

BOSNIA AND HERZEGOVINA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitutions of the state and the country's two entities—the Federation and Republika Srpska (RS)—guarantee freedom of religion. The law bans discrimination based on religion and allows registered religious organizations to operate without restrictions. In certain areas of the country, government authorities selectively enforced the rights of minority religious groups and often failed to provide government services and protections to them. Local government authorities discriminated against minority religious groups regarding the use of religious property. The authorities made few arrests following attacks on religious sites and there were no convictions for such offenses. Of 28 incidents occurring during the year, police identified suspected perpetrators in only three cases.

Discrimination against religious minorities occurred in nearly all parts of the country. According to the Interreligious Council (IRC), a nongovernmental organization (NGO) that mediates among the four “traditional” religious communities (Muslim, Serbian Orthodox, Catholic, and Jewish), the pace of attacks against religious symbols, clerics, and property from January to September increased from the previous year. Some political and religious leaders took positive steps to promote interfaith dialogue.

The U.S. embassy urged government authorities and leaders of the four traditional religious communities to increase interreligious dialogue. Embassy officials encouraged the IRC to increase its level of engagement and communication with smaller religious communities and publicly criticized incidents of religious discrimination and attacks against religious communities and buildings. Embassy officials frequently spoke out against the politicization of religion, engaging with local officials in Srebrenica to prevent an escalation of tensions between Bosniaks and Serbs. An embassy-funded IRC congress of female believers addressed religious prejudices. Embassy funding supported the reconstruction of several religious sites destroyed during the 1992-1995 Bosnian War, including two mosques in Foca, a Jewish cemetery in Sarajevo, a Serbian Orthodox church in Ostrog, and a Catholic church in Blagaj.

Section I. Religious Demography

BOSNIA AND HERZEGOVINA

The U.S. government estimates the total population at 3.9 million (June 2014 estimate). In addition to the country's two entities, there is 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 religious 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 (SOC), and Bosnian Croats with the Roman Catholic Church. The Jewish community has approximately 1,000 members with the majority of adherents 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.

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, guarantees citizens freedom of religion. The entity constitution of the Federation guarantees freedom from discrimination based on religion or creed. The entity constitution of the RS states freedom of religion shall be guaranteed and religious communities shall be equal before the law and free to manage their religious affairs and practice religious services. The RS constitution also allows religious communities to open religious schools and conduct religious education; 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 churches and religious communities legal status and grants them concessions that are characteristic of an NGO (e.g., the rules for registration of religious groups are similar to those of NGOs). The law acknowledges that 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 the four traditional religious communities: the Islamic Community, the Serbian Orthodox Church, 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

BOSNIA AND HERZEGOVINA

and Refugees is responsible for documenting violations of religious freedom. A law against discrimination prohibits exclusion, limitation, or preferential treatment of individuals based on religion.

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 the armed forces. Parliamentary seats and most government positions are apportioned among the three constituent peoples.

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.

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. The commission for implementation of the concordat is composed of 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 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.

The Islamic Community, the Serbian Orthodox Church, and the Catholic Church develop 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, as do primary school students at their parents' request. Children from minority religious groups are entitled to religious education only when there are 18 or more

BOSNIA AND HERZEGOVINA

students from that religious group in one class. Religious communities select their respective religious education teachers.

In the Federation's five Bosniak-majority cantons, primary and secondary schools offer Islamic religious instruction as a twice-weekly elective course. In cantons with Croat majorities, Croat students in primary and secondary schools also attend an elective Catholic religion course twice a week. In the 13 Croat-majority primary and secondary Catholic schools in the Federation, parents can choose between an elective Catholic religion course or a course in ethics. In Sarajevo and Tuzla, primary and secondary students may take alternative courses in lieu of religious education classes.

Government Practices

Religious minorities said government authorities selectively enforced their rights and often failed to provide government services and protections to them.

Religious officials of minority populations throughout the country said local authorities discriminated against them regarding the use of religious property, permits for new religious properties, and police protection, and investigation of harassment and vandalism. In some cases, local governments condemned acts of discrimination against minority religious populations. In March the local Trebinje mayor made a public appearance with the local Orthodox priest to criticize an incident in which perpetrators sprayed graffiti on an Islamic Community administration building in the city. Other local governments, however, continued to allow societal intolerance and the threat of violence to restrict religious minorities' ability to worship in certain areas. After an attack on a mosque in Prijedor in September, local law enforcement apprehended the perpetrator, but charged him for damage of property rather than instigation of religious hatred.

The lines dividing politics, ethnic identity, and religion were often blurred. Political parties dominated by a single ethnic group continued to identify closely with the religion associated with that ethnic group. Because religion and ethnicity were often closely linked, it was difficult to categorize many incidents as being solely based on religious identity.

The commission implementing the concordat with the Holy See met four times during the year to discuss the adoption of laws on religious holidays and restitution of nationalized properties. According to commission members, the parliament

BOSNIA AND HERZEGOVINA

failed to act on any of its recommendations. For example, in November the parliament rejected a proposal by the commission to grant religious holidays for all religious communities.

The authorities made few arrests following attacks on religious sites, and there were no convictions for such offenses. Of 28 incidents occurring during the year, police identified suspected perpetrators in only three cases. Local police sometimes alleged juveniles, intoxicated individuals, or mentally unstable persons were responsible for the attacks.

In January three Catholic cemeteries were vandalized in Hrvatske Poljane and Breza, resulting in the destruction or damage of 45 tombstones. In February unknown perpetrators desecrated and stole a medieval tombstone from an Orthodox cemetery in Dubnica village. The same month, vandals damaged the entrance door, broke several windows, and scattered several artifacts of the Atik Mosque in Bijeljina. In May unknown perpetrators defaced a construction site of a synagogue in Mostar with graffiti containing derogatory remarks against the Jewish Community. In all of these cases, law enforcement failed to identify or detain suspected perpetrators.

