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2016 Report on International Religious Freedom - Bosnia and Herzegovina

Executive Summary

The constitutions of the state and the country's two entities – the Federation of Bosnia and Herzegovina (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 as “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 Muslims – in the parliament and in government positions. Minority religious groups said they continued to be unable to obtain government positions or seats in parliament. Judicial authorities maintained their prohibition on judicial employees wearing religious insignia. Minority religious groups reported continued discrimination by municipal authorities, who often failed to provide government services and protections, and discriminated against them with respect to the use of religious property, as in the case of the continued refusal of Banja Luka municipal authorities to return previously nationalized properties to the Catholic Church. Of nine reported incidents involving attacks on religious officials or sites, police identified a suspected perpetrator in one case involving arson at an SOC in Sarajevo.

According to the Interreligious Council (IRC), a nongovernmental organization (NGO) which facilitates dialogue among the four “traditional” religious communities (Muslim, Serbian Orthodox, Catholic, and Jewish), the number of attacks on religious officials and sites during the year represented a significant decrease from the past two years. There were continued reports of conflicts between members of the Islamic Community (IC) and minority Muslim groups, some of them Shia, who practiced outside the IC's purview. The IRC continued to take steps to promote interfaith dialogue. On May 7, religious and political leaders gathered in the RS capital of Banja Luka for the ceremonial re-opening of the rebuilt historic Ferhadija Mosque, the most significant interfaith event of the year, according to observers.

The U.S. embassy met with government offices and agencies to discuss efforts to combat violent extremism related to religion. Embassy officers also met with representatives of religious groups to discuss their continued contribution to the

development of a peaceful and stable society and to improve interreligious dialogue. Embassy officials regularly attended significant events in the various religious communities, especially during major holidays. The Ambassador attended the May 7 re-opening of the Ferhadija Mosque in Banja Luka to demonstrate continued U.S. support for interfaith reconciliation.

Section I. Religious Demography

The U.S. government estimates the total population at 3.9 million (July 2016 estimate). On June 30, the country's Agency of Statistics released the results of the first post-conflict population census conducted in October 2013. According to the results, Sunni Muslims constitute approximately 51 percent of the population, Serbian Orthodox Christians 31 percent, Roman Catholics 15 percent, and others, including Protestants and Jews, approximately 3 percent.

There is a strong correlation between ethnicity and religion: Bosnian Serbs with the SOC, and Bosnian Croats with the Roman Catholic Church. Bosniaks are predominantly Muslims. According to the Jewish community, it has approximately 1,000 members, with the majority living in Sarajevo. The majority of Serbian Orthodox adherents live in the RS, and the majority of Muslims and Catholics in the Federation. Protestant and most other small religious communities have their largest membership 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 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 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 to registered religious communities numerous rights, including the right to assemble, to conduct collaborative actions such as charity work, to raise funds, and to 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, the SOC, the Catholic Church, and the 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 the 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 legal 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 organizations to operate without restrictions. 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 their consent.

A concordat with the Holy See recognizes the public juridical personality of the Catholic Church and grants a number of rights, including establishing educational and charitable institutions, carrying out religious education, and official recognition of 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.

The state recognizes the IC as the sole supreme institutional religious authority for all Muslims, 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 law, no Islamic group may register with the MOJ, or open a mosque, without the permission of the IC.

The law affirms the right of every citizen to religious education. The law calls for a representative of each of the officially registered religious communities to be responsible for teaching religious studies in all public and private pre-, primary, and secondary schools and universities. Children from minority religious groups are entitled

to religious education only when there are 18 or more students from that religious group in one class. Religious communities train and select their respective religious education teachers. These individuals are employees of the schools in which they teach, but receive accreditation from the religious body governing the curriculum.

The IC, the SOC, and the 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 legal right to opt out if their school offers a class in ethics as an alternative, which many schools do. Primary school students may do the same at their parents' request.

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 13 primary and secondary Catholic schools in the Federation, parents may choose either an elective Catholic religion course or a course in ethics. In Sarajevo and Tuzla, 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.

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 Bosnia and Herzegovina constitution provides for representation of the three major ethnic groups (Bosniaks, Serbs, and Croats) in the government and the 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 peoples (Bosniaks, Croats, and Serbs) according to quotas set by constitutional provisions.

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

Government Practices

Legal proceedings in Livno Municipal Court continued throughout the year without conclusion against eight individuals charged with perpetrating a 2015 attack on a mosque in the Omerovici village of Tomislavgrad, which involved verbally attacking worshippers, breaking windows, and placing a propane tank in front of the premises.

In February, the High Judicial and Prosecutorial Council reconfirmed its 2015 decision prohibiting employees of judicial institutions from wearing any form of “religious insignia” at work, including headscarves. On February 7, according to media reports, more than 2,000 women marched in Sarajevo to protest the measure.

