



2015 Report on International Religious Freedom - Kosovo

Executive Summary

The constitution prohibits religious discrimination and provides for freedom of religion subject to limitations to ensure public order, health, and safety or to protect the rights of others. The law does not allow religious groups to register as legal entities, creating obstacles for them in conducting their affairs. The government took steps to advance a draft law that would allow religious groups with more than 50 members to register. Ethnic Albanian protestors, reportedly organized by politicians, threw stones and attempted to prevent Serbian Orthodox pilgrims from attending Christmas Mass and from celebrating the Feast of the Assumption in Gjakove/Djakovica. The Serbian Orthodox Church (SOC) said the Implementation and Monitoring Council (IMC), established to protect SOC religious sites and arbitrate disputes involving the SOC, did not function well. The government enacted a strategy and national action plan to counter violent extremism that included collaboration with the Muslim community. It undertook several measures to promote religious tolerance and condemned vandalism of minority religious houses of worship. Religious groups said municipal authorities often did not treat groups equally, especially with regard to the provision and protection of religious property.

Unknown persons placed an explosive device, which police defused, just before the Feast of the Holy Trinity at the ruins of the SOC Holy Trinity Monastery in the village of Mushutishte/Musutiste in Suhareka/Suva Reka municipality. On dozens of occasions, SOC religious properties were vandalized, despite government protection for 24 religious sites. There were also several incidents of vandalism against Sufi, Catholic, and Jewish properties.

U.S. embassy representatives met frequently with government officials to urge religious tolerance, passage of legislation to allow for the registration of religious institutions, and full implementation of the law protecting religious sites. The embassy sponsored the visit of a Muslim chaplain from a U.S. Jesuit university, who addressed mosques, madrassahs, and hundreds of imams and law students to counter calls to violent extremism. The embassy cosponsored a conference on interfaith tolerance to counter violent extremism.

Section I. Religious Demography

The U.S. government estimates the total population at 1.9 million (July 2015 estimate). Census data from 2011 identifies 95.6 percent of the population as Muslim, 2.2 percent as Roman Catholic, and 1.4 percent as Serbian Orthodox. A boycott of that census by ethnic Serbs resulted in a significant undercounting of SOC members, while Protestants and citizens without a religious affiliation said

they were incorrectly classified as Muslims by census takers. Census categories for “other,” “none,” or “no response” each constitute less than 1 percent.

The majority of the Muslim population belongs to the Hanafi School, although a number follow Sufi traditions. Most SOC members reside in ethnic Serb enclaves or in northern regions. The largest Catholic communities are in Gjakove/Djakovica, Janjeve/Janjevo, Kline/Klina, Pristina, and Prizren. Small Protestant populations live in cities, with the largest concentration located in Pristina. The Jewish community of several dozen resides primarily in Prizren.

Religion and ethnicity are often linked, with ethnic Serbs mostly belonging to the SOC, while the majority of ethnic Albanians are Muslim.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of conscience and religion for all residents, including the right to change, express, or not express religious belief; to practice or abstain from practicing religion; and to join or refuse to join a religious community. These rights are subject to limitations for reasons of public safety and order or to protect the health or rights of others. The constitution provides for the separation of religious communities from public institutions, including the right of religious groups to independently regulate their own organizations, activities, and ceremonies, and the right to establish religious schools and charity institutions. It guarantees equal rights for all religious communities, stipulates the country is secular and neutral with regard to religion, ensures the protection and preservation of the country’s religious heritage, and prohibits discrimination based on religion.

The constitution provides for an ombudsperson’s office responsible for monitoring religious freedom, among other human rights. The constitution permits limitations on free speech or on organizations or activities in order to prevent an incitement to hatred or violence on religious grounds. It stipulates the state shall take all necessary measures to protect individuals who may be subject to threats, hostility, discrimination, or violence because of their religious identity.

