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2017 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 to be “a vital national interest” of the constituent peoples. The RS constitution establishes the Serbian Orthodox Church (SOC) as “the Church of the Serb people and other people of Orthodox religion.” 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 Muslim – in the parliament and in government positions. Individuals not belonging to one of the three major ethnic/religious groups reported they continued to be unable to obtain government positions or seats in parliament. According to observers, government authorities did not enforce the prohibition on employees of judicial institutions from wearing religious insignia at work. The Islamic Community (IC) reported the Presidency did not approve the anticipated agreement between the state and the IC on certain accommodations for religious adherents. Minority religious groups continued to report discrimination by municipal authorities regarding the use of religious property and issuance of permits for new religious properties. Banja Luka municipal authorities continued to refuse to return previously nationalized properties to the Catholic Church.

Of the 198 attacks on religious officials and sites registered by the Interreligious Council (IRC) since 2010, police had identified perpetrators in only 55 of the attacks, and the courts prosecuted only 23 of the cases. In a May report, the IRC registered 12 attacks from November 1, 2015, through October 31, 2016: nine attacks on the IC's property, and one each against the property of the Catholic, Orthodox, and Jewish communities. The IRC maintained the failure of authorities to pursue many cases reflected ignorance about hate crimes and a desire to deflect criticism of religious intolerance. On July 11, a defendant who pled guilty to a 2015 attack on a mosque was sentenced to one year in prison; however, the sentence stipulated the defendant would not face prison time as long as he did not commit any additional crimes for a two-year period. The prosecution of the remaining seven defendants, who pled not guilty before the court, was scheduled for February 15, 2018. The Council of Muftis of the IC continued its efforts to persuade unregistered Islamic congregations to unite with the IC. There were several instances of

vandalism of religious buildings, including a mosque and an Orthodox Christian church in Foca and Sarajevo, respectively. The IRC continued to take steps to promote interfaith dialogue, including organizing the first-ever visit by senior religious leaders representing each of the major religious groups to historic sites commemorating the suffering of members of each of the four predominant ethnic groups.

U.S. embassy officials met with government officials to discuss efforts to combat violent extremism related to religion and religious freedom. The embassy officials also emphasized the need to promote respect for religious diversity and to enforce equal treatment under the law, including for religious minorities. In regular meetings with religious groups, embassy officials continued to urge these groups to improve interreligious dialogue in order to contribute to the development of a peaceful and stable society. Embassy officials continued to attend significant events in the various religious communities, especially during major holidays, to support religious tolerance and dialogue.

Section I. Religious Demography

The U.S. government estimates the total population at 3.9 million (July 2017 estimate). According to the first post-conflict census, conducted in 2013, Sunni Muslims constitute approximately 51 percent of the population; Serbian Orthodox Christians 31 percent; Roman Catholics 15 percent; and others, including Protestants and Jews, 3 percent.

There is a strong correlation between ethnicity and religion: Bosnian Serbs affiliate primarily with the SOC, and Bosnian Croats with the Roman Catholic Church. Bosniaks are predominantly Muslim. The Jewish community estimates it has 1,000 members, the majority living in Sarajevo. The majority of Serbian Orthodox live in the RS, and most Muslims and Catholics in the Federation. Protestant and most other small religious communities have their largest 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. It specifies religious communities shall be equal before the law and free to manage their religious affairs and hold religious services; open religious schools and conduct religious education in all schools; engage in commercial activities; receive gifts; and establish and manage legacies in accordance with the law.

A 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, SOC, Catholic Church, and Jewish community. The Ministry of Justice (MOJ) maintains a unified register of all religious communities, and the Ministry of Human Rights and Refugees 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 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 restriction. The law also stipulates the ministry may deny the application for registration if it concludes the content and manner of worship may be “contrary to legal order, public morale, or is damaging to the life and health or other rights and freedoms of believers and citizens.”

The law states no new church or religious community may be founded bearing the same or similar name as an existing church or religious community. The law also states no one may use the symbols, insignia, or attributes of a church or a religious community without its consent.

A concordat with the Holy See recognizes the public juridical personality of the Catholic Church and grants a number of rights, including to establish educational and charitable institutions, carry out religious education, and officially recognize Catholic holidays. The commission for implementation of the concordat comprises five members from the government and five from the Holy See. A similar agreement exists 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 the 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 select and train their respective religious education teachers. These individuals are employees of the schools where they teach, but they receive accreditation from the religious body governing the curriculum.

The IC, SOC, and Catholic Church develop and approve religious curricula across the country. Public schools offer religious education in a school's majority religion, with some exceptions. Secondary students who do not wish to attend the religion class have the right to opt out if their school offers a class in ethics as an alternative, which many schools do. Parents of primary school students may request their child be exempted from religion class.

