

BOSNIA AND HERZEGOVINA 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitutions of the state and the country's two entities – the Federation of Bosnia and Herzegovina (the Federation) and Republika Srpska (RS) – provide for freedom of religious thought and practice, prohibit religious discrimination, and allow registered religious organizations to operate freely. The Federation constitution declares religion as “a vital national interest” of 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 Bosnia Herzegovina constitution provides for representation of the three major ethnic groups, effectively prohibiting members of minority religious groups, including Jews, from holding the proportionally guaranteed government positions, including president. In certain areas, minority religious groups stated municipal authorities discriminated against them by selectively subjecting them to burdensome administrative procedures and often failed to provide government services and protections. The minority groups also said local government authorities discriminated against them with respect to the use of religious property. Of 19 reported incidents of vandalism against religious sites, police identified suspected perpetrators in five cases, and there were no convictions.

Representatives of the various religious communities reported discrimination against religious minorities occurred in nearly all parts of the country. An assailant attacked a Jewish leader while he talked to reporters about the Jewish community in the country, but the motivation for the attack was undetermined. According to the Interreligious Council (IRC), a nongovernmental organization (NGO) that mediates among the four “traditional” religious communities (Muslim, Serb Orthodox, Catholic, and Jewish), the number of acts of religious vandalism from January to October decreased from the same period the previous year. Some political and religious leaders took positive steps to promote interfaith dialogue. The Islamic Community's (IC) Commission for Freedom of Religion released its first report documenting violations of the rights of Muslims to freely practice their religion. According to the report, the majority of complaints received pertained to Muslim women facing discrimination because of their choice of religious attire.

The U.S. embassy frequently met with representatives of all religious communities to discuss issues regarding inter-religious dialogue, including the potential contributions of religious communities to further develop a peaceful and stable

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society. Embassy officials issued statements condemning incidents of religious discrimination and attacks against religious communities and buildings.

Section I. Religious Demography

The U.S. government estimates the total population at 3.9 million (July 2015 estimate). According to estimates from the state statistics agency, Sunni Muslims constitute 45 percent of the population, Serb Orthodox Christians 36 percent, Roman Catholics 15 percent, Protestants, including Baptists, Seventh-day Adventists, and evangelicals, 1 percent, and other religious communities, including Jews, 3 percent. The politically controversial results of the country's first post-conflict population census conducted in October 2013 have not been released.

There is a strong correlation between ethnicity and religion: Bosnian Serbs with the SOC, and Bosnian Croats with the Roman Catholic Church. Bosnian Muslims are known as Bosniaks. The Jewish community has approximately 1,000 members, with the majority of adherents living in Sarajevo. As a result of the war, the majority of Serbian Orthodox adherents live in the RS, and the majority of Muslims and Catholics in the Federation. Protestant and most other small religious communities have their largest membership in Sarajevo and Banja Luka.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

Annex IV of the Dayton Peace Agreement, which serves as the country's constitution, provides for freedom of thought, conscience, and religion, and stipulates no one shall be deprived of citizenship on grounds of religion and all persons shall enjoy the same rights and freedoms without discrimination as to religion. The entity constitution of the Federation states all individuals shall have freedom of religion, including of public and private worship, and freedom from discrimination based on religion or creed. It defines religion as a vital national interest of constituent peoples.

The entity constitution of the RS establishes the SOC as "the church of the Serb people and other people of Orthodox religion." It guarantees equal freedoms, rights, and duties for all citizens, irrespective of religion, and specifies religious communities shall be equal before the law and free to manage their religious affairs

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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 churches and religious communities legal status, and grants them concessions that are characteristic of an NGO (i.e., 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 four “traditional” religious communities: the IC, the SOC, the Catholic Church, and the Jewish community. The Ministry of Justice (MOJ) maintains a unified register of all religious communities, and the Ministry of Human Rights and Refugees is responsible for documenting violations of religious freedom. A law against discrimination prohibits exclusion, limitation or preferential treatment of individuals based on religion in employment, and the provision of social services in both the government and private sectors

The Bosnia Herzegovina 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 (Bosniaks, Croats, and Serbs) according to quotas. Those who do not self-identify with one of these three ethnic groups cannot hold one of the proportionally guaranteed government positions, including president, which has the effect of excluding members of minority religious groups, including Jews, from holding these positions.

According to the law, any group of 300 or more adult citizens may apply to register a new religious community or church through a written application to the MOJ. Other legal requirements for registration include the development of a statute defining the method of religious practice and a petition for establishment with the signatures of at least 30 founders. The ministry must issue a decision within 30 days of receipt of the application, and a group may appeal a negative decision to the state-level Council of Ministers. The law allows registered religious organizations to operate without restrictions. The law also stipulates that the ministry may deny the application for registration if it concludes the content

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and manner of worship may be “contrary to legal order, public morale, or is damageable [sic] to the life and health or other rights and freedoms of believers and citizens.”