The law does not provide a legal mechanism or specific guidance for religious groups to register to obtain legal status, but also does not require groups to register. The law stipulates there is no official religion, but it lists five “traditional” religious communities: the Kosovo Islamic Community (BiK), the SOC, the Catholic Church, the Hebrew (Jewish) community, and the Evangelical (Protestant) Church. The law does not provide extra protections or benefits to these five groups.

According to the law, public education institutions shall refrain from teaching religion or other activities that propagate a specific religion.

The law provides safeguards for religious and cultural special protective zones (SPZs), based on religious and cultural significance, by restricting nearby activities that could damage the surrounding historical, cultural, or natural environment. According to the law, the IMC arbitrates

disputes concerning SPZs and other matters related to protecting the SOC's religious and cultural heritage. This mandate includes safeguarding SOC heritage as included in the law on Velika Hoca/Hoce e Madhe village and the law on Prizren's historic center. The IMC includes the Ministry of Environment and Spatial Planning (as co-chair); the Ministry of Culture, Youth, and Sports; the SOC; the Special Representative of the European Union (as cochair) and the Organization for Security and Cooperation in Europe (OSCE).

Government Practices

Despite government actions to prevent them, societal violence and vandalism continued against several minority religious communities. The government engaged with legal experts from religious communities to agree upon the text of a draft law to address the absence of a mechanism for religious groups to register. Minority religious groups continued to experience problems obtaining property for churches and cemeteries because municipalities failed to act upon requests. Several long-standing disputes over ownership of religious property remained unresolved.

On January 6, several hundred ethnic Albanian protestors, organized by a local missing persons organization with the support of the opposition Vetevendosje (Self Determination) political party and local politicians, threw stones and snowballs at a bus filled with Kosovo Serb pilgrims and returning displaced persons attempting to attend services at the Church of the Assumption of the Holy Virgin Mary in Gjakove/Djakovica. A large police presence permitted the SOC priest to hold the liturgy at the church. There were no indictments at the court in Gjakove/Djakovica related to this incident; however, the local prosecution forwarded one open case to the special prosecutor's office in Pristina for possible prosecution. The same SOC church was spray-painted on January 10 and 17 with Kosovo Liberation Army (KLA) graffiti. At the same location on August 28, 160 Kosovo Serb pilgrims and displaced persons celebrating the feast of the Assumption of the Virgin Mary were confronted by Vetevendosje protesters who threw stones, firecrackers, and red paint at the police, who responded with tear gas. The police arrested one person; no pilgrims were injured.

On November 7, the police escorted hundreds of displaced Kosovo Serbs to visit SOC cemeteries and churches throughout the country to commemorate All Souls' Day; no incidents were reported.

Leaders of the country's BiK, Catholic, Jewish, Protestant, SOC, and Union of Kosovo Tarikats (UKT, a Sufi body) communities continued to criticize the government for its failure to complete a draft law amending the law on religious freedom. Although many groups said they had found alternative methods to conduct some of their business affairs, most reported difficulties in registering property and vehicles, opening bank accounts, and paying taxes on employee salaries. Some religious communities opened bank accounts that were not in their communities' names, and the Kosovo Protestant Evangelical Church received a tax accounting number from the government in order to pay taxes as if it were a business. Some communities said it was nevertheless still difficult to undertake basic financial tasks. On September 4, representatives of the Office of the Prime Minister met with religious communities and agreed to send the draft law on religious freedom to parliament. The draft was based on consultations with all religious communities over several years and was in line with 2014 recommendations from the Council of Europe. On November 30, the parliament did not approve the draft law, sending it back to the government which took no additional action on the draft during the year.

Some school officials applied an administrative instruction previously issued by the Ministry of Education, Science, and Technology prohibiting primary and secondary students from wearing religious garb on school property; others did not. The ombudsperson's office did not receive any reports of a school barring students wearing religious garb, such as headscarves, from attending classes. According to BiK, public schools did not expel any students for wearing headscarves while attending classes.