According to IC officials, Croat and Serb members of the presidency reportedly continued to resist an agreement between the government and the IC approved in 2015 by the Council of Ministers on dietary restrictions in public institutions, employer accommodations for daily prayer, time off to attend Friday prayers, and a one-time trip to Mecca for the Hajj. As of year’s end, the presidency had neither approved the agreement nor sent it to parliament for ratification.

According to representatives of the Catholic Church, the joint commission for implementation of the concordat with the Holy See made gradual progress but failed to reach agreement because the government and parliament remained unwilling to implement the church’s proposals, including specific legislation on observing religious holidays.

There continued to be no agreement on establishing a commission to implement the government’s agreement with the SOC. According to SOC representatives, the lack of government initiative and the SOC’s inability to reach internal consensus among its bishops regarding the composition of the commission contributed to the continued failure to reach an agreement.

Religious officials of minority populations throughout the country continued to report discrimination by local authorities regarding the use of religious property and the issuance of permits for new religious properties. In one instance, the Banja Luka Catholic diocese reported the Drvar municipal authorities continued to refuse construction permits for a new Catholic Church, emphasizing there had not been one prior to the 1990s conflict. Catholic Church officials in Banja Luka also reported the continued refusal of municipal authorities to return any of their nationalized properties, even after the authorities returned most of the previously nationalized property to the SOC.

Mostar city officials continued to deny issuance of the necessary reconstruction permits to the Mostar Evangelical Church to rebuild the church in the city center, as they have for the past 17 years, despite the evangelical church’s reported completion of all the legal and administrative requirements. Church representatives said this was the result of their continued failure to pay a bribe to municipal officials, as well as active lobbying by local Catholic Church officials against the evangelical church’s presence in Mostar.

Officials continued not to implement provisions in the law regarding religious education, particularly in segregated school systems or where there was resistance from party officials at the municipal level. In the RS, parents of more than 500 Bosniak returnee children in several communities, including Konjevic Polje in the Bratunac

municipality and Vrbanjci in the Kotor Varos municipality, continued to boycott public schools for a fourth year, choosing instead to send their children to alternative schools organized by the IC and financed by the Federation Ministry of Education. Parents organized the boycott in response to a refusal by the RS Ministry of Education to approve a group of national subjects, including religious education, for the Bosniak returnee community. According to academics and representatives from NGOs, students from both majority and minority religious communities continued to face social pressure from teachers and peers to attend instruction in their respective religions.

Religious minorities, especially those comprising refugees returning to their original communities pursuant to the Dayton Peace Agreement, such as Bosniak communities in the RS, continued to report selective enforcement of their rights by government authorities. They said the authorities often failed to provide government services and protections to the minorities, including access to health care, pensions, and other social benefits, and the transfer of student records between districts as needed. Leaders of minority religious groups also continued to report discrimination by local authorities in terms of providing police protection and investigating threats of violence, harassment, and vandalism. Because religion and ethnicity are often closely linked, it was difficult to categorize many actions as being solely based on religious identity.

Government authorities continued not to implement a 2009 decision by the European Court of Human Rights (ECHR) calling for an amendment to the constitution to allow religious and other minorities, including Jews, to run for president and the parliament's upper house. According to the ECHR ruling, observers said, the constitution discriminated against minority groups in apportioning government positions and seats in the parliament only among Serbs, Croats, and Bosniaks, which by extension meant to the SOC, the Catholic Church, and the Muslim community, respectively. Individuals who did not self-identify with one of the three major ethnic/religious groups said they continued to be unable to hold one of the proportionally guaranteed government positions, including president.

Political parties dominated by a single ethnic group continued to identify closely with the religion associated with that ethnic group. The biggest ethnic Bosniak party, the Party of Democratic Action (SDA), remained aligned with the IC. The biggest ethnic Croat party, the Croatian Democratic Union (HDZ), remained associated with the Catholic Church. The two largest Serb parties, the Alliance of Independent Social Democrats (SNSD) and the Serb Democratic Party (SDS), remained associated with the SOC.

In October, the Sarajevo Canton Assembly named a street and an elementary school after Mustafa Busuladzic, a World War II-era anti-Semite who glorified Hitler. The president of the Jewish Community strongly condemned the act. As of the end of the year, the school had not officially changed its name.

On August 22, Sarajevo Canton Police arrested an individual on suspicion of arson related to a blaze set the day before to a work shed attached to the SOC Holy Transfiguration Church in Sarajevo. Police identified and detained the suspect through a

video surveillance tape obtained from the church. The police established no motive for the arson. The investigation remained ongoing as of the end of the year. Representatives from each of the religious communities, the IRC, and numerous local politicians and citizens condemned the incident. According to SOC officials, the church had been subject to more than 40 acts of vandalism since 2000.

