

# **BOSNIA AND HERZEGOVINA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution of Bosnia and Herzegovina, the entity constitutions of the Federation of Bosnia and Herzegovina (the Federation), and the Republika Srpska (RS), and other laws and policies protect religious freedom. In practice, the government generally respected religious freedom, although entity and local governments sometimes did not enforce legal and policy protections for religious freedom, and weak administrative and judicial systems often posed major obstacles to safeguarding the rights of religious minorities. The trend in the government's respect for religious freedom did not change significantly during the year. The number of attacks on religious sites decreased by half from the previous year, which the country's Inter-Religious Council and religious freedom activists attributed to stepped-up efforts by police and local authorities in cooperation with religious communities; however, arrests and successful prosecutions were rare.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Discrimination against religious minorities occurred in nearly all parts of the country. The number of incidents targeting religious symbols, clerics, and property in the three ethnic-majority areas decreased but remained high. Some local religious leaders and politicians contributed to intolerance through public statements. The illegal construction, with tacit government approval, of religious structures in some areas continued to be a source of tension and conflict.

U.S. officials discussed religious freedom with the government, leaders of the four traditional religious communities, and emerging religious communities. The U.S. embassy supported religious communities, particularly in areas where they were in the minority, in their efforts to acquire permits to build new religious structures and to rebuild those destroyed during the 1992-1995 Bosnian war. Embassy officials also assisted religious communities with property restitution issues; facilitated interfaith dialogue; supported exchange, speaking, and cultural programs promoting religious freedom; coordinated closely with religious communities to identify displaced religious minority families most in need of assistance in returning to their pre-war homes; and supported local efforts to address attacks on religious sites and persons. The embassy hosted numerous interfaith events to promote religious tolerance.

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### **Section I. Religious Demography**

The population is 3.8 million, according to a June 2011 government statistics agency estimate. The country's territory is divided into two entities, the Federation and the RS, with a separate administrative district for Brcko. According to unofficial estimates from the statistics agency, Muslims constitute 45 percent of the population, Serbian Orthodox Christians 36 percent, Roman Catholics 15 percent, Protestants 1 percent, and other communities, including Jews, 3 percent. There is a strong correlation between ethnicity and religion: Bosniaks are generally associated with Islam, Bosnian Serbs with the Serbian Orthodox Church, and Bosnian Croats with the Roman Catholic Church. The Jewish community has approximately 1,000 members and maintains an 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 four religious communities regarded as "traditional" (Muslim, Serbian Orthodox, Catholic, and Jewish).

The majority of Serbian Orthodox adherents live in the RS, and the majority of Muslims and Catholics in the Federation. Within the Federation distinct, Muslim and Catholic majority areas remain, with most Catholics in Herzegovina and areas of central Bosnia and most Muslims elsewhere in central Bosnia and Sarajevo. The Jewish community, similar to Protestants and most other small religious communities, has its largest membership in Sarajevo.

### **Section II. Status of Government Respect for Religious Freedom**

#### **Legal/Policy Framework**

The constitution and other laws and policies protect religious freedom. The law provides for freedom of religion and outlines the legal status of churches and religious communities. The law prohibits any form of discrimination against any religious community and provides the basis for the establishment of relations between the state and religious communities.

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

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The law provides for freedom of conscience and religion. It grants churches and religious communities legal status and allows them concessions that are characteristic of a nongovernmental organization. The 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 form a new church or religious community through a written application to the MOJ. 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 minority religious organizations to register legally and operate without unwarranted restrictions.

A concordat with the Holy See recognizes the public juridical personality of the Catholic Church and grants a number of rights, including legal personality, formation of educational and charitable institutions, religious education, and official recognition of Catholic holidays. A mixed commission for implementation of the concordat, composed of five members from the government and five from the Holy See, meets regularly to discuss the adoption of laws on religious holidays and restitution of nationalized properties. A similar agreement exists with the Serbian Orthodox Church. An agreement between the government and the Islamic Community is in the development phase.