Religious groups said government authorities did not take steps to ensure municipalities treated religious organizations equally on property issues, in particular with regard to churches and cemeteries. Protestants said municipalities had not granted land for cemeteries, nor addressed their requests to build churches on land the community owned. At a November 18 public hearing organized by the Pristina municipal authorities to consider a request by the Protestant community for a new cemetery space, political parties expressed support for the initiative but blamed each other for failing to approve the community's request. Existing Jewish and some Serbian Orthodox cemeteries were in disrepair, the former because the Jewish community was too small to maintain them, and the latter because SOC members had been displaced from areas where the cemeteries were located. Although municipalities held title to all cemeteries, they did not always maintain them.

To discuss property issues, Protestant leaders met with the Office of the President, the ombudsperson, Kosovo religious leaders, and national and local government officials, including Pristina Mayor Shpend Ahmeti. Municipal officials in Ferizaj/Urosevac, Gjakove/Djakovica, and South Mitrovice/Mitrovica refused to meet. Municipal officials in Gjilan/Gnjilane met with the Protestant Church as part of a wider OSCE-facilitated process that included other religious communities. Protestant leaders in Pristina and Gjakove/Djakovica said they faced limitations on holding Protestant funeral services at cemeteries effectively controlled by, respectively, BiK and the Catholic Church.

Representatives of the Messiah Evangelical Church in Pristina reported municipal authorities from Vetevendosje continued to refuse to issue a building permit for a house of worship, despite the Church's work with municipal engineers to ensure the property and plans complied with legal requirements.

On June 12, the appellate panel of the Special Chamber of the Supreme Court (SCSC) on Privatization Matters ruled it did not have jurisdiction in a property dispute over 59 acres of land between the SOC's Visoki Decani Monastery and a defunct, Yugoslav-era, state-owned enterprise supported by the municipality of Decan/Decani. The SCSC panel set aside a 2012 SCSC judgment enforcing a 2009 settlement. The SOC stated the decision violated its constitutional rights to a fair and timely trial, equality, the protection of property, a legal remedy, and the judicial protection of rights. The SOC submitted an appeal to the Constitutional Court on November 3. On December 3, the Constitutional Court barred new construction on the disputed land while hearing the case and allowed the SOC to continue its current use of the property for farming through May 31, 2016.

On January 30, as required by law, the Rahovec/Orahovac municipality established a council to protect the village's 13 medieval SOC churches.

The Kosovo Anti-Corruption Agency and other government offices continued to occupy an SOC-owned building without paying the rent stipulated by a 2011 decision of the prime minister. The

government stopped making the agreed payment to the SOC in 2014. The government said the building was not owned by the SOC, and the Kosovo Property Agency had previously told the media the Institute for the Protection of Historic Monuments owned the property.

SOC officials expressed satisfaction with the Pristina Basic Court's dismissal on November 25 of a 2012 lawsuit by the University of Pristina (UP) requesting the demolition of the consecrated, but unfinished, Christ the Savior Church and the transfer of the land to the university. UP representatives failed to appear at the hearing, prompting the court to deem the claim withdrawn. SOC officials had expressed concern over statements in the media and by political parties calling the church "illegal." In June the SOC complained that teenagers had used the church as a "climbing facility."

On November 9, the Basic Court of Pristina ruled in favor of the Catholic Church in an ownership dispute with the municipality over property located adjacent to the Mother Teresa Cathedral.

The SOC said the minister for culture, youth, and sports (CYS) attempted to sabotage the IMC's mandate by publicly refuting the need for the committee. The SOC also stated the IMC did not function well and had not met since June.

The SOC expressed concern over the draft law on cultural heritage, which passed the government April 1 and was approved by the parliament in a first reading April 29. The SOC stated the law would annul the SOC's legally guaranteed autonomy and preclude it from independently deciding upon the restoration and renovation of its buildings. The government withdrew the draft law on May 6, and agreed to rework the legislation in coordination with the EU. In August the government also circulated a controversial draft strategy on cultural heritage for 2015-2025 that did not include unique cultural and historical protections for the SOC.

Although the law prohibits religious education in public schools, the central government funded Islamic education in BiK madrassahs in Pristina, Prizren, and Gjilan/Gnjilane. No other religious organizations received government funding for religious education. Some members of other religious groups and secular representatives voiced concern about the government's funding of religious education.