A number of well-publicized cases involving the illegal construction of religious buildings or monuments on private or government-owned land remained unresolved. In these cases, observers and analysts said the purpose behind the construction was to send a political message to members of minority religious communities about the dominance of the majority religious group in that area.

RS authorities and the SOC continued to reject proposals to relocate a church illegally constructed in the village of Konjevic Polje on the private property of a Bosniak, who returned home as a wartime refugee in 2000 to find a small church built in her front yard. There were no Orthodox believers living in the neighborhood and the building remained empty throughout the year.

The return of former religious properties continued at the discretion of municipal officials, who usually gave preferential treatment to the area's majority religion. The four traditional religious communities' extensive claims for restitution remained largely unaddressed in the absence of national legislation governing restitution of property nationalized by the communist government of the former Yugoslavia after World War II.

BOSNIA AND HERZEGOVINA

During the year, the economics faculty of the University of Sarajevo reneged on a 2013 agreement gradually to return its building, from which it has operated since the communist era, to the SOC, the former legal owners of the property. The agreement entailed returning one room to the SOC for the establishment of an “Institute for Inter-Religious Dialogue” as an initial step towards returning the building entirely. Officials from the economics faculty said they did not honor the agreement because the school suffered from a lack of space.

Authorities in Travnik continued to avoid compliance 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 since the communist era 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 a Catholic school center. The remainder of the building, however, remained in use as a public school. The court had ordered the public school to move out of the building by July 2006.

Officials did not always 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. For example, at a primary school in Konjevic Polje, local officials denied Bosniak returnee students an ethnic-based group of subjects, including religious education. Students from both majority and minority religious communities sometimes faced pressure from teachers and peers to attend instruction in their religion where it was noncompulsory, and most did so.

Non-traditional religious groups said local authorities discriminated against them in the provision of municipal services. Compared to the four traditional religious groups, non-traditional religious communities said they received unequal government assistance and benefits at the state, entity, and local levels.

Government authorities continued to fail to implement a 2009 decision by the European Court of Human Rights calling for an amendment to the constitution to allow minorities, including Jews, to run for president and the parliament’s upper house.

Section III. Status of Societal Respect for Religious Freedom

According to the IRC, the 28 acts of vandalism recorded from January through September represented an increase in the pace of attacks against religious sites

BOSNIA AND HERZEGOVINA

from the previous year, when the organization recorded 34 acts of vandalism for the whole year. The IRC attributed the increase to the October general elections and the participation of the country's national soccer team, as well as those of Croatia and Serbia, in the 2014 World Cup, which contributed to an atmosphere of heightened ethnic tensions. Vandals attacked 13 Islamic sites (primarily in the RS), three Orthodox sites (primarily in the Federation), 11 Catholic sites (primarily in the Federation), and one Jewish site.

The IRC undertook numerous projects to advance interfaith dialogue, engaging youth, women, and theology students from the respective religious communities. The IRC publicly condemned attacks on religious sites such as the vandalism of the Atik mosque.

In September the SOC consecrated the Budak Church in Srebrenica, despite attempts by the city's mayor to persuade the SOC to relocate the church and despite the failure of church leaders to obtain proper permits from the municipality to construct the church. The church had become a point of contention between local Bosniaks and Serbs because it was built on a hill within sight of Potocari Memorial Center, where approximately 6,000 Srebrenica genocide victims were buried. Attempts by the international community to broker a compromise between the SOC and the municipality failed.

Section IV. U.S. Government Policy

The U.S. embassy urged government officials, the leaders of the four traditional religious communities, and smaller religious communities to increase interreligious dialogue. Some of the government officials with whom the embassy engaged include the RS prime minister and the Srebrenica mayor in an effort to resolve the case of Budak Church. Embassy officials encouraged the IRC to increase its level of engagement and communication with smaller religious communities, such as Protestants. Embassy officials frequently spoke out against the politicization of religion. Within the context of an election year, embassy officials engaged directly with local officials in Srebrenica, as well as leaders from the Islamic community and SOC, to prevent an escalation of tensions between Bosniaks and Serbs in the municipality. In August the Charge d'Affaires hosted an iftar, attended by the deputy head of the Islamic community and members of religious communities, to discuss challenges to interreligious dialogue and the issues religious communities faced with the government. Topics of discussion ranged from restitution of property to religious education. Participants at the iftar included representatives

BOSNIA AND HERZEGOVINA

from the Orthodox Church, Catholic Church, Evangelical Church, and the Jewish community.

The embassy supported the work of the IRC with funding to monitor attacks on holy sites. A renewed grant expanded the project's activities to include the integration of judicial institutions to raise awareness among judges and prosecutors about the nature of religious-based hate crimes. The embassy also funded a separate IRC project to organize a congress of female believers to exchange knowledge and best practices about civil society engagement. The congress, which took place in May, convened more than one hundred women from different religious communities to address themes related to the elimination of religious prejudices.

Embassy funding supported the reconstruction of several religious sites destroyed during the 1992-1995 Bosnian War, including two mosques in Foca, a Jewish cemetery in Sarajevo, a Serb Orthodox church in Ostrog, and a Catholic church in Blagaj. The embassy's partner organization on reconstruction of religious sites, the country's Commission to Preserve National Monuments, distributed materials to the public documenting U.S. contributions to restoration projects including the preservation and return of the Sarajevo Haggadah, the conservation of a basilica and a medieval cemetery in Listani, and the protection of religious tombstones in the village of Sabici.