The law affirms the right of every citizen to religious education. The law calls for an official representative of the various religious communities to be responsible for teaching religious studies in all public and private preschools, primary schools, and universities. These individuals are employees of the schools in which they teach, but receive accreditation from the religious body governing the curriculum.

Religious education is largely decentralized. Public schools offer religious education classes, but with some exceptions, only in the municipality's majority religion. Students have the legal right to opt out of religion classes, or parents on their behalf in the case of primary school students. If a sufficient number of students of a minority religious group attends 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, and students are often widely scattered across remote areas.

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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 an elective one-hour-per-week Catholic religion course in primary and middle schools. However, in 13 Croat-majority primary and secondary schools in the Federation, parents can choose between the elective Catholic religion course and a course in ethics. At the beginning of the school year, the Sarajevo Cantonal Ministry of Education introduced alternative courses to religious education called "Society, Culture, and Religion" in primary schools and "Culture of Religion" in secondary schools for students who do not want to attend religious education classes. Schools in Tuzla offer students a similar option.

The central government does not observe any religious holy days as official 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 employers to permit employees four days off in a calendar year for religious purposes, two of which are paid. The RS law recognizes 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 to observe them. Those who declare no religious affiliation do not qualify for this benefit. In practice no institutions in the RS function during Orthodox holidays, while only employees observing the holidays are excused from work during Muslim and Catholic holidays.

### **Government Practices**

There were no reports of abuses of religious freedom; however, entity and local governments sometimes did not enforce legal and policy protections for religious freedom. Weak administrative and judicial systems often 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 allow societal intolerance and the threat of violence to restrict religious minorities' ability to worship in certain areas.

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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. Minority religious communities on occasion had difficulty obtaining permits for new churches and mosques. For example, the Evangelical Church continued to seek a construction permit to build a new church on its downtown property in Mostar. Church officials stated that corruption among municipal officials, specifically the church's refusal to pay a bribe, continued to cause administrative delays in issuing a permit.

The number of attacks on religious sites decreased by half from the previous year, which the Inter-Religious Council and religious freedom activists attributed to stepped-up efforts by police and local authorities in cooperation with religious communities. However, local police infrequently made arrests in cases of vandalism of religious buildings or attacks on members of religious communities, and successful prosecutions were rare. An Inter-Religious Council report noted that as of November, police had identified the perpetrators of attacks on religious sites in only six of 28 cases. Local police sometimes alleged, in order to downplay incidents of vandalism, that juveniles, intoxicated individuals, or mentally unstable persons were responsible for these attacks.

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 ethnic group. Many political party leaders used religion to strengthen their credibility with voters, contributing to intolerance through public statements. Religious leaders exerted influence in government policy and programs, sometimes to the detriment of nonbelievers or members of other religious groups. The appropriation of religious symbols and buildings for political purposes had a negative effect on interreligious dialogue and interethnic relations in many communities.

Entity, cantonal, and municipal governments gave varying levels of financial support to the four traditional religious communities. Religious communities tended to receive the most funding in areas where their adherents were in the majority.

The government failed to implement a 2009 European Court of Human Rights ruling that the constitution discriminates against so-called "others," such as Jews and Roma, because it prevents them from running for the country's presidency or the parliament's upper house. The Interim Joint Commission, formed by both

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houses of parliament in October 2011, was responsible for producing a proposal for implementing the ruling. However, due to the reshuffling of the ruling coalition in parliament, the commission suspended its work in May without reaching agreement.

Officials did not always fully implement provisions in the law regarding religious education, particularly in segregated school systems or where there was political resistance from party officials at the municipal level. Students from both majority and minority religious communities sometimes faced pressure from teachers and peers to attend noncompulsory religious instruction, and most did so. In February Emir Suljagic, minister of education for Sarajevo Canton, resigned after coming under intense criticism by the Islamic Community and receiving multiple threats, including a death threat. To ensure fairness for students who chose not to take the optional religion class, Suljagic had ruled the previous year that grades in religious classes in primary schools would no longer count toward students' final grade point averages.