Kosovo Serbs attended public schools that followed a curriculum designed by the Serbian government, based on Kosovo's law on education and in coordination with the Kosovo education ministry. This curriculum included the option of religious or civic education in the Serbian language. Most Kosovo Serbs elected to receive Serbian Orthodox religious education. The Serbian government funded the salaries of all teachers in Serbian-language schools, including religious instructors. The Kosovo government supplemented the salaries of some teachers in Serbian-language schools.

The police's unit for specialized protection of cultural and religious heritage sites provided 24-hour security at 24 sites around the country. Despite this support, theft and vandalism continued at SOC sites.

As part of its Interfaith Kosovo program, the government undertook numerous initiatives to promote religious tolerance. The Interfaith Kosovo website, which provided news about all religious communities in the country, promoted increased dialogue among religious communities,

civil society, and the public. The Ministry of Foreign Affairs organized the fourth International Interfaith Conference on May 28-30, highlighting interfaith dialogue and countering violent extremism.

President Atifete Jahjaga and Prime Minister Isa Mustafa visited the SOC Visoki Decani monastery January 7 and called for tolerance and peaceful coexistence following the violent protests against Serbian Orthodox religious pilgrims on January 6.

During an October 31 joint press conference, the prime minister and minister of CYS offered guarantees SOC land would not be expropriated and promised the SOC would have full freedom to use its property. The two officials cited existing legislation that provides special protective measures, including physical security, for SOC sites.

The government passed a strategy to combat violent extremism and an accompanying action plan on September 19 that mapped out a five-year plan to stem what the government perceived as the growing threat of violent extremism through a whole-of-government approach, emphasizing the critical role of local stakeholders and civil society, including BiK.

Section III. Status of Societal Respect for Religious Freedom

There were instances of religious-based violence, interference with religious pilgrimages, hate speech, and vandalism. Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity.

Police defused an explosive device on May 31 just prior to the Feast of the Holy Trinity celebration at the ruined SOC monastery in the village of Mushutishte/Musutiste in Suhareka/Suva Reka. Police protected the celebration, which included participation by displaced pilgrims.

On November 13, the UKT said their dervishes were “loudly expelled” from the Pehlivan Mosque in Peja/Pec by Imam Enes Goga, who was arrested in September 2014 for preaching extremism, religious intolerance, and racial hatred. The Shejh of the Halveti Tarikat, Ardijan Juniku, filed a complaint with BiK stating Imam Goga had violated the law on religious freedom and the religious liberty of UKT. The UKT also expressed concern over an audio file placed on YouTube November 13, in which Imam Goga called for the exclusion of UKT members from the country’s mosques.

On September 3, the media reported a Kosovo Albanian prevented several Kosovo Roma youth from Janjeve/Janjevo from praying at a newly renovated mosque. A retired imam resolved the situation, allowing the Roma to attend the mosque.

The SOC faulted media for calling its representatives “criminals” and for contributing to a climate of intolerance. BiK also stated the media portrayed Muslims in a negative light.

On June 19, unknown perpetrators destroyed the wall surrounding the construction site of a new Catholic cemetery and church in the village of Llapushnik/Lapusnik in the Glogovc/Glogovac municipality. This incident was followed by protests led by local Muslim residents and a BiK imam

against the Glllogovc/Glogovac municipality decision to allocate land for the church and cemetery. On June 23, the Glllogovc/Glogovac mayor suspended work on the site during Ramadan. On June 25, the Glllogovc/Glogovac municipal assembly voted in favor of the land's use as a cemetery and church, citing constitutional guarantees. Work on the project continued without incident.

As of August the police had registered 34 incidents of property usurpation, theft, and damage involving SOC facilities, primarily vandalism or theft of metal objects later sold for scrap.

Vandals spray-painted with KLA graffiti the SOC church in Lipjan/Lipljan on January 10, and the SOC Seminary of St. Cyril and Methodius in Prizren on February 16, and destroyed SOC tombstones in a village near Obiliq/Obilic on February 20.