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 five primary and 10 secondary Catholic schools located in both the Federation and the Republika Srpska, parents may choose either an elective Catholic religion course or a course in ethics. In Sarajevo and Tuzla Cantons, 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 state constitution provides for representation of the three major ethnic groups – Serbs, Croats, and Bosniaks – in the government and armed forces. The constitution makes no explicit mention of representation for religious groups, although each ethnicity mentioned by the constitution is associated with a particular religion. Parliamentary seats and government positions are apportioned among the three constituent major ethnicities – Serbs, Croats, and Bosniaks – according to quotas set by constitutional provisions.

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

Government Practices

Observers reported government authorities were not enforcing the 2015 decision by the High Judicial and Prosecutorial Council prohibiting employees of judicial institutions from wearing any form of “religious insignia” at work, including headscarves. On January 30, the Border Police amended regulations regarding personal appearance to prohibit explicitly border officials from having beards.

According to IC officials, the Presidency did not approve an agreement, reached in 2015 between the state and the IC that addressed dietary restrictions in public institutions, employer accommodations for daily prayer, and time off to attend Friday prayers as well as to take a one-time trip to Mecca for the Hajj, as had been anticipated. IC officials reported there were unspecified objections from the Croat and Serb members of the Presidency to the text of the agreement.

According to representatives of the Catholic Church, there had been no meeting of the joint commission for implementation of the concordat with the Holy See since June 2016 due to a perceived lack of government interest. Earlier agreements reached by the commission, including legislation on observing religious holidays, remained unimplemented by the government and parliament.

According to SOC representatives, a continued lack of government initiative and the SOC’s lack of internal consensus contributed to the failure to reach agreement on establishing a commission to implement the government’s agreement with the SOC.

According to officials of minority religious groups, local authorities continued to discriminate against them with regard to the use of religious property and issuance of permits for new religious properties. Drvar municipal authorities continued to refuse construction permits for a new Catholic church, despite repeated requests from the local Catholic priest, the Banja Luka Catholic Diocese, and representatives from the Organization for Security and Cooperation in Europe, which became directly engaged on the issue. Municipal authorities also continued to refuse to return any of the Catholic Church’s nationalized properties, according to Church officials in Banja Luka.

Representatives of the Mostar Evangelical Church reported they had decided to sell their property in the city center rather than try to rebuild the church there because of protracted delays and municipal authorities preventing the church from obtaining the necessary reconstruction permits. Church officials said they would search for a less contentious location.

According to nongovernmental organizations (NGOs), provisions of the law regarding the religious education of returnee children remained unimplemented, particularly in segregated school systems, often at the behest of senior government authorities seeking to obstruct the process. Parents of more than 500 Bosniak children, who returned to their prewar homes in several RS communities, continued to boycott public schools for a fifth year, choosing instead to send their children to alternative schools organized on the premises of the IC’s administrative building and supported by the Federation Ministry of Education. Academic and NGO representatives reported continued social pressure on students from both majority and minority religious communities to attend instruction in their respective religions.

According to Catholic, Orthodox, and Jewish minorities, as well as Bosniak Muslims returning to a predominantly ethnic Serbian town, government authorities continued to enforce selectively their rights, especially for refugees returning to their original communities pursuant to the Dayton Peace Agreement. Leaders of religious minority communities, particularly in Canton 10 in the western part of the Federation and several municipalities in eastern RS, reported the continued failure of authorities to provide government services and protections to minorities, including access to health care, pensions, other social benefits, and the transfer of student records between districts. The leaders also said discrimination by local authorities continued when it came to providing police protection and investigating threats of violence, harassment, and vandalism. Because religion and ethnicity often are closely linked, it was difficult to categorize many actions as solely based on religious identity.

Observers reported continued failure by government authorities to implement a 2009 decision by the European Court of Human Rights (ECHR) stating the country should amend its constitution to allow members of religious and other minorities, including Jews, to run for president and the parliament’s upper house. According to the ECHR ruling, observers said, by apportioning government positions and seats in the parliament only among Serbs, Croats, and Bosniaks, the constitution discriminated against minority groups. Individuals who were not members of the three major ethnic/religious groups reported they could not hold any of the proportionally guaranteed government positions, including president.

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

In October 2016 the Bosniak-dominated Sarajevo Canton Assembly renamed 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. At year’s end, the school had not officially changed back its name to its previous title. Proponents of the Canton Assembly decision in Sarajevo to rename the school after Busuladzic defended it following criticism from the Jewish community, politicians from

opposition parties, and Israeli and other foreign governments. Proponents claimed Busuladzic was not an anti-Semite despite his public support for the fascist Ustasha Movement.

One defendant on trial for the 2015 attack on a mosque in Omerovici village of Tomislavgrad pled guilty and was sentenced to one year in prison, which was suspended on condition of good behavior for a probationary period of two years. Legal proceedings in Livno Municipal Court continued against the remaining seven individuals who had pled not guilty.

The trial of an individual on charges of arson for a fire set at a shed attached to the SOC Holy Transfiguration Church in 2016 ended in June due to the defendant's mental health. The Sarajevo Municipal Court released the defendant, after which the Cantonal Prosecutor's Office filed an appeal with the Cantonal Court, which the court rejected.