In September, after several years of unsuccessful attempts to register, the MOJ granted registration to The Church of Jesus Christ of Latter-day Saints (Mormons) on the basis of the church's earlier status as a registered religious community in former Yugoslavia.

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. Religious communities or civic communities affiliated with religious communities usually constructed these buildings with the tacit or even official approval of the government. In these cases, observers stated that the purpose behind the construction was to send a political message to members of minority religious communities about the dominance of the majority ethno-religious group in that area.

An illegally constructed Serbian 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 be removed. Although no members of the Serbian Orthodox Church reside in Konjevic Polje, the local Orthodox bishop has held services in the church every year. In June the RS Supreme Court suspended a 2011 verdict of the Bijeljina District Court that had rejected a lawsuit filed by Orlovic demanding removal of the church, returning the case to Srebrenica Basic Court. At a September hearing, Orlovic's lawyer requested that the case be transferred to another court, arguing

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that she could not get a fair decision at the Basic Court. While Orthodox authorities made public statements during the court hearings suggesting their continued willingness to move the church, during the year they made no effort to do so or to seek a compromise with Orlovic.

The Serbian Orthodox Tuzla-Zvornik Diocese resumed efforts to construct a church near an exhumed Bosniak mass grave after the RS Ministry for Urban Planning sent a letter in May seeming to reverse its earlier finding that the local government had acted lawfully in refusing to issue construction and zoning permits. In January 2011 the diocese began building the church without a construction permit on land donated by a former Bosnian Serb police officer removed from his position for his connections to war crimes. The church's construction is widely regarded as disrespectful to genocide victims because of its location close to the former mass grave. The area has few members of the Serbian Orthodox Church. After intense engagement by the international community with RS and Serbian Orthodox Church authorities, the diocese had not resumed construction at year's end.

Authorities did not apply laws governing private property and construction of religious buildings uniformly throughout the country, and local governments sometimes applied local laws in ways that contravened national laws permitting reconstruction of houses of worship by religious minorities. In March the Commission for Preservation of National Monuments rejected a request by Livno Municipality to rescind its decision designating the site and remnants of the Curcinica Mosque and graveyard a national monument. In 2007 the commission granted the Muslim community the right to rebuild the mosque, which was destroyed during the 1992-1995 war, in a modern style and with additional business facilities onsite. The decision was not subject to appeal by local authorities under the law. The Federation Ministry of Spatial Planning issued a construction permit in May 2011, but in June 2011, the Livno municipal council, led by an ethnic Croat majority, ordered the suspension of construction. The council stated that the mosque's reconstruction did not match the original mosque's design. At year's end, the mosque's reconstruction was proceeding peacefully.

In the absence of national legislation specifically governing restitution of property nationalized by the communist government of the former Yugoslavia after World War II, the return of former religious properties continued at the discretion of municipal officials, who usually gave preferential treatment to the majority group. Many officials used property restitution cases as political patronage, making

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religious leaders dependent on such officials in their efforts to regain property taken from religious communities. The country's four traditional religious communities had extensive claims for restitution, but the law only provides religious communities the right to restitution of expropriated property "in accordance with the law" without further specification.

Among a number of politically and legally complicated restitution issues were the continued efforts of the Serbian Orthodox Church, supported by the Inter-Religious Council, to seek the return of the building currently housing the University of Sarajevo's economics faculty. University and political leaders took no significant steps to implement a June 2010 agreement among the economics faculty and the governments of the Federation, Sarajevo Canton, and Sarajevo Stari Grad Municipality to return the building. The economics faculty repeatedly rebuffed efforts by the Serbian Orthodox Church to seek compromises, such as allowing the Serbian Orthodox Theological Faculty (a constituent college within the public University of East Sarajevo) to use a small space within the old building for academic purposes as proof of intent to comply with the 2010 agreement. At year's end, the economics faculty continued to occupy the church's building, including a space used as a cafe.