In June an unknown vandal damaged the Jewish Community of Kosovo headquarters' plaque in Prizren.

The UKT reported the 15th century tomb of Sufi female Saint Gjylfatyn in Peja/Pec was torched on the morning of November 14. The structure of the tomb suffered significant damage. According to UKT, anti-Sufi Muslims had twice before attacked the tomb. Police identified two suspects and criminal proceedings were continuing at year's end in an incident at the Saadi Tekke in Gjakove/Djakovica. The UKT had reported that in December 2014, two ethnic Albanians, one from Kosovo and one from Albania, had forcibly entered the Saadi Tekke, threatening that "Wahhabis" would destroy Tarikat buildings and tombs because they were "pagan."

Leaders of different religious groups reported generally good relations with one another. They participated in numerous interfaith discussions and initiatives. The OSCE coordinated some activities among religious groups, including the drafting of a joint letter to government institutions calling for an improved municipal approach towards the maintenance of graveyards. In Gjiilan/Gnjilane, religious communities met with municipal officials quarterly through an OSCE-facilitated process, resulting in a new municipal arrangement to pay for burial services, including religious rites, for social welfare cases from all religious communities. The municipality of Gjiilan/Gnjilane appointed an official to handle religious affairs issues with religious communities. The official agreed to fund the upkeep of the BiK, Catholic, and SOC cemeteries. At year's end, the municipality was considering a request from the Protestant community to have its own cemetery. Ethnic Albanian religious leaders from South Mitrovice/Mitrovica visited the SOC St. Demetrius Church and the Islamic graveyards in North Mitrovice/Mitrovica.

Section IV. U.S. Government Policy

U.S. embassy representatives met frequently with government officials, including the president, speaker of parliament, and prime minister, to urge passage of legislation to allow for the registration of religious institutions and to support full implementation of the law on SPZs. Embassy officials urged increased dialogue between ethnic Albanian members of the government and civil society with SOC members. The embassy supported efforts to resolve the land dispute involving Visoki Decani Monastery, and discussed the property issues of other religious groups with government officials on more than a dozen occasions.

Embassy officials regularly discussed religious tolerance with leaders of the SOC, as well as with the Muslim, Catholic, Protestant, Tarikat, and Jewish communities. The Charge d'Affaires hosted an iftar with several BiK imams and top officials from the UKT, SOC, and Jewish communities, during which embassy officials reiterated the U.S. government's strong commitment to religious freedom in Kosovo. BiK imams discussed efforts to promote tolerance within BiK and steps to counter violent extremism. They also discussed the draft laws on religious freedom and cultural heritage.

On March 5-7, the embassy sponsored the visit of a Muslim chaplain from a U.S. Jesuit university, who addressed the grand mosques in Pristina and Gjilan/Gnjilane, madrassahs in Pristina and Gjilan/Gnjilane, female students at the Islamic Studies Faculty, students at the University of Pristina law faculty, and public gatherings in Ferizaj/Urosevac and Kacanik, and conducted interviews with the media. The visitor urged the public to adopt interreligious tolerance and to counter calls to violent extremism. He also urged 250 imams from BiK to discourage members of their communities from traveling abroad to join terrorist organizations. The grand mufti supported the message, adding that BiK would work against any effort to incite hatred. The visitor and embassy representatives also met with President Jahjaga to discuss a broad range of issues relating to religious freedom.

The embassy cofunded the International Interfaith Conference 2015, which focused on combating violent extremism, including through the use of social media.

In September the embassy organized religious tolerance seminars for students at the madrassahs in Pristina, Gjilan/Gnjilane, and Prizren. The discussions focused on countering violent religious extremism and using religiously based moral codes to promote ethical decision making processes. On November 17, the embassy hosted the visit of a chaplain from the North Atlantic Treaty Organization's Kosovo Force and an official from the Catholic Church for a discussion on religious tolerance with students and faculty from the Islamic studies faculty.