A concordat with the Holy See recognizes the public juridical personality of the Catholic Church and grants a number of rights, including forming educational and charitable institutions, carrying out religious education, and official recognition of Catholic holidays. The commission for implementation of the concordat comprises five members from the government and five from the Holy See. A similar agreement exists with the SOC, but a commission for implementation does not yet exist.

The state recognizes the IC as the sole supreme institutional religious authority for Muslims in the country, as well as for Bosniaks and other Muslim nationals who accept the IC as their own, living outside their homeland. According to law, no Islamic group can 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 various officially registered religious communities to be responsible for teaching religious studies in all public and private pre-, primary, and secondary schools and universities. Children from minority religious groups are entitled to religious education only when there are 18 or more students from that religious group in one class. Religious communities train and select their respective religious education teachers. These individuals are employees of the schools in which they teach, but receive accreditation from the religious body governing the curriculum.

The IC, the SOC, and the Catholic Church develop and approve religious curricula across the country. Public schools offer religious education in a school’s majority religion, with some exceptions. Secondary students who do not wish to attend the religion class have the legal right to opt out, as do primary school students at their parents’ request. Many schools offer classes in ethics as an alternative to the ones on religion.

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

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Catholic religion course twice a week. In the 13 primary and secondary Catholic schools in the Federation, parents can choose either an elective Catholic religion course or a course in ethics. In Sarajevo and Tuzla, primary and secondary students may either opt out or take alternative courses in lieu of religious education classes. Starting with the current school year, the Sarajevo Canton Ministry of Education offers Orthodox and Protestant religious education in addition to classes offered to the Muslim and Catholic communities.

Government Practices

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 are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity. The country remained largely divided along ethnic and religious lines.

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 threats of violence, harassment, and vandalism. In some cases, local governments condemned acts of discrimination against minority religious populations. In others, local authorities failed to respond to acts of societal intolerance that restricted religious minorities' ability to worship in certain areas. Police made few arrests following attacks on religious sites, and there were no convictions for such offenses. Non-traditional religious groups said local authorities discriminated against them in the provision of municipal services.

In some cases, local governments condemned and prosecuted attacks against minority religious populations. Some local governments, however, continued to fail to respond to societal intolerance and the threat of violence to restrict religious minorities' ability to worship in certain areas. In several cases, local law enforcement apprehended perpetrators, but charged them with vandalism rather than instigation of religious hatred, which would have carried substantially more severe legal penalties.

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On September 29, after four years of negotiation, the Council of Ministers approved an agreement between the government and the IC. The agreement primarily addressed dietary restrictions in public institutions and employer accommodations for daily prayer, time off to attend Friday prayers, and a one-time trip to Mecca for the Hajj. By year's end, the presidency had not yet approved the agreement or sent it to parliament for ratification. There were numerous critics of the government's agreement with the IC. This was particularly true in the Republika Srpska, where RS President Milorad Dodik referred to the agreement as the beginning of the establishment of a "Taliban state" in the country.

Authorities did not reconstitute the commission to implement the concordat with the Catholic Church after the 2014 general elections. According to sources within the Catholic Church, the previous commission was relatively successful in achieving internal consensus on several key issues, although these were not ratified by parliament. According to representatives of the SOC, the failure to establish a commission to implement the government's agreement with the SOC was due to both lack of government initiative and the SOC's inability to reach internal consensus regarding the composition of the commission.

According to representatives of the IC, the government declined to intervene in several cases in which unregistered Islamic groups opened independent mosques without the approval of the IC or the MOJ, as required by law. These representatives said police were unwilling to halt the operations of these unregistered Islamic groups, including of what they described as an illegal mosque run by a Salafist (colloquially referred to as "Wahhabi") group in the Srebrenik municipality of the Tuzla Canton.

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. In the RS, parents of more than 500 Bosniak returnee children in several communities boycotted public schools, choosing instead to send their children to alternative schools organized by the IC and financed by the Federation Ministry of Education. Parents organized the boycott in response to a refusal by the RS Ministry of Education to approve a group of national subjects, including religious education for the Bosniak returnee community. Students from both majority and minority religious communities sometimes faced social pressure from teachers and peers to attend instruction in their respective religions, and most did so.

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Government authorities had still not implemented 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.

The IRC continued to monitor attacks on religious sites, and advocate for the criminal prosecution of perpetrators. While the IRC reported their advocacy began to yield some results, they described a general lack of awareness among both police and prosecutors of the proper procedure for prosecuting attacks prompted by ethnic and religious hatred.

Of 19 reported attacks against religious sites reported during the year, police identified suspected perpetrators in five cases; there were no convictions. Police rarely characterized such cases as prompted by religious hatred and more often stated that juveniles, intoxicated individuals, or mentally unstable persons were responsible for the attacks. According to the IRC, the police response may have reflected ignorance of the potential hate crimes or a desire to deflect attention away from possible religious intolerance.

