reports of religious prisoners or detainees in the country.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice; prominent societal leaders did not always take positive steps to promote religious freedom.

Discriminatory incidents aimed at religious symbols, clerics, and property in all three ethnic majority areas continued.

Serb Orthodox sites were targets of vandalism. Unknown perpetrators attacked the Orthodox Church of Holy Transfiguration in Novo Sarajevo on July 23, destroying one light and part of the church's façade. The Novo Sarajevo mayor, Nedžad Koldzo, sent a letter to pastor Jadran Danilovic in which he condemned the attack and promised financial assistance to install surveillance cameras around the church. Church authorities noted the church was a target of such attacks on dozens of occasions in past years.

There were acts of violence, theft, and vandalism against Islamic sites throughout the country. For example, on August 30, unknown perpetrators broke the main door of Atik mosque in Bijeljina and damaged a water pipe in the yard. Ibrahim Imsirovic, secretary of the Mejlis of the Bjeljina Islamic Community, told local media that the perpetrator did not steal anything. Community leaders believed that the purpose of the incident was solely to desecrate the mosque during the holy month of Ramadan. An investigation reportedly continued at the end of the reporting period.

In December the chief imam in Bratunac, Elvir Hodzic, sent a letter to the Office of the High Representative in Bratunac and the Organization for Security and Cooperation in Europe in Srebrenica complaining about lack of progress in investigating the theft of a marble plaque at the city mosque, damage to the Islamic part of the city cemetery, and a burglary of the cultural center in Suha, a suburb of Bratunac. Hodzic noted four recent burglaries at the "vakuf" (religious endowment house) in Suha in the course of a month.

Vandals also targeted Catholic sites and believers. For example, several perpetrators tried to break into the Catholic monastery of Sisters of Mercy in the center of Banja Luka on November 2. According to nuns at the monastery, when the intruders failed to break in, they stoned the monastery's entrance. Police reacted quickly and arrested two of the perpetrators.

Vandals targeted at least one Jewish site. On November 18, the secretary of the Jewish community in Doboj reported the walls of the local synagogue were vandalized with Nazi graffiti including a swastika and "Sieg Heil." Doboj police immediately started an investigation, which remained open at year's end.

On November 7, it was reported that a Bosnian-Croat soccer fan held a Nazi flag during a march in Siroki Brijeg. Police were said to have stood by and allowed the flag and repeated shouting of "Sieg Heil."

Discrimination remained a serious problem throughout the country, especially against non-Serbs in the RS, non-Croats in western 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, or 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 Islamic 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 discusses 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

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. On September 21, the U.S. ambassador and deputy chief of mission attended the Prayer for Peace in Sarajevo, organized by the Serb Orthodox Church, which leaders of other religious communities also attended.

The U.S. government continued to fund countrywide human rights and democracy courses taught in half of all public elementary and secondary schools and all private Catholic schools.

To promote interreligious dialogue, the embassy continued to engage in an active outreach program with religious communities at all levels. This included sponsoring speaking engagements by visiting U.S. lecturers, meeting with faith-based charities, and funding English language fellows at the Faculty of Islamic Sciences and several madrassahs. The U.S. government continued to provide funds to support the reconstruction of religious property destroyed during the 1992-95 war, including the Musafirhana (Salihagic House), a historic house in Fojnica used as a hostel in the Ottoman period, and restoration of the Aladza Mosque in Foca and the Jewish cemetery in Sarajevo.