Authorities in Travnik continued to not fully comply with a 2003 decision by the Human Rights Chamber (now the Human Rights Commission of the Constitutional Court) ordering the municipal government to relocate a public school housed in a building owned by the Roman Catholic archdiocese. The municipality returned part of the building in 1999 to the archdiocese for use as part of its Catholic school center. However, part of the building remained in use as a public school. The court had ordered the public school to move out of the building by July 2006. During the year the municipality rejected efforts by the international community to facilitate a solution for returning the remainder of the building.

### **Section III. Status of Societal Respect for Religious Freedom**

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took some positive steps to promote religious freedom. Incidents targeting religious symbols, clerics, and property occurred in all three ethnic majority areas. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

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The Inter-Religious Council documented nine acts of vandalism against religious sites in the RS and 19 in the Federation from January through November. Most attacks occurred where the targeted community was in the minority. There were 13 attacks against Serbian Orthodox sites, most of which occurred in the Federation. The 11 attacks against Islamic sites occurred mostly in the RS, and the four attacks against Catholic sites occurred mostly in the Federation. While reporting of attacks has increased in recently years, in part because of the council's efforts, religious freedom activists noted that the council's report only included those attacks reported by local religious leaders, and they believed the actual number of attacks was somewhat higher.

On July 30, perpetrators broke into Atik Mosque in Bijeljina and accosted worshipers during prayers. The police apprehended the five perpetrators, of whom four were Serbian citizens and one was a minor from Bijeljina. The prosecutor ordered one day of detention for each offender.

On November 3, four individuals overturned 21 tombstones in the Serbian Orthodox cemetery in Pecista village near Srebrenica. The police identified and arrested the perpetrators within several days. Local authorities and leaders from the various religious communities strongly condemned the attack, and representatives of the Inter-Religious Council documented the vandalism and issued a joint condemnation. The acting mayor of Srebrenica, a Bosniak, met with family members of those whose graves were desecrated and promised to assist financially with repairing the tombstones.

On November 27, unknown perpetrators spray-painted graffiti with Islamic symbols and the words "Allah is One" on the walls of the Catholic Church of Saint John and the parish office in Mostar. Authorities had not identified the perpetrators by year's end. The chief imam of the Islamic community in Mostar and a local Orthodox priest sent an open letter condemning the vandalism.

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

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

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Some religious leaders exploited political disputes to exacerbate ethno-religious tensions. For example, religious leaders used inflammatory language during a political standoff between Bosniak and Croat political parties in the city of Mostar. On April 15, in his open letter to Croatian President Ivo Josipovic, Mostar Catholic Bishop Ratko Peric called for creating “Croat institutions of government” and warned that without them Croats would “disappear.” Peric also continued to prohibit his diocese from participating in events organized by the Inter-Religious Council aimed at easing ethno-religious tensions. On August 19, during his Eid sermon, Mostar Mufti Seid Smajkic warned that Mostar’s Croat population was seeking to cross into the Bosniaks’ “side [of Mostar] and expel us from our houses” and called for Bosniak unity in the “fight against genocide.” These statements contributed to religious intolerance, resulting in acts of vandalism against religious sites in and around Mostar.

The leaders of the four traditional religious communities participated in the Inter-Religious Council, which undertook numerous projects to promote inter-religious dialogue despite occasional disagreements. Through various working groups, the council engaged youth and women’s communities, facilitated inter-community exchanges of theology students, reported attacks on religious sites, and monitored protection of religious freedom.

In September the country’s four traditional religious communities hosted an international conference on inter-religious dialogue and peace organized by the Community of Sant’Egidio, based in Italy. The conference attracted more than 3,000 participants from different religious communities throughout the world. Senior religious leaders participating in the conference included Cardinal Vinko Puljic, Reis ul-Lema Mustafa Ceric, Serbian Orthodox Bishop Grigorije, and Jewish Community President Jakob Finci.