The arson case was the only one out of nine cases involving attacks against religious sites in which the police arrested a suspected perpetrator, according to the IRC. The other eight cases involved vandalism at seven Islamic sites (primarily in the RS) and at one other Orthodox site in the Federation. The police investigated but did not report results in most of these eight cases, which mainly involved breaking windows and vandalizing graves, although the vandalism was accompanied by verbal attacks on religious officials in a few of the cases. Police did not ascribe these incidents to religious hatred, but stated the individuals responsible were either juveniles or intoxicated or mentally unstable. For example, police charged an individual with a misdemeanor and fined him 1,000 convertible marks (\$539) for urinating on a memorial at the Atik Mosque in Bijeljina dedicated to Bosniak war dead. According to the IRC, which continued to monitor attacks on religious sites and advocate for the criminal prosecution of the perpetrators, the police response continued to reflect ignorance about hate crimes and a desire to deflect attention away from possible religious intolerance.

Section III. Status of Societal Respect for Religious Freedom

There were continued reports of conflicts between members of the IC and minority Muslim groups, some of them Shia, who practiced outside the IC's purview. Incidents included physical and verbal confrontations during Friday prayers, when minority Muslims disrupted prayers to demonstrate their dissatisfaction with traditional Bosniak interpretations of Islam, according to the IC. There were no reports of injuries. Some members of the IC continued to refer to adherents of minority Salafist groups as intolerant or extremist or as "Wahhabis."

In February, the IC called on 64 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. By the end of March, of the 38 *para-jamaats* that had entered into negotiations, 14 had joined the IC. Beginning in March the Federation Administration for Inspection Affairs and the Federation Police supported by the State Investigation and Protection Agency and the Intelligence Security Agency, carried out unannounced inspections of several unregistered *para-jamaats*, reportedly issuing fines for improper registration with the MOJ.

On April 2, unknown perpetrators verbally attacked the imam in the Catholic majority town of Kupres, in front of his house and city mosque. The local Catholic priest and his assistant received a delegation from the IC soon afterwards and condemned the attack. In response, the police pledged increased patrols of the area.

According to a media report, an individual who had reportedly gone abroad to join ISIS threatened the country's grand mufti via the internet. In an online video clip, the individual said he would “cut the throat” of the mufti and stated the mujahedin were “coming to Bosnia.” The grand mufti had previously repeatedly condemned Islamic extremism. He asked the authorities for protection, which they reportedly were providing.

According to the IRC, the nine attacks on religious sites and officials recorded from January through December represented a “significant decrease” compared to the 19 acts the IRC recorded in 2015 and the 28 acts it recorded in 2014. The IRC attributed the decrease to continued monitoring, public condemnation of attacks, and community engagement.

On January 1, unidentified perpetrators broke the windows on the house adjacent to Careva Mosque in Foca.

The IRC sponsored numerous projects involving women and youth to advance interfaith dialogue, including visits by IRC youth representatives to places memorializing the suffering of each of the country's dominant religions, such as sites where Bosniaks were massacred during the 1990s conflict and the Ustasha concentration camps that held Serbs and Jews during World War II.

On May 7, representatives of the Orthodox, Jewish, and Catholic communities, along with high-level RS officials, joined the Islamic community in the RS capital of Banja Luka for the ceremonial re-opening of the rebuilt historic Ferhadija Mosque. Mufti Osman Effendi Kozlic focused his remarks at the event on the revitalization of the country's historic interreligious harmony and reconciliation. Observers called the re-opening the most significant interfaith event of the year.

Section IV. U.S. Government Policy

Embassy officers engaged with the Presidency and a range of government ministries to discuss the government's efforts to combat violent extremism related to religion.

The embassy continued to meet regularly with the leaders and representatives of the four traditional religious communities, both individually and collectively, as well as leaders of smaller religious communities such as evangelical Protestants to promote increased interreligious dialogue and to discuss ways the religious communities could contribute to the further development of a peaceful and stable society. Embassy officials regularly attended significant events in the various religious communities, including Eid-al-Fitr celebrations with the IC, Christmas and Easter celebrations with the Orthodox and Catholic communities, and a Passover Seder hosted by the Jewish community. On May 7, the Ambassador attended the opening of the newly rebuilt

historic Ferhadija Mosque in Banja Luka, along with representatives of the Islamic, Orthodox, Jewish, and Catholic communities, as well as high level state and entity officials, to demonstrate continued U.S. support for interfaith reconciliation.

The embassy maintained regular contact with the IRC to support its work, and engaged with regional and religious authorities, particularly the SOC, to help overcome political obstacles to IRC activities. The embassy explored grant opportunities with the IRC leadership to develop its institutional capacity further. The IRC also participated in U.S. government funded programs aimed at addressing and overcoming ethnic/religious divisions in communities through dialogue, and restoring trust among the country's multiple ethnic and religious groups.

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