The Seventh-day Adventists reported the authorities in RS failed to respond to reports of vandalism. They also said government-controlled Radio Television of Republika Srpska (RTRS) religious coverage focused nearly exclusively on the SOC. According to Seventh-day Adventist representatives, RTRS programming mentioned their group once in a documentary that stated it was a form of Satanism.

In June Pope Francis received an enthusiastic response from the government and public during a visit to the country. Chairman of the Presidency Mladen Ivanic expressed his support for the visit, and declared the country was about to enter "an age of sense, reconciliation and cooperation." Referring to the visit, the President of the RS said in Banja Luka that the stadium full of Mass goers had to be bussed in because there were "no Christians left in Sarajevo, since they were expelled during the past war." In response, the Catholic News Agency of the Catholic Bishop's Conference of Bosnia and Herzegovina reported 6,409 registered believers from Sarajevo in attendance at the pope's Mass. According to statistics maintained by the Catholic Church, 12,026 Catholic Christians were living in Sarajevo at the end of 2014. The Catholic News Agency also stated there were only 9,355 Catholics registered in the entirety of the RS, representing only 6 percent of its prewar Catholic population.

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Section III. Status of Societal Respect for Religious Freedom

On March 21, a man assaulted Bosnian Jewish leader Eli Tauber at a cafe in central Sarajevo. The attack occurred while journalists from National Geographic magazine were interviewing Tauber, an adviser on culture and religious affairs for the Jewish Community of Sarajevo, about the status of Jews in the country. The reasons for the attack were undetermined. Police arrested the attacker two days later but did not report on his motivation. Tauber himself was quoted in the press as saying, “I can say that this was not an attack on ethnic grounds. It was a thoughtless, mad attack under the influence of narcotics, but I can say that the intention was of a personal nature. I feel better because of that.” At a December 28 hearing at the Sarajevo Cantonal Court, a court expert presented his findings that the attacker, Ahmed Focak, did not demonstrate signs of mental disturbance, nor was he going through any form of narcotic withdrawal when he attacked Tauber. The next hearing in the case was scheduled for January 28, 2016.

On August 15, a small group of assailants attacked a mosque in the Omerovici village of Tomislavgrad, breaking windows, verbally assaulting worshipers, and menacingly placing a propane tank in front of the premises. Police quickly identified and arrested 10 individuals, who were detained and charged with inciting ethnic and religious hatred by local prosecutors. Representatives of the local Catholic Church and the mayor of Tomislavgrad promptly condemned the attack and welcomed the visit of an IC delegation headed by the local Mufti, Salem Effendi Dedovic, to further diffuse tensions. On November 7, the Livno Canton Prosecutor’s Office indicted eight of the assailants on charges of inciting ethnic, racial, and religious hatred, discord, and intolerance. During the initial hearing on November 27, the eight pleaded not guilty and proceedings were expected to begin in January 2016.

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

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According to the IRC, the 19 acts of vandalism recorded from January through October represented a “significant decrease” in the pace of attacks against religious sites as compared with the 28 acts of vandalism it recorded for all of the previous year. The IRC attributed the decrease to constant monitoring, public condemnation of attacks, and increased community engagement. Vandals attacked 10 Islamic sites (primarily in the RS), five Orthodox sites (primarily in the Federation), and four Catholic sites (primarily in the Federation). Damage included primarily broken windows, spray-painted graffiti, and vandalized graves.

On January 25, unidentified perpetrators attacked the reconstructed Salihbegovic mosque in Bijeljina, throwing stones and breaking six windows. On January 21, unknown perpetrators broke into the Orthodox Church in Visoko, spraying offensive graffiti and vandalizing the interior. On September 1, unknown perpetrators threw stones and broke several windows on the Saint Luke Catholic Church in the Alipasino Polje district of Sarajevo. This marked the 17th attack on the Saint Luke grounds since 2007; at year’s end, police had made no arrests or identified suspects in any of the attacks.

The IRC undertook numerous projects to advance interfaith dialogue. Its initiatives included small grants to regional IRC chapters for interreligious programs targeting youths ages 15-18 for community development, monitoring attacks on religious sites, developing interfaith women’s networks, and coordinating meeting of young theologians.

Section IV. U.S. Government Policy

The U.S. embassy urged government officials, the leaders of the four traditional religious communities, and leaders of smaller religious communities such as Seventh-day Adventists and evangelicals to increase interreligious dialogue. Embassy officials released statements condemning incidents of religious discrimination and attacks against religious communities and buildings.

The embassy supported the work of the IRC with funding to monitor attacks on religious sites. The embassy renewed a grant to continue the project’s activities, which included work with judicial institutions to raise awareness among judges and prosecutors about the nature of religious-based hate crimes. Embassy officials also continued to encourage the IRC to increase its level of engagement and communication with smaller religious communities such as Protestants.