### **Section IV. U.S. Government Policy**

The U.S. embassy discussed religious freedom with the government and leaders of the four traditional religious communities, as well as with emerging religious communities. Embassy officials publicly criticized incidents of religious discrimination and attacks against religious communities and buildings, and they encouraged political leaders of all ethnic communities and members of the international community to respond equally strongly. Embassy officials frequently spoke out against the politicization of religion. The embassy continued to press for the adoption of a law on restitution to assist religious communities in obtaining the

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return of their former properties. Embassy officials engaged directly with top RS government and Serbian Orthodox Church officials to prevent an escalation of tensions between Srebrenica's Serb and Bosniak population.

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 representatives met frequently with the principal leaders of the four major religious communities and hosted or attended events marking religious occasions, including iftars during Ramadan; Catholic and Orthodox Christmas; and Passover. The embassy worked closely with religious leaders, individually and collectively, to discuss religious freedom concerns and to urge them to nurture inter-religious dialogue. The embassy strongly supported the work of the Inter-Religious Council. The embassy funded the council's project for monitoring attacks on holy sites, student exchanges between the seminaries of the major religious communities, and outreach to women's groups. The U.S. ambassador and embassy staff facilitated discussions between the Inter-Religious Council and high-level state, Federation, and Brcko District officials to ensure that those governments transferred on a regular basis the funds they had committed to support the council's work.

The embassy led efforts to bring religious communities together in jointly condemning attacks. Following the desecration of the Serbian Orthodox cemetery in Pecista village on November 3, the U.S. ambassador brought together a group of municipal government leaders, journalists, and Muslim and Serbian Orthodox clergy from nearby Srebrenica to the cemetery to condemn the attack and prevent possible retaliation and escalation of tensions.

The embassy's outreach to religious communities included sponsoring prominent visiting U.S. speakers on interfaith dialogue and religious diversity. In May the embassy facilitated a visit to the United States by a multifaith group of young working-level representatives of the Inter-Religious Council. In July, in close cooperation with the Islamic Community, the embassy facilitated the participation in the annual Srebrenica genocide commemoration of a rabbi who is a Holocaust survivor and head of a prominent human rights organization. He was the first non-Muslim cleric to deliver a sermon at the Islamic burial service at the genocide memorial. During the visit, the rabbi and the embassy hosted several inter-religious events. In September the embassy hosted roundtable discussions with religious leaders, scholars, and educators from the four major religious

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communities led by the U.S. ambassador and a professor from Georgetown University's Alwaleed Bin Talal Center for Muslim-Christian Understanding. With support from the embassy, the U.S. ambassador to the Holy See participated in a panel discussion at the Sant'Egidio conference in Sarajevo in September.

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

On November 2, the Islamic Community celebrated the reconstruction of the Ferhadija Mosque in Banja Luka, which had been destroyed during the war. In 2007, the embassy provided a \$60,000 grant to the Commission to Preserve National Monuments, which funded the collection of the stone fragments that had been thrown into the river and the initial site clearing. The embassy's engagement spurred donations from other sources, including the RS government.

The U.S. embassy was active in restoring the country's pre-war religious diversity by promoting returns of displaced persons. In April the embassy marked the completion of a project to sustain the return of 45 ethnic minority Serb families who had fled or been expelled from their pre-war homes in Mostar and had been living across the inter-entity boundary in the RS. Through this project, the embassy and its implementing partner, Catholic Relief Services (CRS), established a close working relationship with the Serbian Orthodox Diocese of Zahumlje and Herzegovina, whose leader, Bishop Grigorije, has undertaken widespread efforts to promote inter-religious dialogue and reconciliation. The embassy cooperated closely with the bishop's staff and CRS in identifying ethnic Serb families most in need. The embassy also worked closely with local Catholic parishes to support the return of 40 ethnic minority Croats to the Posavina region.

The embassy dedicated tens of thousands of dollars to remove landmines near several holy sites used by religious minority returnees, including a minefield encompassing a Serbian Orthodox cemetery in Konjic and another a short distance from a mosque in Srebrenica.