Section III. Status of Societal Respect for Religious Freedom

In May the IRC, which records and tracks cases of intolerance and hatred when members of affected religious communities report them, released data it had collected between November 2015 and October 2016. The data showed 12 attacks on religious sites, religious officials, or believers. One attack was against a Catholic site, nine against the IC, one against the SOC, and one against the Jewish Community. In total, the IRC registered 198 attacks on religious officials and sites since 2010. Police had identified perpetrators in only 55 of the attacks, and the courts prosecuted only 23 of these cases. The IRC maintained the failure of the authorities to pursue many cases reflected ignorance about hate crimes and a desire to deflect criticism of religious intolerance. On July 11, a Croat defendant who pled guilty to a 2015 attack on a mosque in Tomislavgrad received a one-year prison sentence; however, the sentence stipulated the defendant would not face prison time as long as he did not commit any new crimes for a two-year period.

The Council of Muftis of the IC continued efforts to persuade unregistered Islamic congregations (or *para-jamaats*), which gathered predominantly Salafist followers and operated outside the purview of the IC, to cease their “unsanctioned” religious practices and officially unite with the IC. While the IC initially reported 64 unregistered congregations, it reported only 21 active congregations had still not officially joined the IC by year's end. Some members of the IC continued to refer to adherents of minority Salafist groups as intolerant or extremist or as “Wahhabis.”

On January 18, unidentified individuals broke the windows of the Careva Mosque in Foca and wrote nationalistic graffiti on its walls. Both the mayor and deputy mayor condemned the incident and called on police to identify the perpetrators and bring them to justice. Unidentified attackers vandalized the same mosque in 2016.

On August 8, unidentified individuals broke windows and lights at the Orthodox Church of Elijah the Prophet in Sarajevo’s Ilijas municipality, causing significant damage. The incident was reported to the Sarajevo Canton police; the investigation continued at year’s end.

The IRC continued to sponsor projects to increase interfaith dialogue involving women and youth. On April 24, IRC leaders visited four sites where atrocities had been committed against different ethnic groups during earlier wars. The event was the first-ever visit by a high-level delegation including members of all the major religious groups; it included Serbian Orthodox Bishop Grigorije, Catholic Cardinal Vinko Puljic, Deputy Reis of the Islamic Community Husejin Effendi Smajic, and President of the Sarajevo Jewish Community Boris Kozemjakin. The event was widely covered by the media, which characterized it as the most significant interreligious event of the year.

Religious leaders from throughout the country delivered speeches emphasizing religious tolerance and reconciliation at the June 29 ceremony in Sarajevo marking the 20th anniversary of the IRC’s founding. Orthodox Bishop Grigorije stated the country needed dialogue between religious groups to eliminate “discomfort and fear” and promote peace among them, which would also promote peace in the country.

Orthodox Christian adherents and other religious leaders welcomed the inauguration of Orthodox Bishop Hrizostom as the new Metropolitan of Dabar-Bosna on September 3 at the Orthodox cathedral in Sarajevo. Patriarch Irinej of the Serbian Orthodox Church presided over the service. Hrizostom’s appointment filled a vacancy in SOC leadership created by the death of former Metropolitan Nikolaj in 2015. According to Orthodox Christian and other religious minority community leaders, his presence helped foster interreligious dialogue and improve relations among religious communities in Sarajevo and the entire country.

Section IV. U.S. Government Policy and Engagement

Embassy officials engaged with the Presidency and a range of government ministries to discuss the government’s efforts to combat violent extremism related to religion and religious freedom. They also underscored the need to promote respect for religious diversity and to enforce equal treatment under the law, including for religious minorities, emphasizing that restrictions on minority religious groups can lead to their marginalization and possible radicalization.

The embassy continued to promote interreligious dialogue in regular meetings with leaders and representatives of the four traditional religious communities and other religious groups, including discussing ways they could contribute to the further development of a peaceful and stable society. As part of a U.S. government program with the IRC to promote peace, reconciliation, tolerance, and coexistence among the country’s diverse religious and ethnic communities, embassy officials attended significant events in the different religious communities – Eid al-Fitr celebrations with

the IC, Christmas and Easter celebrations with the Orthodox and Catholic communities, and a Passover seder with the Jewish community. In these events, embassy officials emphasized the importance of interreligious dialogue and respect for religious diversity.

The embassy continued to maintain regular contact with the IRC and support its activities, including further development of its institutional capacity. The IRC continued to participate in U.S. government-funded programs designed to help overcome ethnic and religious divisions through dialogue and restore trust among the country's religious groups. Embassy representatives joined IRC leaders in April in their visit to historic sites of war crimes committed against each of the four main religious groups. The embassy facilitated and joined meetings between the World Jewish Restitution Organization delegation and government officials in May to seek the country's commitment to form a working group to discuss and find common ground on Holocaust-era private, communal, and heirless property restitution.

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